

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF KENTUCKY
LOUISVILLE DIVISION

CASSANDRA JONES, individually &
on behalf of all similarly situated,

Plaintiff(s),

3:17-CV-411-DJH

Case Number _____

v.

GOOD SHEPHERD HEALTHCARE
SOLUTIONS, INC.

Defendant.

_____ /

Complaint & Jury Demand

1. The named Plaintiff, Cassandra Jones, on her own behalf and on behalf of all similarly situated, sues the Defendant, Good Shepherd Healthcare Solutions, Inc. pursuant to 29 U.S.C. § 216(b) for unpaid overtime in violation of 29 U.S.C. § 207(a).

2. Named Plaintiff resides in Louisville, Kentucky.

3. Defendant is a Kentucky corporation that operates for profit.

4. Defendant operates under the assumed name corporation BrightStar of Kentucky.

5. Defendant is a franchisee of BrightStar Care.

6. Defendant is in the business of home care.

7. The Home Care industry has sought to work low wage employees overtime without overtime pay.

8. In 2015 the U.S. Department of Labor brought the Home Care industry practice of working workers overtime without proper pay to an end.

9. At least, in 2015 aggrieved employees of this industry were afforded the right to seek redress pursuant to the Fair Labor Standards Act.

10. Defendant has employed in excess of 100 home care workers in Kentucky since 2015.

11. Defendant has annual gross revenues in excess of \$500,000.00.

12. Defendant employs employees that handle goods or materials that have moved in interstate commerce such as computers, paper, pen, medicines, home cleaning supplies, vehicles and medical equipment.

13. Defendant is an enterprise as defined by 29 U.S.C. § 203(r).

14. Defendant is an enterprise engaged in commerce as defined by 29 U.S.C. § 203(s).

15. Defendant was Plaintiff(s)' employer as defined by 29 U.S.C. § 203(d).

16. Plaintiff(s) worked for Defendant.

17. Plaintiff(s) would go to the homes of Defendant's clients and help them with their needs, including cleaning and cooking for these medical patients.

18. Plaintiff(s) regularly worked over forty hours a week.

19. In fact, Plaintiff(s) worked over 90 hours in some weeks.

20. Named Plaintiff was not a unique employee for Defendant.

21. Defendant employed dozens of employees similarly situated to the named Plaintiff.

22. These employees had similar job duties.

23. They would take care of the day to day needs of medical patients that were clients of Defendant at their homes.

24. Defendant paid this class of employees, herein referred to as home healthcare aides, in the same manner.

25. Prior to 2015 Defendant was not concerned with the overtime provision of the FLSA.

26. In 2015 Defendant implemented a scheme to evade the payment of overtime.

27. Defendant's home healthcare aides were paid a predetermined hourly rate for all hours they worked regardless of whether those hours were under 40 or over 40.

28. Defendant contracted with ADP to issue paychecks to its home healthcare aides, the Plaintiff(s), on a weekly basis.

29. Defendant provided misleading information to ADP regarding Plaintiff(s).

30. On paychecks Defendant suggests that Plaintiff(s) were paid a different hourly rate each week for forty hours and something for overtime (it is "something" because there is no correlation between regular pay and overtime pay on the paychecks).

31. Significantly the sum hours of “regular” and “overtime” earnings multiplied by a constant hourly rate results in Plaintiff(s)’ gross pay on the paychecks.

32. If “other” and “holiday” earnings are listed they would have to be added to the gross sum of “regular” and “overtime” earnings to obtain the gross pay on the paychecks.

33. The named Plaintiff was paid \$10.00 per hour.

34. The named Plaintiff was paid this monetary amount for all hours worked regardless of whether the hours were under forty or over forty.

35. Defendant paid all Plaintiff(s) in the same manner.

36. Some Plaintiff(s) may have earned different hourly rates, but none were paid 150% of their regular rate of pay for overtime.

37. Defendant’s policy was to pay the same hourly rate for all hours worked.

38. Defendant explained this to Plaintiff(s) by stating that their clients did not want to pay overtime.

39. In other words Defendant flouted the Fair Labor Standards Act after the U.S. Department of Labor made clear that Plaintiff(s) were entitled to overtime pay.

40. Defendant willfully violated the FLSA.

41. Plaintiff(s) consist of any of Defendant's employees that have worked over forty hours or more after the 2015 rule change without receiving time and half their regular rate of pay.

42. Defendant owes named Plaintiff unpaid overtime.

43. Defendant owes all of its home health aides unpaid overtime for the same reason that it owes unpaid overtime to the named Plaintiff.

44. The named Plaintiff consents to represent all similarly situated employees to recover unpaid overtime from Defendant since the 2015 rule change.

45. The Honorable Court has original jurisdiction pursuant to 29 U.S.C. § 216(b) and 28 U.S.C. § 1331.

46. Venue is appropriate in Louisville, Kentucky because Defendant is headquartered in the city and some of the violations occurred in Jefferson County, Kentucky.

Wherefore, named Plaintiff demands trial by jury, facilitation of notice, final class certification, unpaid overtime, liquidated damages, judgment, attorneys' fees, costs and a declaration that Defendant's practice of disguising its pay on paychecks tolls the statute of limitations for all impacted employees.

Respectfully submitted this 11th day of July 2017,

/s/ Bernard R. Mazaheri

Bernard R. Mazaheri

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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

Cassandra Jones, individually and on behalf of all similarly situated,

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

(c) Attorneys *(Firm Name, Address, and Telephone Number)*
Morgan & Morgan, 333 W Vine St Ste 1200, Lexington, KY 40507; (859) 286-8368

DEFENDANTS

Good Shepherd Healthcare Solutions, Inc.

County of Residence of First Listed Defendant Jefferson
(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 <i>or</i> 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 <i>and</i> 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"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other	<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 Constitutional 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"/> 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	<input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609
V. ORIGIN <i>(Place an "X" in One Box Only)</i>				
<input checked="" type="checkbox"/> 1 Original Proceeding <input type="checkbox"/> 2 Removed from State Court <input type="checkbox"/> 3 Remanded from Appellate Court <input type="checkbox"/> 4 Reinstated or Reopened <input type="checkbox"/> 5 Transferred from Another District <i>(specify)</i> <input type="checkbox"/> 6 Multidistrict Litigation - Transfer <input type="checkbox"/> 8 Multidistrict Litigation - Direct File				
VI. CAUSE OF ACTION				
Cite the U.S. Civil Statute under which you are filing <i>(Do not cite jurisdictional statutes unless diversity)</i> : <u>29 U.S.C. Sec. 216(b)</u> Brief description of cause: <u>Unpaid Overtime</u>				
VII. REQUESTED IN COMPLAINT:				
<input type="checkbox"/> CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.		DEMAND \$ _____		CHECK YES only if demanded in complaint: JURY DEMAND: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
VIII. RELATED CASE(S) IF ANY				
<i>(See instructions):</i> JUDGE _____ DOCKET NUMBER _____				
DATE: <u>07/11/2017</u> SIGNATURE OF ATTORNEY OF RECORD: <u>/s/ Bernard R. Mazaheri</u>				
FOR OFFICE USE ONLY RECEIPT # _____ AMOUNT _____ APPLYING IFP _____ JUDGE _____ MAG. JUDGE _____				

ClassAction.org

This complaint is part of ClassAction.org's searchable class action lawsuit database and can be found in this post: [KY Resident Claims Good Shepherd Healthcare Solutions Owes Unpaid OT](#)
