

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND**

ALERT LEW

v.

PIZZA HUT OF MARYLAND, INC.

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Civil Action No. CCB-09-3162

ORDER

I have reviewed the defendant’s motion to dismiss. This case is brought against Pizza Hut of Maryland, Inc. by Albert Lew (and others similarly situated) alleging violations of the Fair Labor Standards Act (“FLSA”) and the Maryland Wage and Hour Law (“MWHL”). The defendant has moved to dismiss.

Lew alleges that he was employed as a manager trainee and/or assistant manager in a Pizza Hut Restaurant in Baltimore County from July 2008 through April 2009. He describes his duties and responsibilities (and the limits on those duties and responsibilities), suggests he may have been improperly classified as exempt, and asserts that he worked over 40 hours a week, was entitled to overtime compensation, and did not receive it.

While I agree that an FLSA complaint must satisfy the standard set in *Ashcroft v. Iqbal*, 129 S.Ct. 1937 (2009), this complaint meets the standard. It is not necessary that Mr. Lew allege in the complaint the specific hours he worked or the particular rate of pay, which may well have fluctuated during his employment. Accordingly, the defendant’s motion to dismiss (docket entry no. 12) is **Denied**.

SO ORDERED this 21st day of June, 2010.

/s/
Catherine C. Blake
United States District Judge