

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

CHRISTINE RICHARDSON, for herself
and on behalf of others similarly situated,

Plaintiff,

CASE NO.:

vs.

CORIZON HEALTH, INC., a foreign
profit corporation,

Defendant.

_____ /

COMPLAINT & DEMAND FOR JURY TRIAL

Plaintiff, CHRISTINE RICHARDSON (“Plaintiff”), for herself and on behalf of others similarly situated, files this Complaint against Defendant, CORIZON HEALTH, INC., a Foreign Profit Corporation (“CHI” or “Defendant”) and states as follows:

JURISDICTION

1. Jurisdiction in this Court is proper as the claims are brought pursuant to the Fair Labor Standards Act (“FLSA”), as amended 29 U.S.C. §201, et seq., to recover unpaid back wages, an equal amount as liquidated damages, and reasonable attorneys’ fees and costs.

2. The jurisdiction of the Court over this controversy is proper pursuant to 28 U.S.C. §1331, as Plaintiff’s claims arise under 29 U.S.C. §216(b).

PARTIES

3. At all times material to this action, Plaintiff was, and continues to be a resident of Clayton County, Georgia.

4. At all times material to this action, Defendant CHI was, and continues to be, a Foreign Profit Corporation, with its principal place of business in Brentwood, Tennessee.

Further, at all times material hereto, Defendant CHI was, and continues to be, engaged in business in Georgia, doing business in *inter alia*, Fulton County, Georgia.

5. At all times material to this action, Plaintiff was “engaged in commerce” within the meaning of §7 of the FLSA.

6. At all times material to this action, Plaintiff was an “employee” of Defendant within the meaning of the FLSA.

7. At all times material to this action, Defendant was Plaintiff’s “employer” within the meaning of the FLSA.

8. Defendant was, and continues to be, an “employer” within the meaning of the FLSA.

9. At all times material to this action, Defendant CHI was, and continues to be, an “enterprise engaged in commerce” within the meaning of the FLSA.

10. Based upon information and belief, the annual gross revenue of Defendant was in excess of \$500,000.00 per annum during the relevant time periods.

11. At all times material to this action, Defendant had two (2) or more employees handling, selling, or otherwise working on goods or materials that had been moved in or produced for commerce, including, but not limited to, medical supplies and equipment necessary to perform duties related to the care of patients with various health issues.

12. At all times material hereto, the work performed by the Plaintiff was directly essential to Defendant’s business.

STATEMENT OF FACTS

13. Plaintiff worked for Defendant, CHI, from June 5, 2012 to June 25, 2016, as a non-exempt hourly paid “Staff Nurse” working for Defendant’s healthcare corporation at the

Fulton County Jail.

14. Plaintiff's job duties included, but were not limited to, dispensing medication, performing routine mental health assessments, and patient education.

15. At various times material hereto, Plaintiff worked for Defendant in excess of forty (40) hours within a workweek.

16. From at least December 2012 to December 2015, Defendant failed to compensate Plaintiff and other similarly situated staff nurses at a rate of one and one-half times each staff nurse's regular rate for all hours worked in excess of forty (40) hours in on or more workweeks.

17. Defendant's policies and practices that led to this failure to pay proper compensation, included, but were not limited to: 1) failing to accurately record the number of hours worked, and 2) managerial employees' systematic deletion of, and failure to pay recorded hours worked.

18. Plaintiff and other staff nurses who opt-in to this action should be compensated at the rate of one and one-half times their regular rate of pay for all hours that these staff nurses worked in excess of forty (40) hours in one or more workweeks, as required by the FLSA.

19. Upon information and belief, the majority of Plaintiff's pay and time records are in the possession of Defendant.

20. The policies and practices described in paragraph 17 were/are equally applicable to all other staff nurses employed by CHI, including but not limited to those in the Fulton County Jail.

21. The additional persons who may become plaintiffs in this action are other non-exempt staff nurses employed by CHI who were denied proper overtime compensation for all

overtime hours worked due to Defendant's illegal practices as described in paragraph 17 above.

22. Plaintiff is specifically aware that these unlawful policies and practices applied uniformly to all staff nurses at the Fulton County Jail.

23. Upon information and belief, these unlawful policies and practices were equally applicable at other CHI facilities.

24. Defendant has violated Title 29 U.S.C. §207 from at least December 2012 to December 2015, in that:

- a. Plaintiff, and those similarly situated worked in excess of forty (40) hours in one or more workweeks for the period of employment with Defendant;
- b. No payments or provisions for payment have been made by Defendant to properly compensate Plaintiff, and those similarly situated, at the statutory rate of one and one-half times Plaintiff's regular rate for all hours worked in excess of forty (40) hours per workweek, as provided by the FLSA; and
- c. Defendant has failed to maintain proper time records as mandated by the FLSA.

25. Defendant's failure and/or refusal to properly compensate Plaintiff and those similarly situated at the rates and amounts required by the FLSA was willful, as Defendant was aware of the hours Plaintiff worked, and paid overtime for certain hours, but refused to pay overtime for all overtime hours worked, even though it knew, or reasonably should have known, of the uncompensated overtime hours.

26. Defendant failed and/or refused to properly disclose or apprise Plaintiff of her rights under the FLSA.

27. Plaintiff has retained the law firm of MORGAN & MORGAN, P.A. to represent

Plaintiff in the litigation and has agreed to pay the firm a reasonable fee for its services.

COUNT I
RECOVERY OF OVERTIME COMPENSATION

28. Plaintiff re-alleges paragraphs 1 through 27 of the Complaint, as if fully set forth herein.

29. From at least December 2012, to December 2015, Plaintiff worked hours in excess of forty (40) hours in one or more workweeks for which Plaintiff was not compensated at the statutory rate of one and one-half times Plaintiff's regular rate of pay.

30. Plaintiff, and those similarly situated, are entitled to be paid at the statutory rate of one and one-half times their regular rate of pay for all hours worked in excess of forty (40) hours in a workweek.

31. Defendant's actions were willful and/or showed reckless disregard for the provisions of the FLSA, as evidenced by its failure to compensate Plaintiff, and those similarly situated, at the statutory rate of one and one-half times Plaintiff's regular rate of pay for all hours worked in excess of forty (40) hours per workweek when it knew, or should have known, such was, and is, due.

35. At all times material hereto, upon information and belief, Defendant failed, and continues to fail, to maintain proper time records as mandated by the FLSA.

36. Due to the intentional, willful, and unlawful acts of Defendant, Plaintiff, and those similarly situated, suffered and continue to suffer damages and lost compensation for time worked over forty (40) hours in one or more workweeks, plus liquidated damages.

37. Plaintiff is entitled to an award of reasonable attorneys' fees and costs pursuant to 29 U.S.C. §216(b).

WHEREFORE, Plaintiff, for herself and on behalf of others similarly situated, requests

conditional certification pursuant to Section 216(b) of the FLSA, of a class of staff nurses who were subject to the unlawful practices described herein; an order permitting Notice to all potential class members; a Declaration that Defendant's policy violates the FLSA; entry of judgment in Plaintiff's favor and against Defendant for actual and liquidated damages, as well as costs, expenses and attorneys' fees and such other relief deemed proper by this Court.

JURY DEMAND

Plaintiff demands trial by jury on all issues so triable as a matter of right by jury.

Dated this 19th day of January, 2017.

Respectfully submitted,

s/ Carlos V. Leach

Carlos V. Leach, Esq.

Ga. Bar No.: 488443

Fla. Bar No.: 540021

Morgan & Morgan, P.A.

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Trial Counsel for Plaintiff

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

CHRISTINE RICHARDSON, for herself and on behalf of others similarly situate,

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

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

Morgan & Morgan
600 N. Pine Island Road, Suite 400
Plantation, FL 33322

DEFENDANTS

CORIZON HEALTH, INC., a foreign profit corporation,

County of Residence of First Listed Defendant Fulton County (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 and business location (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 (specify)
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):
29 USC Section § 201, 28 U.S.C. §1331 29 U.S.C. § 216(b)
Brief description of cause:

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: X Yes O No

VIII. RELATED CASE(S) IF ANY

(See instructions): JUDGE DOCKET NUMBER

DATE SIGNATURE OF ATTORNEY OF RECORD

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: [Corizon Health Hit with Class Action over Back Wages](#)
