

**UNITED STATES DISTRICT COURT
DISTRICT OF CONNECTICUT**

**NOE DIAZ, DANIEL LOZADA,
BRIAN FAULKNER, JOSEPH
GALLO, AND JEFFREY CROCKER, JR.
Plaintiffs,**

3:16cv1544 (WWE)

v.

**TORRINGTON CAR CARE, LLC,
WATERBURY CAR CARE, LLC,
DANBURY CAR CARE, LLC,
RYLEOU, LLC, RYAN SCHMITZ
And DANIEL MENNILLO,
Defendants.**

ORDER DENYING CROSS MOTIONS FOR SUMMARY JUDGMENT

In this action, plaintiffs Noe Diaz, Daniel Lozada, Brian Faulkner, Joseph Gallo and Jeffrey Crocker, Jr., assert violations of the Fair Labor Standards Act (“FLSA”) and Connecticut Minimum Wage Act (“CMWA”) against their former employers, defendant Ryan Schmitz, Daniel Mennillo, Torrington Car Care, LLC, Waterbury CarCare, LLC, Danbury Car Care, LLC and Ryelou, LLC. Plaintiffs, who worked either as Assistant Site Managers or Site Managers, assert that defendants willfully misclassified them as managers who were exempt from the overtime compensation requirements of the FLSA and CMWA.

Plaintiff has filed a motion for partial summary judgment on the issue of liquidated damages under the FLSA, penalty damages under the CMWA, and defendant’s affirmative defense of acting in good faith and in conformity with the law. Defendants have filed a motion for summary judgment, arguing that plaintiffs were employed in a bona fide executive capacity and are thereby exempt from the FLSA and CMWA overtime provisions.

Upon review of the excellent briefs and supporting evidentiary submissions, the Court finds that disputed factual issues preclude granting summary judgment in favor of plaintiffs or defendants. Accordingly, the Court hereby DENIES the plaintiffs' motion for partial summary judgment [doc. 38] and DENIES the defendants' motion for summary judgment [doc. 39].

Dated this 29th day of January 2018 at Bridgeport, Connecticut.

/s/Warren W. Eginton
Warren W. Eginton
Senior U.S. District Judge