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**RAZOR**  
eNewsletter

FROM



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## ***Virginia Resident Permitted to Proceed with Massachusetts Wage Act Claim***

Plaintiff Craig Wilson, Jr. (“Wilson”), a Virginia resident, is a former employee of Recorded Future, Inc. (“Recorded Future”), a company that assists with mitigation of cybersecurity risks. Although Recorded Future’s headquarters are in Somerville, Massachusetts, it also has offices in Virginia and abroad. Wilson alleged, among other claims, that Recorded Future violated the Massachusetts Wage Act (“Wage Act”). Defendants moved to dismiss, arguing that Virginia, not Massachusetts, was the locus of Wilson’s employment relationship and that his contacts with Massachusetts were insufficient to permit him to invoke the protections of the Wage Act. Specifically, Defendants argued that Wilson was not a Massachusetts resident, neither Wilson nor his supervisors worked primarily out of the Massachusetts office, his employment documents did not provide for the application of Massachusetts law, and he did not service customers in Massachusetts or hold himself out to customers as being based in that state.

The United States District Court for the District of Massachusetts (Talwani, J.) denied Defendants' motion. The court explained that, because the Wage Act does not contain language foreclosing extraterritorial application, the statute affords protections to out-of-state employees, as long as Massachusetts has the most significant relationship to the plaintiff's employment. Therefore, "there is no requirement that Wilson reside or work in Massachusetts to be afforded the Wage Act's protections."

The court went on to state that whether Massachusetts has the most significant relationship to a worker's employment depends on a variety of factors, including the state where the employer's headquarters are located, the place where the employee performed the work, the frequency of interactions between the employee and employer in Massachusetts, whether another state has a significant connection to the work performance, and whether the employment contract contains a choice-of-law provision. The court noted that Wilson had alleged that he regularly interacted with leadership and employees located in Massachusetts and attended required trainings in that state. Therefore, the court concluded that Massachusetts may have the most significant connection to Wilson's employment relationship, and his Wage Act claim should not be dismissed.

This case is an important reminder of the extraterritorial application of the Wage Act, which is particularly relevant in today's age of remote work.

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