

the Court to the accompanying Memorandum of Law (ECF No. 18) for the specific Counts of the Complaint and Defendants against whom they are asserted that Defendants ask the Court to dismiss. Defendant's motion to dismiss pursuant to Fed. R. Civ. P. 12(b)(6) sought to dismiss the complaint alleging claims of violations of the Trafficking Victims Protection Act, which fail to state claims upon which relief can be granted, and the contract and wage claims are asserted against parties who were not Plaintiffs' employers. (ECF No. 18.)

On March 11, 2025, Plaintiffs filed an Amended Complaint. (ECF No. 30.) In the Amended Complaint, the Plaintiffs raise the same allegations against the Defendants, but have added some phrasing changes about their relationship between Plaintiff Manzana and Defendant Casertano and "unindicted co-conspirator" supervisors, but nothing that meets the substance of Defendants' motion to dismiss.

II. ARGUMENT

As this Court has observed, "courts in this Circuit have noted, '[d]efendants should not be required to file a new motion to dismiss simply because an amended pleading was introduced while their motion was pending. If some of the defects raised in the original motion remain in the new pleading, the court simply may consider the motion as being addressed to the amended pleading. To hold otherwise would be to exalt form over substance.'" *Moorer v. U.S. Bank NA*, No. 17-cv-56 (VAB), 2017 WL 11046240, at *1 (D. Conn. Aug. 7, 2017) (quoting *Empower Health LLC v. Providence Health Sols. LLC*, No. 3:10-CV-1163 JCH, 2011 WL 2194071, at * 1 (D. Conn. June 3, 2011) (internal quotation marks omitted); see also *Charlton v. State of New York*, No. 03-CIV-8986 (LAK), 2006 WL 406315, at *1 (S.D.N.Y. Feb. 22, 2006) ("Since the Second Amended Complaint does not remedy all of the alleged defects that underlie defendants' motion, I deem the motion to be addressed to the Second Amended Complaint.")

Here, the Plaintiffs' Amended Complaint brings the same counts against the Defendants. It continues to have the same defects as Plaintiff's original pleading.

III. CONCLUSION

The Defendants therefore respectfully request the Court to consider their previously filed motion to dismiss as now being addressed to the same claims brought against them in the Amended Complaint.

Respectfully submitted on this 25th day of March, 2025.

Respectfully submitted,

DEFENDANTS
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CERTIFICATE OF SERVICE

I hereby certify that on this 25th day of March 2025, a copy of the foregoing was filed electronically and served by mail on anyone unable to accept electronic filing. Notice of this filing will be sent by e-mail to all parties by operation of the Court's electronic filing system or by mail to anyone unable to accept electronic filing as indicated on the Notice of Electronic Filing. Parties may access this filing through the Court's CM/ECF System.

/s/ Kevin R. Brady
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