

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF KENTUCKY

ALAN BERNARDEZ and **TAWANNA
PITTMAN**, *Individually and On Behalf of All
Others Similarly Situated*,

Plaintiffs,

v.

**FIRSTSOURCE SOLUTIONS USA, LLC d/b/a
MEDASSIST**,

Defendant.

Civil Case No.: 3:17-CV-613-DJH

**COLLECTIVE ACTION
COMPLAINT**

JURY DEMAND

Plaintiffs **Alan Bernardez** and **Tawanna Pittman**, individually and on behalf of all others similarly situated, by and through their attorneys BARKAN MEIZLISH HANDELMAN GOODIN DEROSE WENTZ, LLP and JTB LAW GROUP, LLC, allege upon information and belief, as follows:

PRELIMINARY STATEMENT

1. Plaintiffs bring this action, individually and as a Collective Action on behalf of all others similarly situated, against Defendant **Firstsource Solutions USA, LLC d/b/a MedAssist** to recover unpaid overtime compensation, liquidated damages, costs, and attorneys' fees for violation of the Fair Labor Standards Act, 29 U.S.C. § 201, *et seq.* ("FLSA") and attendant regulations at 29 C.F.R. § 516, *et seq.*
2. Specifically, Defendant has violated its statutory obligations to compensate non-exempt hourly employees including Patient Service Representatives, Floaters/Trainers and Team Leads for off-the-clock work performed pre-shift, post-shift and during lunch breaks.
3. Defendant has regularly required its Patient Service Representatives, Floaters/Trainers and Team Leads to perform a volume of work assignments that cannot be completed within a 40-

hour work schedule per week, yet Defendant, through its management group, has prohibited these hourly employees from reporting or clocking in more than 40 hours of work per week.

4. The hourly employees have been subject to a *de facto* policy to work uncompensated hours off-the-clock.

5. As a result of such illegal pay policy and practice, Defendant has deprived its Patient Service Representatives, Floaters/Trainers and Team Leads, of entitled overtime compensation at a rate of not less than one and one-half (1.5) times their regular rate of pay, for work performed over forty (40) hours per week.

6. Plaintiffs assert the FLSA claims not only individually, but also on behalf of a putative “FLSA Collective” defined as:

All Patient Service Representatives, Floaters/Trainers, and/or Team Leads employed by Defendant at any time within the period of 3 years prior to the filing of this Complaint through the date of judgment.

7. Plaintiffs seek to send a Notice pursuant to 29 U.S.C. § 216(b) to all Patient Service Representatives, Floaters/Trainers, and Team Leads of Defendant permitting them to assert FLSA claims in this Collective Action by filing their individual consent forms.

8. For at least three (3) years prior to the filing of this Complaint, Defendant has willfully and intentionally committed widespread violations of the above-described statutes and corresponding regulations, in the manner described herein.

JURISDICTION AND VENUE

9. This Court has subject matter jurisdiction pursuant to 28 U.S.C. § 1331 because this action involves the FLSA, a federal statute.

10. Venue is proper in this District pursuant to 28 U.S.C. § 1391(b) and (c) because Defendant maintains its principal place of business in this District and Defendant is subject to personal jurisdiction in this District.

THE PARTIES

Defendant

11. Defendant **Firstsource Solutions USA, LLC d/b/a MedAssist** (“**Firstsource Solutions USA**”), is a for-profit entity created and existing under and by virtue of the laws of the State of Delaware.

12. **Firstsource Solutions USA** is a subsidiary of Firstsource Solutions Limited, a company based in India and owned by the RP-Sanjiv Goenka Group.¹

13. **Firstsource Solutions USA** was founded in 2010 and maintains a principal office at 1661 Lyndon Farm Court, Louisville, KY 40223-4029.²

14. According to its website, **Firstsource Solutions USA**’s “Healthcare Provider division, MedAssist, provides eligibility, enrollment and other recovery services that help hospitals and health systems maximize reimbursement and increase cash flow” and “MedAssist serves more than 900 healthcare providers worldwide.”³

15. According to its website⁴, **Firstsource Solutions USA** has job listings for Patient Service Representative, Floater/Trainer, or Team Lead in at a minimum the following states: Alabama, Florida, Indiana, Maine, North Carolina, Virginia, Georgia, Michigan, Tennessee, Kentucky,

¹ See Bloomberg website: <https://www.bloomberg.com/research/stocks/private/snapshot.asp?privcapid=39801970> and <https://www.bloomberg.com/research/stocks/private/snapshot.asp?privcapId=3198922> (last accessed September 22, 2017).

² See Kentucky Secretary of State website: [https://app.sos.ky.gov/ftshow/\(S\(orepgsraxavrwsb0tbwiympv\)\)/default.aspx?path=ftsearch&id=0760169&ct=06&cs=99999](https://app.sos.ky.gov/ftshow/(S(orepgsraxavrwsb0tbwiympv))/default.aspx?path=ftsearch&id=0760169&ct=06&cs=99999) (last accessed September 22, 2017).

³ <http://firstsourcecareers.com/provider/>; see also <https://gomedassist.com/> (last accessed September 22, 2017).

⁴ <https://www.hrapply.com/firstsource/setup.app> (last accessed September 22, 2017).

Mississippi and Ohio. *See Exhibit A*, screenshots of the job listing web pages taken on September 22, 2017.

Plaintiffs

16. Plaintiff **Alan Bernardez** (“**Bernardez**”) is an adult resident of the State of Virginia.

17. Defendant employed **Bernardez** as a non-exempt hourly employee from approximately April 2006 through November 2016.

18. **Bernardez** started his employment for Defendant as a Patient Service Representative and then became a Team Lead in approximately 2014, at which point he started performing Floater/Trainer and Team Lead duties on top of his Patient Service Representative duties.

19. The position of Patient Service Representative has been classified at all times material to this Complaint as non-exempt.

20. The position of Team Lead has been classified at all times material to this Complaint as non-exempt.

21. The position of Floater/Trainer has been classified at all times material to this Complaint as non-exempt.

22. **Bernardez**’s hourly rate was \$17.66 in 2016.

23. Defendant employed **Bernardez** to work at Danville Regional Medical Center, 142 South Main Street Danville, VA 24541.

24. As part of his Floater/Trainer and Team Lead duties, **Bernardez** sometimes travelled to different facilities to train Patient Service Representatives and/or cover their duties.

25. **Bernardez**’s written consent to become an FLSA party plaintiff is attached hereto as **Exhibit B**.

26. Plaintiff **Tawanna Pittman** (“**Pittman**”) is an adult resident of the State of Virginia.

27. Defendant employed **Pittman** as a non-exempt hourly employee from approximately October 2010 through May 2017.

28. Throughout Pittman's employment, Defendant employed **Pittman** as a Patient Service Representative.

29. **Pittman's** hourly rates were \$15.88 and \$16.04 during the last several months of her employment with Defendant.

30. Defendant employed **Pittman** to work at Martinsville Memorial Hospital, 320 Hospital Drive, Martinsville, VA 24115.

31. **Pittman's** written consent to become an FLSA party plaintiff is attached hereto as **Exhibit C**.

FACTUAL ALLEGATIONS

32. Plaintiffs repeat and reallege all preceding paragraphs of the Complaint, as if fully set forth herein.

33. At all relevant times alleged herein, Defendant has operated and controlled an enterprise engaged in commerce as defined under the FLSA.

34. At all relevant times alleged herein, Defendant has generated over \$500,000.00 in revenue per year.

35. At all relevant times alleged herein, Defendant has been the "employer" of Plaintiffs and/or the putative Collective members within the meaning of 29 U.S.C §203(d).

36. At all relevant times alleged herein, Defendant has, directly or indirectly, hired Plaintiffs and the putative Collective members; has controlled their work schedules and conditions of employment; and determined the rate and method of the payment of wages.

37. At all relevant times alleged herein, as non-exempt hourly-paid Patient Service Representatives, Floaters/Trainers and/or Team Leads, Plaintiffs and the putative Collective members have performed job duties that do not fall within any exemptions from overtime under the FLSA.

38. At all relevant times alleged herein, Defendant has required its Patient Service Representatives, Floaters/Trainers and/or Team Leads to perform a volume of work assignments that could not be completed within the 8-hour daily work schedule, or 40-hour weekly work schedule.

39. Further, Plaintiffs and the putative Collective members have been pressured and/or reprimanded by the management group for not completing their weekly and daily volume of work assignments.

40. However, Defendant, through its management group, has prohibited Plaintiffs and the putative Collective members from reporting or clocking in more than 40 hours of work per week.

41. Defendant has imposed discipline on Plaintiffs and the putative Collective members for reporting or clocking in more than 40 hours of work per week.

42. If Plaintiffs and the putative Collective members clocked in or out at a time outside of their 8-hour daily work schedule, the time-recording system KRONOS® would show the entry in red and would not accept it until after the management group adjusted the time to be within the employee's scheduled work time for submission to the payroll.

43. As a result of the *de facto* policy of Defendant, Plaintiffs and the putative Collective members have been required to work off-the-clock prior to the beginning of their shift, during their unpaid lunch breaks and subsequent to clocking out at the end of their daily schedule.

44. At all relevant times alleged herein, Plaintiffs and the putative Collective members have been required by Defendant to perform off-the-clock work for which they were not compensated.

45. At all relevant times alleged herein, Defendant has failed to pay Plaintiffs and the putative Collective members overtime compensation at a rate of not less than one and one-half (1.5) times their regular rate of pay for hours worked in excess of forty (40) per week, as required by 29 U.S.C. § 207.

46. During all times material to this Complaint, **Bernardez**'s schedule was Monday to Friday, 5 days a week.

47. During all times material to this Complaint, **Bernardez** had an 8-hour daily work schedule from 8:30 am to 5:00 pm including an unpaid 30-minute lunch break.

48. **Bernardez** communicated to management that the excessive workload could not be completed within the 40-hour weekly work schedule, yet Defendant still did not allow **Bernardez** to report or clock in more than 40 hours of work per week.

49. Defendant did not allow **Bernardez** to clock in before his shifts began, including instances in which he performed work before the start of his scheduled shift.

50. Defendant compelled **Bernardez** to clock out for 30-minute lunch break, including shifts in which he did not receive a *bona fide*, uninterrupted 30-minute break.

51. Defendant obligated **Bernardez** to clock out at the end of his 8-hour daily work schedule, including instances in which he worked after the time at which his shift was scheduled to end.

52. As a result of the *de facto* policy of Defendant, **Bernardez** performed off-the-clock work pre-shift, post-shift and during lunch break in excess of forty (40) hours in a workweek, for which he was not compensated.

53. During all times material to this Complaint, **Pittman**'s schedule was Monday to Friday, 5 days a week.

54. During all times material to this Complaint, **Pittman** had an 8-hour daily work schedule from 8:30 am to 5:00 pm including an unpaid 30-minute lunch break.

55. **Pittman** communicated to management that the excessive workload could not be completed within the 40-hour weekly work schedule, yet Defendant did not allow **Pittman** to report or clock in more than 40 hours of work per week.

56. Defendant did not allow **Pittman** to clock in before her shifts began, including instances in which she performed work before the start of her scheduled shift.

57. Defendant compelled **Pittman** to clock out for 30-minute lunch break, including shifts in which she did not receive a *bona fide*, uninterrupted 30-minute break.

58. Defendant obligated **Pittman** to clock out at the end of her 8-hour daily work schedule, including instances in which she worked after the time at which her shift was scheduled to end.

59. As a result of the *de facto* policy of Defendant, **Pittman** performed off-the-clock work pre-shift, post-shift and during lunch break in excess of forty (40) hours in a workweek, for which she was not compensated.

60. Plaintiffs and the Collective members have been subjected to the common pay policy and practice of Defendant as stated herein that violated the FLSA.

61. At all relevant times alleged herein, Defendant have maintained control, oversight, and direction over Plaintiffs and the putative Collective members, including the promulgation and enforcement of policies affecting the payment of their wages including overtime compensation.

62. Defendant's wrongful acts and/or omissions/commissions, as alleged herein, have not been exercised in good faith or in conformity with and in reliance on any written administrative

regulation, order, ruling, approval, or interpretation by the U.S. Department of Labor or any administrative practice or enforcement policy of such a department or bureau.

63. Defendant's widespread violations of the above-described federal wage and hour statutes and regulations were willful, arbitrary, unreasonable and/or in bad faith.

COLLECTIVE ACTION ALLEGATIONS

64. Plaintiffs repeat and reallege all preceding paragraphs of the Complaint, as if fully set forth herein.

65. Plaintiffs bring this action pursuant to Section 216(b) of the FLSA, as an opt-in representative action, for and on behalf of themselves and of all other similarly situated non-exempt hourly-paid Patient Service Representatives, Floaters/Trainers and Team Leads who have been affected by Defendant's common policy and practice of failing to properly pay overtime compensation, in violation of the Fair Labor Standards Act, 29 U.S.C. § 201, *et seq.* ("FLSA") and attendant regulations at 29 C.F.R. § 516, *et seq.*

66. The proposed "FLSA Collective," is defined as:

All Patient Service Representatives, Floaters/Trainers, and/or Team Leads employed by Defendant at any time within the period of 3 years prior to the filing of this Complaint through the date of judgment.

67. Plaintiffs bring this Collective Action against Defendant to recover unpaid overtime compensation, liquidated damages, costs, and attorneys' fees pursuant to 29 U.S.C. § 216(b).

68. The Collective Action further alleges a willful violation of the FLSA and is covered by a third year of limitations.

69. Plaintiffs seek to send Notice to all similarly situated non-exempt hourly-paid Patient Service Representatives, Floaters/Trainers, and Team Leads as provided by 29 U.S.C. § 216(b) and supporting case law.

70. This litigation is properly brought as a Collective Action because the key issues are the same for every Collective member, including:

- 1) Whether Defendant is liable to Plaintiffs and the putative Collective members for violations of the FLSA;
- 2) Whether Plaintiffs and the putative Collective members were required and did perform off-the-clock work for which they were not compensated;
- 3) Whether Plaintiffs and the putative Collective members worked more than forty (40) hours in any workweek; and
- 4) Whether Defendant failed to pay Plaintiffs and the putative Collective members overtime compensation at a rate not less than one and one-half (1.5) times their regular rate of pay for all hours worked in excess of forty (40) per workweek.

71. Plaintiffs anticipate that there will be no difficulty in the management of this litigation. This litigation presents claims under the FLSA, a type that have often been prosecuted on a class wide basis, and the manner of identifying the Collective and providing any monetary relief to it can be effectuated from a review of Defendant's records.

72. Plaintiffs and the putative Collective members demand a trial by jury.

FIRST CLAIM FOR RELIEF
(Individual Claim for Unpaid Overtime under the FLSA)

73. Plaintiffs repeat and reallege all preceding paragraphs of the Complaint, as if fully set forth herein.

74. Defendant has employed Plaintiffs as non-exempt hourly employees.

75. Defendant employed **Pittman** to perform duties of a Patient Service Representative.
76. Defendant employed **Bernardez** to perform duties of a Patient Service Representative, Floater/Trainer and Team Lead.
77. Defendant has required Plaintiffs to perform off-the-clock work for which they were not compensated.
78. Defendant has required Plaintiffs to work more than forty (40) hours in a workweek.
79. Defendant has failed to pay Plaintiffs overtime compensation at a rate of not less than one and one-half (1.5) times their regular rate of pay for hours worked in excess of forty (40) in a workweek, in violation of the FLSA.
80. Defendant's uniform policies and practices, as described herein, have been willful, intentional, unreasonable, arbitrary and in bad faith.
81. Because Defendant has willfully violated the FLSA, a three (3) year statute of limitations shall apply to such violation, pursuant to 29 U.S.C. § 255.
82. As a result of Defendant's uniform policies and practices described above, Plaintiffs have been illegally deprived of overtime compensation earned, in such amounts to be determined at trial, and are entitled to recovery of such total unpaid amounts, liquidated damages, reasonable attorneys' fees, costs and other compensation pursuant to 29 U.S.C § 216(b).

SECOND CLAIM FOR RELIEF

(Collective Action Claim for Unpaid Overtime under the FLSA)

83. Plaintiffs repeat and reallege all preceding paragraphs of the Complaint, as if fully set forth herein.
84. Defendant has employed Plaintiffs and the putative Collective members as non-exempt hourly-paid Patient Service Representative, Floater/Trainer or Team Lead.

85. Defendant has required Plaintiffs and the putative Collective members to perform off-the-clock work for which they were not compensated.

86. Defendant has required Plaintiffs and the putative Collective members to work more than forty (40) hours in a workweek.

87. Defendant failed to pay Plaintiffs and the putative Collective members overtime compensation at a rate of not less than one and one-half (1.5) times their regular rate of pay for hours worked in excess of forty (40) in a workweek, in violation of the FLSA.

88. Defendant's uniform policies and practices, as described herein, were willful, intentional, unreasonable, arbitrary and in bad faith.

89. Because Defendant willfully violated the FLSA, a three (3) year statute of limitations shall apply to such violation, pursuant to 29 U.S.C. § 255.

90. As a result of Defendant's uniform policies and practices described above, Plaintiffs and the putative Collective members were illegally deprived of overtime compensation earned, in such amounts to be determined at trial, and are entitled to recovery of such total unpaid amounts, liquidated damages, reasonable attorneys' fees, costs and other compensation pursuant to 29 U.S.C § 216(b).

PRAYER FOR RELIEF

WHEREFORE, Plaintiffs respectfully request that this Court grant the following relief against Defendant:

(A) A declaratory judgment that Defendant's wage practices alleged herein violate the overtime provisions of the Fair Labor Standards Act, 29 U.S.C. § 201, *et seq.*, and attendant regulations at 29 C.F.R. § 516, *et seq.*;

- (B) An Order for injunctive relief ordering Defendant to comply with the FLSA and end all of the illegal wage practices alleged herein;
- (C) An Order certifying this action as a Collective Action on behalf of the FLSA Collective, designating the lead Plaintiffs as Collective representatives and the undersigned counsel as Collective Counsel;
- (D) An Order requiring Defendant to produce a list of names, addresses, job descriptions, and dates of employment of all members of the putative FLSA Collective;
- (E) An Order authorizing Plaintiffs' counsel to notify members of the putative FLSA collective that they are authorized to join this action by filing written consents pursuant to 29 U.S.C. § 216(b);
- (F) Judgment for damages for all unpaid overtime compensation to which Plaintiffs and members of the Collective are lawfully entitled under the FLSA, 29 U.S.C. § 201, *et seq.*, and attendant regulations at 29 C.F.R. § 516, *et seq.*;
- (G) Judgment for liquidated damages pursuant to the FLSA, 29 U.S.C. § 201, *et seq.*, and attendant regulations at 29 C.F.R. § 516, *et seq.*, in an amount equal to all unpaid overtime compensation owed to Plaintiffs and members of the Collective during the applicable statutory period;
- (H) Incentive Awards for the lead Plaintiffs;
- (I) An Order directing Defendant to pay Plaintiffs and members of the Collective reasonable attorney's fees and all costs connected with this action pursuant to the FLSA, 29 U.S.C. § 201, *et seq.*;
- (J) Judgment for any and all civil penalties to which Plaintiffs and members of the Collective may be entitled; and

(K) Such other and further relief as to this Court may deem necessary, just and proper.

JURY DEMAND

Pursuant to Rule 38(b) of the Federal Rules of Civil Procedure, Plaintiffs demand trial by jury on all questions of fact raised by the Complaint.

Dated: October 4, 2017

Respectfully submitted,

By: /s/ Trent Taylor

Trent Taylor
Robi J. Baishnab (*pro hac vice* pending)
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Lead Counsel for Plaintiffs

Exhibit D

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

ALAN BERNARDEZ and TAWANNA PITTMAN, Individually and On Behalf of All Others Similarly Situated,

(b) County of Residence of First Listed Plaintiff Danville, VA
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)
BARKAN MEIZLISH HANDELMAN GOODIN DEROSE WENTZ, LLP
250 E. Broad Street, 10th Floor, Columbus, OH 43215
(800) 274-5297

DEFENDANTS

FIRSTSOURCE SOLUTIONS USA, LLC d/b/a MEDASSIST,

County of Residence of First Listed Defendant Jefferson County, KY
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- 1 U.S. Government Plaintiff
- 3 Federal Question (U.S. Government Not a Party)
- 2 U.S. Government Defendant
- 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

	PTF	DEF		PTF	DEF
Citizen of This State	<input type="checkbox"/> 1	<input type="checkbox"/> 1	Incorporated or Principal Place of Business In This State	<input type="checkbox"/> 4	<input type="checkbox"/> 4
Citizen of Another State	<input type="checkbox"/> 2	<input type="checkbox"/> 2	Incorporated and Principal Place of Business In Another State	<input type="checkbox"/> 5	<input type="checkbox"/> 5
Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6

IV. NATURE OF SUIT (Place an "X" in One Box Only)

Click here for: Nature of Suit Code Descriptions.

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice	<input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 835 Patent - Abbreviated New Drug Application <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g))	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 376 Qui Tam (31 USC 3729(a)) <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes
REAL PROPERTY	CIVIL RIGHTS	PRISONER PETITIONS	LABOR	FEDERAL TAX SUITS
<input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	<input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education	Habeas Corpus: <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty Other: <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other <input checked="" type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609

V. ORIGIN (Place an "X" in One Box Only)

- 1 Original Proceeding
- 2 Removed from State Court
- 3 Remanded from Appellate Court
- 4 Reinstated or Reopened
- 5 Transferred from Another District (specify)
- 6 Multidistrict Litigation - Transfer
- 8 Multidistrict Litigation - Direct File

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):

Fair Labor Standards Act, 29 U.S.C. § 201, et seq. ("FLSA")

Brief description of cause:
Failure to pay overtime compensation

VII. REQUESTED IN COMPLAINT:

CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P. DEMAND \$

CHECK YES only if demanded in complaint:
JURY DEMAND: Yes No

VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE _____ DOCKET NUMBER _____

DATE 10/04/2017 SIGNATURE OF ATTORNEY OF RECORD

/s/ Trent Taylor

FOR OFFICE USE ONLY

RECEIPT # _____ AMOUNT _____ APPLYING IFP _____ JUDGE _____ MAG. JUDGE _____

INSTRUCTIONS FOR ATTORNEYS COMPLETING CIVIL COVER SHEET FORM JS 44

Authority For Civil Cover Sheet

The JS 44 civil cover sheet and the information contained herein neither replaces nor supplements the filings and service of pleading or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. Consequently, a civil cover sheet is submitted to the Clerk of Court for each civil complaint filed. The attorney filing a case should complete the form as follows:

- I.(a) Plaintiffs-Defendants.** Enter names (last, first, middle initial) of plaintiff and defendant. If the plaintiff or defendant is a government agency, use only the full name or standard abbreviations. If the plaintiff or defendant is an official within a government agency, identify first the agency and then the official, giving both name and title.
- (b) County of Residence.** For each civil case filed, except U.S. plaintiff cases, enter the name of the county where the first listed plaintiff resides at the time of filing. In U.S. plaintiff cases, enter the name of the county in which the first listed defendant resides at the time of filing. (NOTE: In land condemnation cases, the county of residence of the "defendant" is the location of the tract of land involved.)
- (c) Attorneys.** Enter the firm name, address, telephone number, and attorney of record. If there are several attorneys, list them on an attachment, noting in this section "(see attachment)".
- II. Jurisdiction.** The basis of jurisdiction is set forth under Rule 8(a), F.R.Cv.P., which requires that jurisdictions be shown in pleadings. Place an "X" in one of the boxes. If there is more than one basis of jurisdiction, precedence is given in the order shown below.
 United States plaintiff. (1) Jurisdiction based on 28 U.S.C. 1345 and 1348. Suits by agencies and officers of the United States are included here.
 United States defendant. (2) When the plaintiff is suing the United States, its officers or agencies, place an "X" in this box.
 Federal question. (3) This refers to suits under 28 U.S.C. 1331, where jurisdiction arises under the Constitution of the United States, an amendment to the Constitution, an act of Congress or a treaty of the United States. In cases where the U.S. is a party, the U.S. plaintiff or defendant code takes precedence, and box 1 or 2 should be marked.
 Diversity of citizenship. (4) This refers to suits under 28 U.S.C. 1332, where parties are citizens of different states. When Box 4 is checked, the citizenship of the different parties must be checked. (See Section III below; **NOTE: federal question actions take precedence over diversity cases.**)
- III. Residence (citizenship) of Principal Parties.** This section of the JS 44 is to be completed if diversity of citizenship was indicated above. Mark this section for each principal party.
- IV. Nature of Suit.** Place an "X" in the appropriate box. If there are multiple nature of suit codes associated with the case, pick the nature of suit code that is most applicable. Click here for: [Nature of Suit Code Descriptions](#).
- V. Origin.** Place an "X" in one of the seven boxes.
 Original Proceedings. (1) Cases which originate in the United States district courts.
 Removed from State Court. (2) Proceedings initiated in state courts may be removed to the district courts under Title 28 U.S.C., Section 1441. When the petition for removal is granted, check this box.
 Remanded from Appellate Court. (3) Check this box for cases remanded to the district court for further action. Use the date of remand as the filing date.
 Reinstated or Reopened. (4) Check this box for cases reinstated or reopened in the district court. Use the reopening date as the filing date.
 Transferred from Another District. (5) For cases transferred under Title 28 U.S.C. Section 1404(a). Do not use this for within district transfers or multidistrict litigation transfers.
 Multidistrict Litigation – Transfer. (6) Check this box when a multidistrict case is transferred into the district under authority of Title 28 U.S.C. Section 1407.
 Multidistrict Litigation – Direct File. (8) Check this box when a multidistrict case is filed in the same district as the Master MDL docket.
PLEASE NOTE THAT THERE IS NOT AN ORIGIN CODE 7. Origin Code 7 was used for historical records and is no longer relevant due to changes in statute.
- VI. Cause of Action.** Report the civil statute directly related to the cause of action and give a brief description of the cause. **Do not cite jurisdictional statutes unless diversity.** Example: U.S. Civil Statute: 47 USC 553 Brief Description: Unauthorized reception of cable service
- VII. Requested in Complaint.** Class Action. Place an "X" in this box if you are filing a class action under Rule 23, F.R.Cv.P.
 Demand. In this space enter the actual dollar amount being demanded or indicate other demand, such as a preliminary injunction.
 Jury Demand. Check the appropriate box to indicate whether or not a jury is being demanded.
- VIII. Related Cases.** This section of the JS 44 is used to reference related pending cases, if any. If there are related pending cases, insert the docket numbers and the corresponding judge names for such cases.
- Date and Attorney Signature.** Date and sign the civil cover sheet.

EXHIBIT

A



MedAssist Healthcare



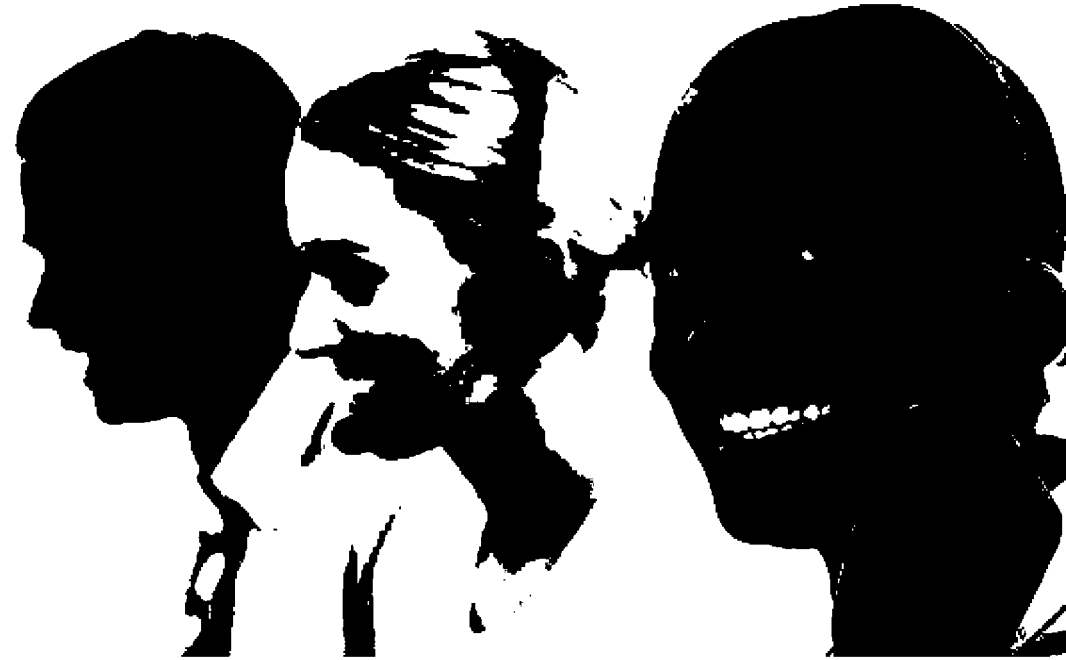
MedAssist Healthcare

At Firstsource, it's about more than the work we do. It's also about the positive outcomes we help to create.

Our Healthcare Provider division, MedAssist, provides eligibility, enrollment and other recovery services that help hospitals and health systems maximize reimbursement and increase cash flow. As a result, we've helped millions of patients and their families obtain medical coverage, financial assistance, and social services through Federal, State, and hospital-funded programs. With our help, millions of dollars of potential bad debt has been eliminated for providers nationwide.

MedAssist serves more than 900 healthcare providers worldwide, many of which have long-term relationships with us. Our goal is to foster these kinds of relationships with every client we serve. To apply your talents to a career with MedAssist, view our [Job Listings](#) below to learn more about our current openings and to apply online.

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City	State	Job Title	Job ID	Schedule	Type of Position	Posting Date
Opelika	AL	Patient Serv Rep Onsite 1 - ES	33224			8 / 4 / 2017

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City	State	Job Title	Job ID	Schedule	Type of Position	Posting Date
Miami	FL	Acct Resolution Spec 1 - RIM	33174			7/26/2017
Palm Bay	FL	Bilingual Customer Care Representative	33380	8:30-5:00	Full-Time	9/7/2017
Boca Raton	FL	Bilingual Patient Services Rep Onsite 1 - ES	33366			9/8/2017
Miami	FL	Bilingual Patient Services Rep Onsite 1 - ES	33318			8/25/2017
Miami	FL	Bilingual Patient Services Representative Onsite 1 - ES	33261			8/14/2017
Tampa	FL	Claims Examiner	56789	1st shift	Full-Time	5/10/2016
Palm Bay	FL	Customer Advocate	RR921	8:30-5:00 PM	Full-Time	8/30/2017
Palm Bay	FL	Customer Care Representative	33265	1:30-10:00	Full-Time	8/8/2017
Miami	FL	Denial Insurance Resolution Specialist	33333		Full-Time	9/21/2017
Palm Bay	FL	Funding Associate	33147	8:30-5:00 PM	Full-Time	7/20/2017
Palm Bay	FL	Marketing Manager	78105	8:30-5:00 PM	Full-Time	8/30/2016
Palm Bay	FL	Mortgage Processor	33292	8:30-5:00 PM	Full-Time	8/16/2017
Palm Bay	FL	Mortgage Processor	33107	8:30-5:00 PM	Full-Time	7/12/2017
Palm Bay	FL	Mortgage Processor	33320	8:30-5:00	Full-Time	8/23/2017
Palm Bay	FL	Mortgage Training Associate	RR301	8:30-5:00 PM	Full-Time	10/10/2016
Sanford	FL	Part Time Patient Serv Rep Onsite 1 - ES	32996			6/23/2017
Panama City	FL	Part Time Patient Services Rep Onsite 1 - ES	33369			9/8/2017
Pensacola	FL	Patient Serv Rep Onsite 1	32986	Wed - Sat 12:30pm - 11:00pm	Full-Time	6/13/2017
Putnam	FL	Patient Serv Rep Onsite 1 - ES	33391			9/15/2017
West Palm Beach	FL	Patient Serv Rep Onsite 1 - ES	33396			9/15/2017
St. Petersburg	FL	Patient Serv Rep Onsite 1 - ES	33378			9/8/2017
Fort Pierce	FL	Patient Serv Rep Onsite 1 - ES	33183		Part-Time	8/1/2017
Jacksonville	FL	Patient Serv Rep Onsite 1 - ES	33098			7/19/2017
Plantation	FL	Patient Serv Rep Onsite 1 - ES	32993		Casual	6/23/2017
Miami	FL	Supervisor - Receivables	33135			7/18/2017

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City	State	Job Title	Job ID	Schedule	Type of Position	Posting Date
Palm Bay	FL	Team Lead - Mortgage Processing	33379	8:30-5:00	Full-Time	9 / 7 / 2017
Miami	FL	Trainer - Auditor	33308			8 / 28 / 2017

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City	State	Job Title	Job ID	Schedule	Type of Position	Posting Date
Indianapolis	IN	Outside Field Rep 2 - ES	33405			9 / 14 / 2017
Indianapolis	IN	Patient Serv Rep Onsite 1 - ES	33407			9 / 14 / 2017
New Albany	IN	Patient Serv Rep Onsite 2 - ES	33335			8 / 25 / 2017
Indianapolis	IN	Supervisor - Eligibility	33376			9 / 6 / 2017

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City	State	Job Title	Job ID	Schedule	Type of Position	Posting Date
Lewiston	ME	Patient Serv Rep Onsite 1 - ES	33112			7/17/2017

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City	State	Job Title	Job ID	Schedule	Type of Position	Posting Date
Durham	NC	Bilingual Patient Services Representative Onsite 1 - ES	33286			8 / 14 / 2017
Durham	NC	Patient Acnt Rep 1 - ES	33199			8 / 5 / 2017
Durham	NC	Patient Acnt Rep 2 - ES	33367			9 / 1 / 2017
Durham	NC	Patient Acnt Rep 2 - ES	33368			9 / 1 / 2017
Henderson	NC	Patient Serv Rep Onsite 1 - ES	33084			7 / 7 / 2017
Roxboro	NC	Patient Serv Rep Onsite 2 - ES	33415			9 / 21 / 2017
Roxboro	NC	Patient Serv Rep Onsite 2 - ES	33177			7 / 26 / 2017

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City	State	Job Title	Job ID	Schedule	Type of Position	Posting Date
Eugene	OR	Customer Care Representative (10/9)	33386		Full-Time	9 / 11 / 2017
Eugene	OR	HR Generalist	32882	8:00-7:00 PM	Full-Time	5 / 12 / 2017

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City	State	Job Title	Job ID	Schedule	Type of Position	Posting Date
Charlottesville	VA	Patient Serv Rep Onsite 2 - ES	33429			9/22/2017
Darville	VA	Patient Serv Rep Onsite 2 - ES	33425			9/21/2017
Martinsville	VA	Patient Serv Rep Onsite 2 - ES	33295		Full-Time	8/25/2017
Warrenton	VA	Patient Serv Rep Onsite 2 - ES	33094			7/11/2017

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City	State	Job Title	Job ID	Schedule	Type of Position	Posting Date
Colorado Springs	CO	Inbound Customer Service Representative- Training Starts 10/23/17	33154		Full-Time	7 / 24 / 2017

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City	State	Job Title	Job ID	Schedule	Type of Position	Posting Date
Tifton	GA	Patient Serv Rep Onsite 1 - E5	33363			9 / 8 / 2017
Valdosta	GA	Patient Serv Rep Onsite 1 - E5	33364			9 / 8 / 2017
Columbus	GA	Patient Serv Rep Onsite 1 - E5	33198			8 / 1 / 2017

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City	State	Job Title	Job ID	Schedule	Type of Position	Posting Date
Fort Scott	KS	Claims Examiner	11111		Full-Time	7/18/2016
Fort Scott	KS	Customer Service Representative	22222		Full-Time	5/9/2016

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City	State	Job Title	Job ID	Schedule	Type of Position	Posting Date
Grand Rapids	MI	Patient Serv Rep Onsite F - E5	33025			6 / 23 / 2017

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City	State	Job Title	Job ID	Schedule	Type of Position	Posting Date
Rochester	NY	Clerk 1	32733			4/2/2017

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City	State	Job Title	Job ID	Schedule	Type of Position	Posting Date
Memphis	TN	Patient Serv Rep Onsite 1 - ES	33073		Full-Time	7/19/2017

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City	State	Job Title	Job ID	Schedule	Type of Position	Posting Date
Rocky Hill	CT	Infrastructure Engineer - IT Site Lead	97102	8:30-5:00 PM	Full-Time	7 / 12 / 2017
Rocky Hill	CT	IT Help Desk Support	RR7725	8:00-5:00 PM	Full-Time	8 / 21 / 2017
Rocky Hill	CT	Mortgage Processor	33067	8:30-5:00 PM	Full-Time	7 / 4 / 2017
Rocky Hill	CT	Mortgage Training Associate	RR201	8:30-5:00 PM	Full-Time	10 / 10 / 2016

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City	State	Job Title	Job ID	Schedule	Type of Position	Posting Date
Belleville	IL	Account Resolution Specialist	33312			8 / 22 / 2017
Belleville	IL	Accounts Receivable 1	33352			9 / 5 / 2017
Belleville	IL	Acct Resolution Spec 1 - RM	33152			7 / 21 / 2017
Belleville	IL	Acct Resolution Spec 1 - RM	32960			6 / 1 / 2017
Belleville	IL	Acct Resolution Spec 2 - RM	33153			7 / 21 / 2017
East Saint Louis	IL	AR Specialist 1	33232			8 / 21 / 2017
Belleville	IL	AR Specialist 1	33283			8 / 21 / 2017
Belleville	IL	AR Specialist 1	33130			7 / 17 / 2017
Rockford	IL	Billing Specialist	33348	AM		8 / 29 / 2017
Rockford	IL	Claims Examiner	1234	AM	Full-Time	5 / 10 / 2016
Belleville	IL	Denial Insurance Resolution Specialist	55555		Full-Time	9 / 21 / 2017
Belleville	IL	Supervisor - Receivables	33315			8 / 22 / 2017
Belleville	IL	TL - Receivables Management	33309			8 / 21 / 2017
Belleville	IL	Trainer - Auditor	33306			8 / 28 / 2017

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City	State	Job Title	Job ID	Schedule	Type of Position	Posting Date
Louisville	KY	Account Resolution Specialist	33220			8 / 23 / 2017
Louisville	KY	Administrative Clerk	33353		Full-Time	8 / 30 / 2017
Louisville	KY	Claims Examiner	33143		Full-Time	7 / 25 / 2017
Louisville	KY	Customer Service Associate	33422		Full-Time	9 / 21 / 2017
Louisville	KY	Data Analyst	33341			8 / 28 / 2017
Louisville	KY	Denial Insurance Resolution Specialist	44444		Full-Time	9 / 21 / 2017
Louisville	KY	Dialer Team - Eligibility Supervisor	33344			8 / 29 / 2017
Louisville	KY	Director - Compliance	33419			9 / 22 / 2017
Louisville	KY	Insurance Follow up Representative	33417			9 / 21 / 2017
Louisville	KY	Insurance Follow up Representative	33418			9 / 20 / 2017
Louisville	KY	Manager - Operations	33124		Full-Time	7 / 17 / 2017
Louisville	KY	Manager - Receivables	33007			6 / 15 / 2017
Louisville	KY	Manager - Training	33362			8 / 31 / 2017
Louisville	KY	Patient Account Representative	33408			9 / 15 / 2017
Louisville	KY	Patient Acnt Rep 1 - ES	33339			8 / 25 / 2017
Louisville	KY	Patient Acnt Rep 1 - RM	33329			8 / 23 / 2017
Louisville	KY	Patient Acnt Rep 1 - RM	33187			7 / 28 / 2017
Louisville	KY	Patient Acnt Rep 2 - ES	33400			9 / 13 / 2017
Louisville	KY	Patient Acnt Rep 2 - ES	33375			9 / 6 / 2017
Edgewood	KY	Patient Serv Rep Onsite 1 - ES	33297			8 / 21 / 2017
Louisville	KY	Patient Serv Rep Onsite 2 - ES	33401			9 / 18 / 2017
Louisville	KY	Patient Serv Rep Onsite 2 - ES	33403			9 / 13 / 2017
Louisville	KY	Patient Serv Rep Onsite 2 - ES	33347			8 / 29 / 2017
Lexington	KY	Patient Services Representative II - ES	33065			7 / 5 / 2017
Louisville	KY	Real Time Analyst	33215		Full-Time	8 / 7 / 2017

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City	State	Job Title	Job ID	Schedule	Type of Position	Posting Date
Louisville	KY	Seasonal Customer Service Representative	33398		Full-Time	9 / 18 / 2017
Louisville	KY	Trainer - Auditor	33305			8 / 28 / 2017

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City	State	Job Title	Job ID	Schedule	Type of Position	Posting Date
Tupelo	MS	Patient Serv Rep Onsite 1 - E5	33409			9 / 15 / 2017

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City	State	Job Title	Job ID	Schedule	Type of Position	Posting Date
Cincinnati	OH	(Bilingual preferred) Patient Serv Rep Onsite 2 - ES	33041			6 / 26 / 2017
Gahanna	OH	Acct Resolution Spec 1 - RM	32703			4 / 4 / 2017
Columbus	OH	Acct Resolution Spec 1 - RM	32550			1 / 31 / 2017
Gahanna	OH	Acct Resolution Spec 2 - RM	32895			5 / 17 / 2017
Gahanna	OH	Acct Resolution Spec 2 - RM	32704			4 / 4 / 2017
Gahanna	OH	Denial Insurance Resolution Specialist	66666		Full-Time	9 / 21 / 2017
Columbus	OH	Floater 1 - ES	32791			4 / 25 / 2017
Columbus	OH	Manager - Receivables	32420			12 / 22 / 2016
Columbus	OH	Patient Serv Rep Onsite 1 - ES	33383			9 / 11 / 2017
Columbus	OH	Patient Serv Rep Onsite 1 - ES	33334			8 / 28 / 2017
Columbus	OH	Patient Serv Rep Onsite 1 - ES	33336			8 / 28 / 2017
Cincinnati	OH	Patient Serv Rep Onsite 1 - ES	33171			7 / 26 / 2017
East Liverpool	OH	Patient Serv Rep Onsite 1 - ES	32586			2 / 2 / 2017
Cincinnati	OH	Patient Serv Rep Onsite 2 - ES	33406			9 / 15 / 2017
Cincinnati	OH	Patient Serv Rep Onsite 2 - ES	33410			9 / 15 / 2017
Norwood	OH	Patient Serv Rep Onsite 2 - ES	33294			8 / 21 / 2017
Gahanna	OH	Prov Enrollment Spec 1 - RM	33372			9 / 5 / 2017
Gahanna	OH	Trainer - Auditor	33307			8 / 28 / 2017
Columbus	OH	VP Revenue Cycle Strategy	33150		Full-Time	7 / 25 / 2017

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City	State	Job Title	Job ID	Schedule	Type of Position	Posting Date
Salt Lake City	UT	Account Mail	33304		Full-Time	8 / 21 / 2017
Salt Lake City	UT	E-Sorter	33350		Full-Time	8 / 30 / 2017
Salt Lake City	UT	E-Sorter	33301		Full-Time	8 / 18 / 2017
Salt Lake City	UT	Sorter	33359		Full-Time	9 / 5 / 2017
Salt Lake City	UT	Sorter	33303		Full-Time	8 / 18 / 2017

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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF KENTUCKY

**ALAN BERNARDEZ and TAWANNA
PITTMAN**, Individually and On Behalf of All
Others Similarly Situated,

Case No.

Plaintiffs,

vs.

FIRSTSOURCE SOLUTIONS USA, LLC
d/b/a **MEDASSIST**,

Defendant.

CONSENT TO SUE

I hereby consent to be a Plaintiff in the Fair Labor Standards Act case captioned above. I hereby consent to the bringing of any claims I may have under the Fair Labor Standards Act (for unpaid minimum wages, overtime, liquidated damages, attorney's fees, costs and other relief) and applicable state wage and hour law against the Defendant(s). I further consent to bringing these claims on a collective and/or class basis with other current/former employees of Defendant(s), to be represented by JTB LAW GROUP, LLC and BARKAN MEIZLISH HANDELMAN GOODIN DEROSE WENTZ, LLP, and to be bound by any settlement of this action or adjudication by the Court.

Signed: Tawanna Pittman Dated: 09/26/2017

Name: Tawanna Pittman

Address: [REDACTED]
Street

[REDACTED] VA,24102
City, State, Zip Code

ClassAction.org

This complaint is part of ClassAction.org's searchable class action lawsuit database and can be found in this post: [Lawsuit Claims MedAssist Employees Subject to 'De Facto' Off-the-Clock Work Policy](#)
