

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

<u>WALESKA MALDONADO, on behalf of</u>	:	CIVIL ACTION NO.
<u>herself and all others similarly situated</u>	:	
	:	
PLAINTIFF,	:	
v.	:	CIVIL COMPLAINT WITH
	:	JURY TRIAL DEMANDED
TOP CHOICE HOME CARE LLC	:	
	:	
<u>DEFENDANT.</u>	:	

CIVIL COMPLAINT

Plaintiff, Waleska Maldonado (“Plaintiff”), on behalf of herself and other similarly-situated individuals, by and through her undersigned counsel, hereby brings this collective action against Defendant, Top Choice Home Care LLC (“Defendant”), pursuant to the Fair Labor Standards Act, 29 U.S.C. § 201, *et seq.* (“FLSA”). Plaintiff also brings a separate, individual claim against Defendant under the Pennsylvania Minimum Wage Act, 43 Pa. Stat. § 330.101, *et seq.* (“PMWA”), and alleges as follows:

PARTIES

1. Plaintiff is an adult individual who resides in Philadelphia, Pennsylvania.
2. Plaintiff was an employee of Defendant from on or about February 2015 to September 2018.
3. At all relevant times, Plaintiff was a “covered,” “non-exempt employee” within the meaning of the FLSA and the PMWA.
4. The term “Collective Plaintiffs,” as used in this Complaint, shall refer collectively to Plaintiff and all similarly-situated FLSA collective action members who may or may not opt into this action pursuant to 29 U.S.C. § 216(b).
5. The Collective Plaintiffs include all current and former employees of Defendant,

who worked for Defendant at any time within the past three years and who were employed by Defendant to provide home care services.

6. Defendant is a Pennsylvania limited liability company with an address of 8725 Frankford Avenue, Philadelphia, Pennsylvania.

7. Defendant is an “employer” within the meaning of the FLSA and the PMWA.

### **JURISDICTION AND VENUE**

8. This Court has jurisdiction over this action pursuant to 29 U.S.C. § 201 *et seq.*, 29 U.S.C. § 216, and 28 U.S.C. § 1131.

9. This Court has supplemental jurisdiction over Plaintiff’s claim arising under the PMWA pursuant to 29 U.S.C. § 1367(a).

10. Venue is proper in this judicial district under 28 U.S.C. § 1391(b) and (c), in that Defendant resides in this district, and all or a substantial part of the events or omissions giving rise to Plaintiff’s claims occurred here.

### **FACTS**

11. Defendant is in the business of providing home care services to elderly, disabled, and/or homebound individuals.

12. Plaintiff was employed by Defendant from on or about February 2015 to September 2018 as a home care provider.

13. As a home care provider, Plaintiff was paid an hourly rate of \$13.00.

14. Upon information and belief, Defendant has employed in excess of fifty employees on an hourly basis to provide home care services—the Collective Plaintiffs.

15. Plaintiff brings this lawsuit on behalf of herself and the Collective Plaintiffs.

16. Plaintiff typically and regularly worked in excess of forty hours per workweek.

17. Collective Plaintiffs typically and regularly worked in excess of forty hours per workweek.

18. The amount of hours worked by Plaintiff and Collective Plaintiffs were documented on timecards, which were approved by Defendant.

19. For all of the hours that Plaintiff worked in excess of forty hours per workweek, Plaintiff was not paid an overtime rate, but rather, was paid the same rate of \$13.00 per hour, pursuant to Defendant's policy.

20. For all of the hours that the Collective Plaintiffs worked in excess of forty hours per workweek, the Collective Plaintiffs were not paid an overtime rate, but rather, were paid their regular hourly rate, pursuant to Defendant's policy.

21. Despite actual knowledge of the hours worked by Plaintiff and Collective Plaintiffs, Defendant willfully failed to pay proper overtime compensation as a matter of policy.

22. Defendant's conduct of failing to properly compensate Plaintiff and the Collective Plaintiffs in accordance with the FLSA and PMWA was willful and not in good faith.

23. The FLSA collective period extends backwards to November 2, 2015.

24. Plaintiff's FLSA claim should proceed as a collective action because Plaintiff and Collective Plaintiffs, having worked pursuant to the above described compensation policies of Defendant, are "similarly situated" as defined in 29 U.S.C. § 216(b) and applicable case law.

25. Plaintiff consents to sue in this action pursuant to 29 U.S.C. § 216(b). The signed consent to sue form of Plaintiff is attached hereto as Exhibit A.

**COUNT I**  
**PLAINTIFF v. DEFENDANT**  
**FAILURE TO PAY OVERTIME COMPENSATION IN VIOLATION OF THE FLSA**

26. Plaintiff incorporates by reference all the preceding paragraphs as if set forth at length herein.

27. At all relevant times, Plaintiff was a non-exempt from overtime employee of Defendant who typically and regularly worked in excess of forty hours per workweek throughout her employment.

28. The FLSA requires that employees receive overtime compensation “not less than one and one-half times” their regular rate of pay for all hours worked in excess of forty hours per workweek. *See* 29 U.S.C. § 207(a)(1).

29. Defendant willfully and unlawfully failed to compensate Plaintiff in an amount equal to one and one-half times her regular rate of pay for all hours worked in excess of forty hours per workweek.

30. Defendant knew that its policies, practices, and procedures regarding compensation violated the FLSA, and thus, Defendant acted voluntarily, willfully, and with reckless disregard to the rights of Plaintiff under the FLSA.

31. Defendant neither acted in good faith when failing to pay Plaintiff overtime compensation, nor did Defendant have reasonable grounds to believe that its failure to pay Plaintiff was in compliance with the FLSA.

32. As a result of Defendant’s violations of the FLSA, Plaintiff has suffered, and will suffer, those damages and losses set forth herein.

33. WHEREFORE, Plaintiff is entitled to receive the amount of overtime compensation due to her, liquidated damages, and attorneys’ fees and costs.

**COUNT II**  
**COLLECTIVE PLAINTIFFS v. DEFENDANT**  
**FAILURE TO PAY OVERTIME COMPENSATION IN VIOLATION OF THE FLSA**

34. Plaintiff incorporates by reference all the preceding paragraphs as if set forth at length herein.

35. At all relevant times, Collective Plaintiffs were non-exempt from overtime employees of Defendant who typically and regularly worked in excess of forty hours per workweek throughout their employment.

36. The FLSA requires that employees receive overtime compensation “not less than one and one-half times” their regular rate of pay for all hours worked in excess of forty hours per workweek. *See* 29 U.S.C. § 207(a)(1).

37. Defendant willfully and unlawfully failed to compensate Collective Plaintiffs in an amount equal to one and one-half times their regular rate of pay for all hours worked in excess of forty hours per workweek.

38. Defendant knew that its policies, practices, and procedures regarding compensation violated the FLSA, and thus, Defendant acted voluntarily, willfully, and with reckless disregard to the rights of Collective Plaintiffs under the FLSA.

39. Defendant neither acted in good faith when failing to pay Collective Plaintiffs overtime compensation, nor did Defendant have reasonable grounds to believe that its failure to pay Collective Plaintiffs overtime compensation was in compliance with the FLSA.

40. As a result of Defendant’s violations of the FLSA, Collective Plaintiffs have suffered, and will suffer, those damages and losses set forth herein.

41. WHEREFORE, Collective Plaintiffs are entitled to receive the amount of overtime compensation due to them, liquidated damages, and attorneys’ fees and costs.

**COUNT III**  
**PLAINTIFF v. DEFENDANT**  
**FAILURE TO PAY OVERTIME COMPENSATION IN VIOLATION OF THE PMWA**

42. Plaintiff incorporates by reference the preceding paragraphs as if set forth fully herein.

43. At all relevant times, Plaintiff was a non-exempt from overtime employee of Defendant who typically and regularly worked in excess of forty hours per workweek throughout her employment.

44. The PMWA requires that employees receive overtime compensation “not less than one and one-half times” their regular rate of pay for all hours worked in excess of forty hours per week. *See* 43 P.S. § 333.104(c).

45. Defendant willfully and unlawfully failed to compensate Plaintiff in an amount equal to one and one-half times her regular rate of pay for all hours worked in excess of forty hours per week.

46. Defendant knew that its policies, practices, and procedures regarding compensation violated the PMWA, and thus, Defendant acted voluntarily, deliberately, and with reckless disregard to the rights of Plaintiff under the PMWA.

47. Defendant neither acted in good faith when failing to pay Plaintiff overtime compensation, nor did Defendant have reasonable grounds to believe that its failure to pay Plaintiff overtime compensation was in compliance with the PMWA.

48. As a result of Defendant’s violations of the PMWA, Plaintiff has suffered, and will suffer, those damages and losses set forth herein.

49. WHEREFORE, Plaintiff is entitled to receive the amount of overtime compensation due to her with interest, plus attorneys’ fees and costs.

**RELIEF SOUGHT**

50. WHEREFORE, Plaintiff, on behalf of herself and other members of the collective, seeks the following relief:

- A. An order permitting this action to proceed as a collective action;
- B. Prompt notice, pursuant to 29 U.S.C. § 216(b), of this litigation to all members of the FLSA collective informing them of this action and permitting them to join (or “opt-in” to) this action;
- C. Designation of Plaintiff as the class representative for this collective action and the appointment of her counsel, Sidkoff, Pincus & Green, P.C., as class counsel;
- D. Unpaid wages and prejudgment interest to the fullest extent permitted under federal and state law;
- E. Liquidated damages to the fullest extent permitted under the FLSA;
- F. Litigation costs, expenses, and attorneys’ fees to the fullest extent permitted under federal and state law;
- G. A declaration, pursuant to the Federal Declaratory Relief Act, that the acts and practices of Defendant complained of herein are unlawful under the FLSA; and
- H. Any other relief that the Court deems appropriate, equitable, and just.

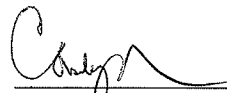
**JURY DEMAND**

Plaintiff and Collective Plaintiffs hereby demand a trial by jury as to all issues triable before a jury.

Respectfully submitted,

**SIDKOFF, PINCUS & GREEN, P.C.**

By:



---

Casey Green, Esquire  
Colleen Heckman, Esquire  
1101 Market Street, Suite 2700  
Philadelphia, PA 19107  
cg@sidkoffpincusgreen.com  
heckman@sidkoffpincusgreen.com  
Phone: (215) 574-0600  
Fax: (215) 574-0310



# Exhibit A

**CONSENT TO SUE UNDER THE FLSA**

I, Waleska Maldonado, hereby consent to be a plaintiff in an action under the Fair Labor Standards Act, 29 U.S.C. § 201 et seq., to secure unpaid wages, overtime wages, liquidated damages, interest, attorneys' fees, costs and other relief arising out of my employment with Top Choice Home Care LLC and/or any other associated and/or responsible parties. I further consent to serve as a class representative in the collective action claim brought on my behalf and on behalf of all others similarly situated.

I authorize Sidkoff, Pincus & Green, P.C., and any associated attorneys, as well as any successors or assigns, to represent me in such action.

Date: 11-1-18

Signature: Waleska Maldonado

JS 44 (Rev. 06/17)

**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.)

<p><b>I. (a) PLAINTIFFS</b>                  WALESKA MALDONADO, on behalf of herself and all others similarly situated</p> <p><b>(b)</b> County of Residence of First Listed Plaintiff <u>Philadelphia</u>                  (EXCEPT IN U.S. PLAINTIFF CASES)</p> <p><b>(c)</b> Attorneys (Firm Name, Address, and Telephone Number)                  Casey Green, Esq.                  Sidkoff, Pincus &amp; Green, P.C., 1101 Market Street, Suite 2700,                  Philadelphia, PA 19107; (215) 574-0600</p>	<p><b>DEFENDANTS</b>                  TOP CHOICE HOME CARE LLC</p> <p>County of Residence of First Listed Defendant <u>Philadelphia</u>                  (IN U.S. PLAINTIFF CASES ONLY)</p> <p>NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.</p> <p>Attorneys (If Known)</p>
--	--

<p><b>II. BASIS OF JURISDICTION</b> (Place an "X" in One Box Only)</p> <p><input type="checkbox"/> 1 U.S. Government Plaintiff</p> <p><input type="checkbox"/> 2 U.S. Government Defendant</p> <p><input checked="" type="checkbox"/> 3 Federal Question (U.S. Government Not a Party)</p> <p><input type="checkbox"/> 4 Diversity (Indicate Citizenship of Parties in Item III)</p>	<p><b>III. CITIZENSHIP OF PRINCIPAL PARTIES</b> (Place an "X" in One Box for Plaintiff and One Box for Defendant)</p> <table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td></td> <td style="text-align: center;">PTF</td> <td style="text-align: center;">DEF</td> <td></td> <td style="text-align: center;">PTF</td> <td style="text-align: center;">DEF</td> </tr> <tr> <td>Citizen of This State</td> <td style="text-align: center;"><input checked="" type="checkbox"/> 1</td> <td style="text-align: center;"><input type="checkbox"/> 1</td> <td>Incorporated or Principal Place of Business In This State</td> <td style="text-align: center;"><input type="checkbox"/> 4</td> <td style="text-align: center;"><input checked="" type="checkbox"/> 4</td> </tr> <tr> <td>Citizen of Another State</td> <td style="text-align: center;"><input type="checkbox"/> 2</td> <td style="text-align: center;"><input type="checkbox"/> 2</td> <td>Incorporated and Principal Place of Business In Another State</td> <td style="text-align: center;"><input type="checkbox"/> 5</td> <td style="text-align: center;"><input type="checkbox"/> 5</td> </tr> <tr> <td>Citizen or Subject of a Foreign Country</td> <td style="text-align: center;"><input type="checkbox"/> 3</td> <td style="text-align: center;"><input type="checkbox"/> 3</td> <td>Foreign Nation</td> <td style="text-align: center;"><input type="checkbox"/> 6</td> <td style="text-align: center;"><input type="checkbox"/> 6</td> </tr> </table>		PTF	DEF		PTF	DEF	Citizen of This State	<input checked="" type="checkbox"/> 1	<input type="checkbox"/> 1	Incorporated or Principal Place of Business In This State	<input type="checkbox"/> 4	<input checked="" 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
	PTF	DEF		PTF	DEF																				
Citizen of This State	<input checked="" type="checkbox"/> 1	<input type="checkbox"/> 1	Incorporated or Principal Place of Business In This State	<input type="checkbox"/> 4	<input checked="" 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	<p><b>PERSONAL INJURY</b></p> <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	<p><b>PERSONAL INJURY</b></p> <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	<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
			<p><b>PROPERTY RIGHTS</b></p> <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 835 Patent - Abbreviated New Drug Application <input type="checkbox"/> 840 Trademark	<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
			<p><b>LABOR</b></p> <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	<p><b>SOCIAL SECURITY</b></p> <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))
			<p><b>FEDERAL TAX SUITS</b></p> <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<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
<p><b>REAL PROPERTY</b></p> <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	<p><b>CIVIL RIGHTS</b></p> <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	<p><b>PRISONER PETITIONS</b></p> <p><b>Habeas Corpus:</b></p> <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 <p><b>Other:</b></p> <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		

**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.

Brief description of cause:  
 Collective Action for Unpaid Overtime Wages

**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 11/02/2018   
 SIGNATURE OF ATTORNEY OF RECORD

**FOR OFFICE USE ONLY**

RECEIPT # \_\_\_\_\_   
 AMOUNT \_\_\_\_\_   
 APPLYING IFP \_\_\_\_\_   
 JUDGE \_\_\_\_\_   
 MAG. JUDGE \_\_\_\_\_

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

DESIGNATION FORM

(to be used by counsel or pro se plaintiff to indicate the category of the case for the purpose of assignment to the appropriate calendar)

Address of Plaintiff: 3735 N. 5th Street, Philadelphia, PA 19140  
 Address of Defendant: 8725 Frankford Avenue, Philadelphia, PA 19136  
 Place of Accident, Incident or Transaction: Philadelphia, PA

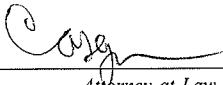
**RELATED CASE, IF ANY:**

Case Number: \_\_\_\_\_ Judge: \_\_\_\_\_ Date Terminated: \_\_\_\_\_

Civil cases are deemed related when *Yes* is answered to any of the following questions:

- |  |                              |  |
|--|------------------------------|--|
| 1. Is this case related to property included in an earlier numbered suit pending or within one year previously terminated action in this court?  | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> |
| 2. Does this case involve the same issue of fact or grow out of the same transaction as a prior suit pending or within one year previously terminated action in this court?            | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> |
| 3. Does this case involve the validity or infringement of a patent already in suit or any earlier numbered case pending or within one year previously terminated action of this court? | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> |
| 4. Is this case a second or successive habeas corpus, social security appeal, or pro se civil rights case filed by the same individual?  | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> |

I certify that, to my knowledge, the within case  is /  is not related to any case now pending or within one year previously terminated action in this court except as noted above.

DATE: 11/02/2018  91005  
 Attorney-at-Law / Pro Se Plaintiff Attorney I.D. # (if applicable)

**CIVIL: (Place a ✓ in one category only)**

**A. Federal Question Cases:**

- 1. Indemnity Contract, Marine Contract, and All Other Contracts
- 2. FELA
- 3. Jones Act-Personal Injury
- 4. Antitrust
- 5. Patent
- 6. Labor-Management Relations
- 7. Civil Rights
- 8. Habeas Corpus
- 9. Securities Act(s) Cases
- 10. Social Security Review Cases
- 11. All other Federal Question Cases  
(Please specify): Fair Labor Standards Act

**B. Diversity Jurisdiction Cases:**

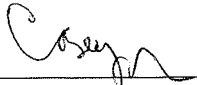
- 1. Insurance Contract and Other Contracts
- 2. Airplane Personal Injury
- 3. Assault, Defamation
- 4. Marine Personal Injury
- 5. Motor Vehicle Personal Injury
- 6. Other Personal Injury (Please specify): \_\_\_\_\_
- 7. Products Liability
- 8. Products Liability – Asbestos
- 9. All other Diversity Cases  
(Please specify): \_\_\_\_\_

**ARBITRATION CERTIFICATION**

(The effect of this certification is to remove the case from eligibility for arbitration.)

I, Casey Green, counsel of record or pro se plaintiff, do hereby certify:

- Pursuant to Local Civil Rule 53.2, § 3(c) (2), that to the best of my knowledge and belief, the damages recoverable in this civil action case exceed the sum of \$150,000.00 exclusive of interest and costs:
- Relief other than monetary damages is sought.

DATE: 11/02/2018  91005  
 Attorney-at-Law / Pro Se Plaintiff Attorney I.D. # (if applicable)

NOTE: A trial de novo will be a trial by jury only if there has been compliance with F.R.C.P. 38.

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**


**CASE MANAGEMENT TRACK DESIGNATION FORM**

WALESKA MALDONADO, on behalf of	:	CIVIL ACTION
herself and all others similarly situated	:	
v.	:	
	:	
TOP CHOICE HOME CARE LLC	:	NO.

In accordance with the Civil Justice Expense and Delay Reduction Plan of this court, counsel for plaintiff shall complete a Case Management Track Designation Form in all civil cases at the time of filing the complaint and serve a copy on all defendants. (See § 1:03 of the plan set forth on the reverse side of this form.) In the event that a defendant does not agree with the plaintiff regarding said designation, that defendant shall, with its first appearance, submit to the clerk of court and serve on the plaintiff and all other parties, a Case Management Track Designation Form specifying the track to which that defendant believes the case should be assigned.

**SELECT ONE OF THE FOLLOWING CASE MANAGEMENT TRACKS:**

- (a) Habeas Corpus – Cases brought under 28 U.S.C. § 2241 through § 2255. ( )
- (b) Social Security – Cases requesting review of a decision of the Secretary of Health and Human Services denying plaintiff Social Security Benefits. ( )
- (c) Arbitration – Cases required to be designated for arbitration under Local Civil Rule 53.2. ( )
- (d) Asbestos – Cases involving claims for personal injury or property damage from exposure to asbestos. ( )
- (e) Special Management – Cases that do not fall into tracks (a) through (d) that are commonly referred to as complex and that need special or intense management by the court. (See reverse side of this form for a detailed explanation of special management cases.) (X)
- (f) Standard Management – Cases that do not fall into any one of the other tracks. ( )

11/02/2018	 Casey Green	Plaintiff
<hr/> <b>Date</b>	<hr/> <b>Attorney-at-law</b>	<hr/> <b>Attorney for</b>
215-574-0600	215-574-0310	cg@sidkoffpincusgreen.com
<hr/> <b>Telephone</b>	<hr/> <b>FAX Number</b>	<hr/> <b>E-Mail Address</b>

# ClassAction.org

This complaint is part of ClassAction.org's searchable class action lawsuit database and can be found in this post: [Top Choice Home Care Facing Lawsuit Over Allegedly Improper Overtime Pay](#)

---