

**COMMONWEALTH OF MASSACHUSETTS
SUPERIOR COURT DEPARTMENT
OF THE TRIAL COURT**

HAMPDEN, ss.

Civil Docket No.: 26CV676

FRANK DIAZ and TIMMY WILLIAMS,
individually, and on behalf of all others
similarly situated,

Plaintiffs,

v.

PROAMPAC ULTRA FLEX, INC.,

Defendant.

09/29/2026

CLASS ACTION COMPLAINT AND JURY DEMAND

I. INTRODUCTION

1. In Massachusetts, employers must compensate their employees for all hours worked. M.G.L. c. 149 § 148. Hours worked includes all time that they are “required by the employer to be on the employer’s premises...” 454 C.M.R. § 27.02 (definition of “Working Time”); *see also, Anderson v. Mt Clemens Pottery Co.*, 328 U.S. 680, 690-91 (1946) (holding that time spent walking from time clocks to work benches was compensable); *see also, Tennessee Coal, Iron & R. Co. v. Muscoda Local No. 123*, 321 U.S. 50 (1944) (holding compensable the time spent traveling between mine portals and underground work areas).

2. Here, Defendant required Plaintiffs and the class of non-exempt employees at its Westfield, Massachusetts manufacturing facility to spend uncompensated time on the premises, traversing the multi-acre facility before clocking in for their shifts, after clocking out at the conclusion of shifts, and during their lunch breaks.

3. As a result, Defendant retained hundreds of thousands of dollars in wages that should have been paid to the class.

II. PARTIES

4. Defendant, ProAmpac Ultra Flex, Inc. (“ProAmpac”), is a foreign corporation with principal offices located at 12025 Tricon Road, Cincinnati, Ohio 45246. It maintains over fifty facilities throughout the United States including at 132 North Elm Street, Westfield, Hampden County, Massachusetts 01085.

5. Plaintiff Frank Diaz is an adult resident of Westfield, Hampden County, Massachusetts.

6. Plaintiff Timmy Williams is an adult resident of Springfield, Hampden County, Massachusetts.

III. JURISDICTION

7. This Court has jurisdiction over this matter pursuant to M.G.L. c. 149 §§ 148, 150 and M.G.L. c. 223A §§ 2, 3.

8. Venue is proper pursuant to M.G.L. c. 223 § 1.

9. On June 29, 2026, Plaintiff Diaz received the Massachusetts Office of the Attorney General, Fair Labor Division’s authorization to pursue claims for unpaid wages against Defendant, both individually and on behalf of all other similarly situated employees (Exhibit “A”).

10. On September 1, 2026 Plaintiff Williams received the Massachusetts Office of the Attorney General, Fair Labor Division’s authorization to pursue claims for unpaid wages against Defendant, both individually and on behalf of all other similarly situated employees (Exhibit “B”).

IV. FACTS

11. Defendant owns and operates manufacturing facilities throughout the United States, Canada, Mexico and Europe, including two packaging facilities in Massachusetts.

12. At all times relevant to this action, Plaintiffs were employed by Defendant as

full-time, non-exempt workers at Defendant's Westfield, Massachusetts location (the "Facility").

13. Defendant employed Plaintiff Diaz as a full time, non-exempt, press operator trainee at the Facility from on or around March 3, 2025 to May 9, 2025.

14. Defendant employed Plaintiff Williams as a full-time non-exempt packer and assistant winder from on or around July 10, 2024 through February 21, 2026.

15. The Facility comprises 400,000 square feet of production and inventory space.

16. Workers at the Facility were required to enter the Facility by scanning their badges in order to unlock the secure doors located at the rear of the facility. Upon information and belief, the scan recorded the identity of the employee whose badge was scanned and the time that they scanned into the Facility.

17. Defendant chose to place its employee time clocks deep within its facility rather than at or nearby the employee entrance, which would have minimized any uncompensated time spent by employees traversing the Facility between the entrance and the time clock.

18. Instead, Plaintiffs and the putative class were required to walk around the perimeter of the warehouse along routes marked with yellow tape, and through other departments, until they arrived at their clock-in location. Plaintiffs estimate that it takes seven to ten minutes to walk from the building entrance to the time clock.

19. Plaintiffs were also required to punch in and out during their thirty-minute lunch breaks. Due to the distance between the time clocks and the exit/entrance, hourly workers were required to either remain on the premises to take a full thirty-minute lunch break, or spend much of their break working (i.e. traversing the facility) if they chose to leave the premises.

20. Because Plaintiffs and the Class were denied full thirty-minute breaks in which they were free to leave the premises, their lunch breaks constitute compensable time. *See*, M.G.L. c. 149, § 100; 454 C.M.R. 27.02 (definition of working time includes "all time during

which an employee is required to be on the employer's premises" and includes "rest periods of short duration, usually 20 minutes or less.")

21. At the conclusion of each shift, Plaintiffs and the Class were required to clock out at the clock-in location and traverse the same route back to the security doors to exit the facility.

22. The time that Plaintiff and the putative class spent traversing the facility, pre-shift, post-shift and during lunch breaks, was not compensated.

V. CLASS ACTION ALLEGATIONS

23. Plaintiffs bring this action individually, and on behalf of all other members of the putative Class.

24. The putative Class is defined as follows:

All current and former employees of Defendant who were paid on an hourly basis, and who performed work at Defendant's Westfield, Massachusetts facility, during the three years immediately preceding this lawsuit and through the date of final judgment.

25. Class certification for this Massachusetts state law claim is appropriate under Mass. R. Civ. P. 23 because Plaintiffs and the putative Class meet all requirements of Rule 23.

26. The putative Class is so numerous that joinder of all members is impracticable. Upon information and belief, Defendant subjected hundreds of Massachusetts employees to the challenged practices and procedures discussed herein during the period of the claim.

27. There are questions of law and fact common to Plaintiffs and the members of the putative Class, including whether Defendants failed to compensate Plaintiffs and the members of the putative Class for the value of all time that they were required to be on the premises traversing the Facility before clocking in, after clocking out, and during unpaid lunch breaks. *See* M.G.L. c. 149 § 148.

28. Plaintiffs' claims are typical of the claims of the putative Class. Plaintiffs' claims encompass Defendant's challenged course of conduct discussed herein. Furthermore, Plaintiffs'

claims are based on the same legal theories as the claims of the putative Class. The legal issues as to Defendant's violation of the Wage Act by its unlawful policy, which fails to pay its employees for time spent traversing the Facility before clocking in, after clocking out, and during unpaid lunch breaks, applies equally to Plaintiffs and the putative Class.

29. Plaintiffs will fairly and adequately protect the interests of the putative Class. Plaintiffs' claims are not antagonistic to those of the putative Class and Plaintiffs have hired counsel skilled in the prosecution of wage and hour class actions.

30. Common questions of law and fact predominate over questions affecting individual members of the putative Class.

31. This proposed class action is the superior method of adjudication because it presents few management difficulties, conserves the resources of the Parties and the court system, protects the rights of each member of the putative Class, and maximizes recovery to Plaintiffs and the members of the putative Class.

VI. LEGAL CLAIMS

COUNT I: Violation of the Massachusetts Wage Act, M.G.L. c. 149 §§ 148, 150

32. Plaintiffs reallege and incorporate herein the allegations contained in each and every other paragraph of this Complaint.

33. In maintaining a policy and practice that failed to compensate Plaintiffs and the putative Class Members for all working time, the Defendant violated the Wage Act. *See* M.G.L. c. 149 § 148.

34. As a result, Defendants are strictly liable to Plaintiffs and the putative Class for three times the amount of their unpaid wages, plus interest, costs, and attorneys' fees. *See* M.G.L. c. 149 § 150.

**COUNT II: Violation of the Massachusetts Overtime Statute,
M.G.L. c. 151 §§ 1A, 1B**

35. By failing to pay for all time that Plaintiffs and the putative Class were required to be on the premises, the Defendant failed to compensate them at a rate of one and one half times their regular hourly rate for hours worked in excess of forty per week.

36. As a result, Defendants are strictly liable to Plaintiffs and the putative Class for three times the amount of their unpaid overtime wages, plus interest, costs, and attorneys' fees.

VII. DEMAND FOR RELIEF

WHEREFORE, Plaintiffs request that the Court:

- A. Certify this case as a class action pursuant to M.G.L. c. 149 § 148; or in the alternative, pursuant to Mass. R. Civ. P. 23;
- B. Appoint Plaintiffs as Class Representatives;
- C. Appoint the undersigned as Class Counsel;
- D. Award Plaintiffs and the Class treble damages pursuant to M.G.L. c. 149 §§ 148, 150;
- E. Award Plaintiffs and the Class all pre-judgment and post-judgment interest on these damages pursuant to M.G.L. c. 149 §§ 148, 150;
- F. Award Plaintiffs' counsel attorneys' fees and costs incurred in the prosecution this action pursuant to M.G.L. c. 149 §§ 148, 150;
- G. Enter an order permanently enjoining Defendant from maintaining the unlawful pay practice challenged herein;
- H. Approve the issuance of a service award to Plaintiffs; and
- I. Award any other relief as the Court deems just.

VIII. JURY DEMAND

Plaintiffs, individually, and on behalf of all others similarly situated, demand a trial by jury as to the allegations contained in this Complaint.

Dated: September 29, 2026

Respectfully submitted,

The Plaintiffs,
FRANK DIAZ and TIMMY WILLIAMS,
individually, and on behalf of all others
similarly situated,
By their Attorneys,

/s/ Raymond Dinsmore

Raymond Dinsmore, Esq. (BBO # 667340)

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/s/ Alexander Sneirson

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*Attorneys for Plaintiff and the Putative
Class Members*

EXHIBIT A



THE COMMONWEALTH OF MASSACHUSETTS
OFFICE OF THE ATTORNEY GENERAL
ONE ASHBURTON PLACE
BOSTON, MASSACHUSETTS 02108

ANDREA JOY CAMPBELL
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June 29, 2026

Raymond Dinsmore, Esq.
Hayber, McKenna & Dinsmore, LLC
One Monarch Place, Suite 1340
Springfield, MA 01144

Via email: rdinsmore@hayberlawfirm.com

RE: Frank Diaz
Request for Private Right of Action against Proampac Ultra Flex, Inc.

Dear Counsel for Frank Diaz:

Thank you for contacting the Office of the Attorney General's Fair Labor Division. We are in receipt of your request for a private right of action. Massachusetts General Laws Chapter 149, § 150 establishes a private right of action for alleged violations of certain state wage laws:

- G.L. c. 149, §§ 52D, 52E, 148, 148A, 148B, 148C, 150C, 152, 152A, 159C, or 190; and
- G.L. c. 151, §§ 1A, 1B, 19, or 20

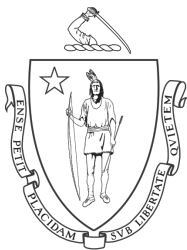
While we have not made a determination of the merits of your claim, this letter serves as the Attorney General's authorization for you to pursue private action. You may bring an action on your own or your client's behalf and on behalf of other similarly situated workers. Workers who win their wage and hour cases in court have a right to collect triple damages, attorneys' fees, and court costs.

This office will not be taking any further action on your complaint.

Sincerely,

Fair Labor Division
Office of the Massachusetts Attorney General
(617) 727-3465

EXHIBIT B



THE COMMONWEALTH OF MASSACHUSETTS
OFFICE OF THE ATTORNEY GENERAL
ONE ASHBURTON PLACE
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September 1, 2026

Alexander Sneirson, Esq.
1414 Main St., Ste 1345
Springfield, MA 01144

Via email: alexander@sneirsonlawfirm.com

RE: Tim Williams
Request for Private Right of Action against Proampac Ultra Flex, Inc.

Dear Counsel for Tim Williams:

Thank you for contacting the Office of the Attorney General's Fair Labor Division. We are in receipt of your request for a private right of action. Massachusetts General Laws Chapter 149, § 150 establishes a private right of action for alleged violations of certain state wage laws:

- G.L. c. 149, §§ 52D, 52E, 148, 148A, 148B, 148C, 150C, 152, 152A, 159C, or 190; and
- G.L. c. 151, §§ 1A, 1B, 19, or 20

While we have not made a determination of the merits of your claim, this letter serves as the Attorney General's authorization for you to pursue private action. You may bring an action on your own or your client's behalf and on behalf of other similarly situated workers. Workers who win their wage and hour cases in court have a right to collect triple damages, attorneys' fees, and court costs.

This office will not be taking any further action on your complaint.

Sincerely,

Fair Labor Division
Office of the Massachusetts Attorney General
(617) 727-3465