

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION

KEANDRA KING, on behalf of  
herself and those similarly  
situated,

CASE NO.:

Plaintiff,

vs.

NEW GENERATION HEALTH  
SVCS, INC., A GEORGIA  
CORPORATION,

Defendant.

\_\_\_\_\_ /

**COMPLAINT AND DEMAND FOR JURY TRIAL**

Plaintiff, KEANDRA KING, on behalf of herself and those similarly situated, sues the Defendant, NEW GENERATION HEALTH SVCS, INC., and alleges:

1. Plaintiff was an employee of Defendant and brings this action for unpaid overtime compensation, declaratory relief, and other relief under the Fair Labor Standards Act, as amended, 29 U.S.C. § 216(b) (“FLSA”).

**GENERAL ALLEGATIONS**

2. Plaintiff has worked for Defendant since approximately October

2016.

3. Plaintiff has worked for Defendant as a Personal Care Assistant performing home health aide activities for customers of Defendant.

4. Defendant is a health care services company with its principal place of business in Stockbridge, Georgia, which is in Henry County, Georgia and within the jurisdiction of this Court.

5. This action is brought under the FLSA to recover from Defendant unpaid overtime compensation, liquidated damages, and reasonable attorneys' fees and costs. This action is intended to include each and every similarly situated employee who was not paid full and complete overtime compensation by Defendant.

6. This Court has jurisdiction over Plaintiff's claims pursuant to 28 U.S.C. §1331 and the FLSA and the authority to grant declaratory relief under the FLSA pursuant to 28 U.S.C. §2201 et seq.

7. During Plaintiff's employment with Defendant, Defendant earned more than \$500,000.00 per year in gross sales.

8. During Plaintiff's employment with Defendant, Defendant employed two or more employees which handled goods, materials and supplies which had travelled in interstate commerce.

9. Included in such goods, materials and supplies were computers, telephones, office equipment/supplies and furniture, as well as numerous other goods, materials and supplies which had been carried in interstate commerce.

10. Therefore, Defendant is an enterprise covered by the FLSA, and as defined by 29 U.S.C. §203(r) and 203(s).

### **FLSA VIOLATIONS**

11. At all times relevant to this action, Defendant failed to comply with the FLSA by failing to pay Plaintiff and other similarly situated employees complete overtime compensation.

12. During her employment with Defendant, Plaintiff and other similarly situated employees performed home health aide type duties, assisting patients with care of themselves.

13. Defendant would pay Plaintiff and these similarly situated employees directly and assign them to different patient's homes on an as-needed basis.

14. Plaintiff and other similarly situated employees routinely worked overtime hours for Defendant.

15. However, instead of being paid time and one-half their rate of pay for overtime hours worked, Defendant would pay Plaintiff and other similarly

situated employees straight time pay for overtime hours worked.

16. Defendant would pay Plaintiff's overtime hours at straight time and label them "commissions" on her check stub.

17. Defendant has violated the FLSA due to its above described pay practices in failing to pay Plaintiff and other similarly situated employees time and one-half of their hourly rate for overtime hours worked.

18. Upon information and belief, the records, to the extent any exist and are accurate, concerning the number of hours worked and amounts paid to Plaintiff and other similarly situated employees are in the possession and custody of Defendant.

**COUNT I - RECOVERY OF OVERTIME WAGES**

19. Plaintiff reincorporates and readopts all allegations contained within Paragraphs 1-18 above.

20. Plaintiff and those similarly situated employees were entitled to be paid overtime compensation for overtime hours worked.

21. During their employment with Defendant, Plaintiff and those similarly situated employees worked overtime hours but were only paid their regular hourly rate instead of time and one-half their hourly rate for those overtime hours worked.

22. Defendant did not have a good faith basis for its decision to not pay Plaintiff and those similarly situated employees complete and proper overtime compensation for overtime hours worked.

23. Because of Defendant's intentional, willful and unlawful acts in refusing to pay Plaintiff and those similarly situated employees proper compensation, Plaintiff and those employees have suffered damages plus incurring reasonable attorneys' fees and costs.

24. Because of Defendant's willful violation of the FLSA, Plaintiff and the similarly situated employees are entitled to liquidated damages.

25. Plaintiff demands a trial by jury.

WHEREFORE, Plaintiff, KEANDRA KING, demands judgment against Defendant for unpaid overtime wages, liquidated damages, reasonable attorneys' fees and costs incurred in this action, declaratory relief, and any and all further relief that this Court determines to be just and appropriate.

Dated this 13th day of November, 2017.

/s/ C. RYAN MORGAN  
C. Ryan Morgan, Esq.  
Georgia Bar No. 711884  
Morgan & Morgan, P.A.  
20 N. Orange Ave., 14th Floor  
P.O. Box 4979

Orlando, FL 32802-4979

Telephone: (407) 420-1414

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Email: [RMorgan@forthepeople.com](mailto:RMorgan@forthepeople.com)

*Attorneys for Plaintiff*

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION

KEANDRA KING, on behalf of  
herself and those similarly  
situated,

CASE NO.:

Plaintiff,

vs.

NEW GENERATION HEALTH  
SVCS, INC., a Georgia  
Corporation,

Defendant. \_\_\_\_\_ /

NOTICE OF FILING NOTICE OF CONSENT TO JOIN

Plaintiff, KEANDRA KING, on behalf of herself and those similarly situated, gives notice of filing the attached Notice of Consent to Join for KEANDRA KING and Opt-in Plaintiff, JACQUELINE L. JOHNSON.

I HEREBY CERTIFY that the above and foregoing has been served along with the Summons and a copy of the Complaint

/s/ C. RYAN MORGAN

C. Ryan Morgan, Esquire  
GEORGIA BAR NO.: 711884  
MORGAN & MORGAN, P.A.  
20 N. Orange Avenue  
Suite 1600  
Orlando, FL 32801  
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E-mail: [RMorgan@forthepeople.com](mailto:RMorgan@forthepeople.com)

Attorneys for Plaintiff



IN THE UNITED STATES DISTRICT COURT FOR THE  
Northern District OF GEORGIA  
CASE NO.:

KENNDRRA KING,  
Individually, and on behalf of  
others similarly situated,

Plaintiff,

NEW GENERATION HEALTH  
SVC'S, INC.,  
Defendants.

CONSENT TO JOIN COLLECTIVE ACTION AND BE REPRESENTED  
BY MORGAN & MORGAN

- I Keandra King, consent to join the above styled lawsuit seeking damages for unpaid wages under the FLSA;
- I am similarly situated to the named Plaintiff in this matter because I performed similar duties for the Defendant and was paid in the same regard as the named Plaintiff;
- I authorized the named Plaintiff to file and prosecute the above referenced matter in my name, and on my behalf, and designate the named Plaintiff to make decisions on my behalf concerning the litigation, including negotiating a resolution of my claims;
- I agree to be represented by Morgan & Morgan, counsel for the named Plaintiff;
- In the event this action gets conditionally certified and then decertified, I authorize Plaintiff's counsel to reuse this Consent Form to re-file my claims in a separate or related action against Defendant.

Date: 10/3/2017

Signature: DocuSigned by:  
keandra king  
3342CAB35F74413...

IN THE UNITED STATES DISTRICT COURT FOR THE  
Northern District OF GEORGIA  
CASE NO.:

KEANDRA KING,  
Individually, and on behalf of  
others similarly situated,

Plaintiff,

NEW GENERATION HEALTH  
SVCS, INC.,  
Defendants.

\_\_\_\_\_ /

**CONSENT TO JOIN COLLECTIVE ACTION AND BE REPRESENTED**  
**BY MORGAN & MORGAN**

- I Jacqueline Johnson, consent to join the above styled lawsuit seeking damages for unpaid wages under the FLSA;
- I am similarly situated to the named Plaintiff in this matter because I performed similar duties for the Defendant and was paid in the same regard as the named Plaintiff;
- I authorized the named Plaintiff to file and prosecute the above referenced matter in my name, and on my behalf, and designate the named Plaintiff to make decisions on my behalf concerning the litigation, including negotiating a resolution of my claims;
- I agree to be represented by Morgan & Morgan, counsel for the named Plaintiff;
- In the event this action gets conditionally certified and then decertified, I authorize Plaintiff's counsel to reuse this Consent Form to re-file my claims in a separate or related action against Defendant.

Date: 10/5/2017

Signature: DocuSigned by:  
Jacqueline L. Johnson  
27C8653DF-1174EC...

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

KEANDRA KING, on behalf of herself and those similarly situated,

(b) County of Residence of First Listed Plaintiff

(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)

Morgan & Morgan, P.A., 20 North Orange Avenue, Suite 1400, Orlando, Florida 32801; Telephone (407) 420-1414

DEFENDANTS

NEW GENERATION HEALTH SVCS, INC., A GEORGIA CORPORATION,

County of Residence of First Listed Defendant

(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, 2 U.S. Government Defendant, 3 Federal Question (U.S. Government Not a Party), 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)

Table with columns for Plaintiff (PTF) and Defendant (DEF) citizenship: Citizen of This State, Citizen of Another State, Citizen or Subject of a Foreign Country, Incorporated or Principal Place of Business In This State, Incorporated and Principal Place of Business In Another State, Foreign Nation.

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

Large table with categories: CONTRACT, REAL PROPERTY, TORTS, CIVIL RIGHTS, PRISONER PETITIONS, FORFEITURE/PENALTY, LABOR, IMMIGRATION, BANKRUPTCY, SOCIAL SECURITY, FEDERAL TAX SUITS, OTHER STATUTES.

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, 6 Multidistrict Litigation

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity): U.S.C. Section 216(b)
Brief description of cause: 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 11/13/2017 SIGNATURE OF ATTORNEY OF RECORD C. RYAN MORGAN

FOR OFFICE USE ONLY

RECEIPT # AMOUNT APPLYING IFP JUDGE MAG. JUDGE

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**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 the nature of suit cannot be determined, be sure the cause of action, in Section VI below, is sufficient to enable the deputy clerk or the statistical clerk(s) in the Administrative Office to determine the nature of suit. If the cause fits more than one nature of suit, select the most definitive.
- V. Origin.** Place an "X" in one of the six 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. (6) Check this box when a multidistrict case is transferred into the district under authority of Title 28 U.S.C. Section 1407. When this box is checked, do not check (5) above.
- 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.

# ClassAction.org

This complaint is part of ClassAction.org's searchable class action lawsuit database and can be found in this post: [Personal Care Worker Claims New Generation Health SVCS Owes Unpaid Overtime](#)

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