

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF PENNSYLVANIA**

ANN WOOD, individually and on behalf
of all others similarly situated,

Plaintiff,

v.

AMERIHEALTH CARITAS
SERVICES, LLC,

Defendant.

Case No.

ELECTRONICALLY FILED ON
August 11, 2017

**COMPLAINT – CLASS AND
COLLECTIVE ACTION**

PRELIMINARY STATEMENT

1. This is a collective and class action brought by individual and representative Plaintiff Ann Wood (“Plaintiff”), on behalf of herself and all others similarly situated, to recover overtime pay from her employer AmeriHealth Caritas Services, LLC (“AmeriHealth Caritas” or “Defendant”).

2. Plaintiff brings this action (1) as an opt-in collective action on behalf of herself and all similarly situated individuals for violations of the federal Fair Labor Standards Act, 29 U.S.C. § 201, *et seq.* (“FLSA”), and (2) as an opt-out Pennsylvania class action on behalf of herself and the putative class for violations of the state Pennsylvania Minimum Wage Act (“PMWA”), 43 P.S. § 333.101, *et seq.*

3. Plaintiff’s FLSA claim is asserted as a collective action under the FLSA, 29 U.S.C. § 216(b), while her PMWA claim is asserted as a class action under Federal Rule of Civil Procedure 23.

4. The putative “FLSA Collective” is made up of all persons who are or have been employed by Defendant as a “Clinical Care Reviewer” (also known as prior-authorization or

concurrent review nurses) or other similar positions during the applicable statutory period, and whose primary job was to perform utilization review work, which consists of applying pre-determined criteria and guidelines to authorization requests submitted by healthcare providers for coverage and payment purposes.

5. The putative “Pennsylvania Rule 23 Class” is made up of all persons who are or have been employed by Defendant as a Clinical Care Reviewer (also known as prior-authorization or concurrent review nurses) or other similar positions in Pennsylvania within the past three years, and whose primary job was to perform utilization review work, which consists of applying pre-determined criteria and guidelines to authorization requests submitted by healthcare providers for coverage and payment purposes.

6. Defendant classifies its Clinical Care Reviewers and other similar positions, as “exempt” employees.

7. The Clinical Care Reviewers routinely work more than forty (40) hours in a workweek but are not paid an overtime premium for their overtime hours.

JURISDICTION AND VENUE

8. This Court has original jurisdiction pursuant to 28 U.S.C. § 1331 to hear this Complaint and to adjudicate these claims because this action is brought under the FLSA.

9. This Court also has supplemental jurisdiction pursuant to 28 U.S.C. § 1367(a) to hear Plaintiff’s state law claims brought under the PMWA, 43 P.S. § 333.101, *et seq.*

10. Venue is proper in the United States District Court for the Eastern District of Pennsylvania pursuant to 28 U.S.C. § 1391 because Defendant operates in this district, Plaintiff worked for Defendant in this district, and a substantial part of the events or omissions giving rise to the claims occurred in this district.

PARTIES

11. Defendant AmeriHealth Caritas (“AmeriHealth Caritas” or “Defendant”) is a foreign limited liability company with its principal place of business located at 200 Stevens Drive, Philadelphia, Pennsylvania 19113.

12. AmeriHealth Caritas is a subsidiary and/or an affiliate of AmeriHealth, Inc., a Pennsylvania corporation with its headquarters also located in Philadelphia, Pennsylvania.

13. AmeriHealth Caritas operates office locations in multiple states around the country, including a location in Philadelphia, Pennsylvania.

14. AmeriHealth Caritas is a multi-line health insurance company that provides managed care programs and related services.

15. According to its website, AmeriHealth Caritas provides healthcare benefits to more than 5.7 million members nationwide and has more than 30 years of experience managing care for individuals and families in publicly-funded healthcare programs.

16. AmeriHealth Caritas operates in interstate commerce by, among other things, offering and selling a wide array of health, pharmacy, Medicaid services, behavioral health programs, and medical management products and services to customers and consumers in multiple states across the country, including Pennsylvania.

17. Upon information and belief, AmeriHealth Caritas’ gross annual sales made or business done has been in excess of \$500,000.00 at all relevant times.

18. At all relevant times, Defendant is, and has been, an “employer” engaged in interstate commerce and/or the production of goods for commerce, within the meaning of the FLSA, 29 U.S.C. § 203(d). Defendant is also an “employer” under the PMWA, 43 P.S. § 333.103(g).

19. Plaintiff Ann Wood is an adult resident of Schuylkill County, Pennsylvania. Plaintiff has been employed by Defendant as a Clinical Care Reviewer from approximately November 2012 to the present.

FACTUAL ALLEGATIONS COMMON TO ALL CLAIMS

20. At all times relevant herein, AmeriHealth Caritas operated a willful scheme to deprive its Clinical Care Reviewers and others similarly situated of overtime compensation.

21. Plaintiff and the similarly situated individuals worked as Clinical Care Reviewers performing utilization reviews for Defendant. As Clinical Care Reviewers, Plaintiff and the putative class members' primary job duty was non-exempt work consisting of reviewing medical authorization requests submitted by healthcare providers against pre-determined guidelines and criteria for coverage and payment purposes.

22. Plaintiff and the similarly situated individuals were paid a salary with no overtime pay.

23. Plaintiff and the similarly situated individuals were classified as exempt from federal and state overtime laws.

24. Defendant suffered and permitted Plaintiff and the similarly situated individuals to work more than forty (40) hours per week without overtime pay.

25. For example, between November 7, 2016 and November 11, 2016, Plaintiff estimates that she worked approximately 46 hours and did not receive overtime pay for these overtime hours.

26. Defendant has been aware, or should have been aware, that Plaintiff and the putative class members performed non-exempt work that required payment of overtime compensation. For instance, Defendant has employed or employs LPNs and LVNs as Clinical

Care Reviewers to conduct utilization reviews. Defendant also required Plaintiff and the similarly situated to work long hours, including overtime hours, to complete all of her job responsibilities and meet Defendant's productivity standards.

27. Defendant knew that Plaintiff and other similarly situated individuals worked unpaid overtime hours because Plaintiff and others complained about their long hours and the workload.

28. Although it had a legal obligation to do so, Defendant did not make, keep, or preserve adequate or accurate records of the hours worked by Plaintiff and the similarly situated individuals.

FLSA COLLECTIVE ACTION ALLEGATIONS

29. Plaintiff and the putative FLSA Collective restate and incorporate by reference the above paragraphs as if fully set forth herein.

30. Plaintiff files this action on behalf of herself and all other similarly situated individuals. The putative FLSA Collective is defined as follows:

All persons who worked as Clinical Care Reviewers (also known as prior authorization or concurrent review nurses) or other job titles performing similar duties for Defendant at any time since three years prior to the filing of this Complaint.

31. Plaintiff has consented in writing to be a part of this action pursuant to 29 U.S.C. § 216(b). Plaintiff's signed consent form is attached hereto as Exhibit 1.

32. As this case proceeds, it is likely that other individuals will file consent forms and join as "opt-in" plaintiffs.

33. During the applicable statutory period, Plaintiff and the putative FLSA Collective routinely worked in excess of forty (40) hours in a workweek without receiving overtime compensation for their overtime hours worked.

34. Defendant willfully engaged in a pattern of violating the FLSA, 29 U.S.C. § 201 *et seq.*, as described in this Complaint in ways including, but not limited to, requiring its Clinical Care Reviewers and other similarly situated to work excessive hours and failing to pay them overtime compensation.

35. Defendant is liable under the FLSA for failing to properly compensate Plaintiff and the putative FLSA Collective. Accordingly, notice should be sent to the putative FLSA Collective. There are numerous similarly-situated current and former employees of Defendant who have suffered from the Defendant's practice of denying overtime pay, and who would benefit from the issuance of court-supervised notice of this lawsuit and the opportunity to join. Those similarly-situated employees are known to Defendant, and are readily identifiable through its records.

PENNSYLVANIA STATE LAW CLASS ACTION ALLEGATIONS

36. Plaintiff and the putative Pennsylvania Rule 23 Class restate and incorporate by reference the above paragraphs as if fully set forth herein.

37. Plaintiff (as the class representative) files this action on behalf of herself and all similarly situated individuals pursuant to Rule 23 (a) and (b) of the Federal Rules of Civil Procedure. The putative Pennsylvania Rule 23 Class is defined as follows:

All persons who worked as Clinical Care Reviewers (also known as prior authorization or concurrent review nurses) or other job titles performing similar duties for Defendant in Pennsylvania at any time since three years prior to the filing of this Complaint.

38. Members of the putative Pennsylvania Rule 23 Class are so numerous that joinder is impractical and inefficient. Upon information and belief, there are more than 40 members of the putative Pennsylvania Rule 23 Class. The identities of the members of the putative Pennsylvania Rule 23 Class may be ascertained from the files and records of Defendant.

39. There are common questions of law and fact affecting Plaintiff and members of the putative Pennsylvania Rule 23 Class, including but not limited to, whether Defendant misclassified Plaintiff and the putative Pennsylvania Rule 23 Class and unlawfully failed to pay them overtime compensation, whether Defendant failed to keep accurate time records for all hours worked, whether Defendant's actions were willful, and the proper measure of damages sustained by Plaintiff and the putative Pennsylvania Rule 23 Class members.

40. The claims of Plaintiff are typical of the claims of the putative Pennsylvania Rule 23 Class. Plaintiff shares similar job duties and responsibilities with other putative Pennsylvania Rule 23 Class members, and other putative Pennsylvania Rule 23 Class members worked unpaid overtime hours. Plaintiff and the putative Pennsylvania Rule 23 Class were subject to Defendant's uniform policy and practice of improperly treating and classifying its Clinical Care Reviewers as "exempt" from wage and hour laws and failing to pay appropriate overtime compensation.

41. Plaintiff will fairly and adequately protect the interests of the putative Pennsylvania Rule 23 Class because her interests are not inconsistent with or antagonistic to the interests of members of the putative Pennsylvania Rule 23 Class. She has retained counsel experienced in complex wage and hour class and collective action litigation.

42. The prosecution of separate actions by individual members of the class would create a risk that inconsistent or varying adjudications with respect to individual members of the class would establish incompatible standards of conduct for Defendant in opposing the putative Pennsylvania Rule 23 Class and would substantially impair or impede the interest of other members of the putative Pennsylvania Rule 23 Class to protect their interests. Certification under Rule 23(b)(1) is appropriate.

43. The class action mechanism is superior to other available methods for the fair and efficient adjudication of this controversy, particularly in the context of wage and hour litigation where individual plaintiffs lack the financial resources to vigorously prosecute separate lawsuits in federal court against a large corporate defendant. The members of the putative Pennsylvania Rule 23 Class have been damaged and are entitled to recovery as a result of Defendant's common practices and uniform policies. The damages suffered by class members are small compared to the expense and burden of individual prosecution of this litigation. In addition, class certification is superior because it will obviate the need for unduly duplicative litigation that might result in inconsistent judgments about Defendant's practices. Certification under Rule 23(b)(3) is appropriate.

44. Plaintiff intends to send notice to all members of the putative Pennsylvania Rule 23 Class to the extent required by Fed. R. Civ. P. 23.

CAUSES OF ACTION

COUNT I – VIOLATION OF THE FAIR LABOR STANDARDS ACT

FAILURE TO PAY OVERTIME

(On Behalf of Plaintiff and the Putative FLSA Collective)

45. Plaintiff and the putative FLSA Collective restate and incorporate by reference the above paragraphs as if fully set forth herein.

46. The FLSA, 29 U.S.C. § 207, requires employers to pay non-exempt employees one and one-half times the regular rate of pay for all hours worked over forty (40) hours per workweek.

47. Defendant suffered and permitted Plaintiff and the putative FLSA Collective to routinely work more than forty (40) hours in a workweek without overtime compensation.

48. Defendant's actions, policies, and practices described above violate the FLSA's overtime requirement by regularly and repeatedly failing to compensate Plaintiff and the putative FLSA Collective the required overtime compensation.

49. As the direct and proximate result of Defendant's unlawful conduct, Plaintiff and the putative FLSA Collective have suffered and will continue to suffer a loss of income and other damages. Plaintiff and the putative FLSA Collective are entitled to liquidated damages and attorney's fees and costs incurred in connection with this claim.

50. By failing to accurately record, report, and/or preserve records of hours worked by Plaintiff and the putative FLSA Collective, Defendant has failed to make, keep, and preserve records with respect to each of its employees sufficient to determine their wages, hours, and other conditions and practice of employment, in violation of the FLSA, 29 U.S.C. § 201, *et seq.*

51. The foregoing conduct, as alleged, constitutes a willful violation of the FLSA within the meaning of 29 U.S.C. § 255(a). Defendant knew or showed reckless disregard for the fact that its compensation practices were in violation of these laws.

COUNT II – OVERTIME VIOLATIONS UNDER PENNSYLVANIA STATE LAW

The Pennsylvania Minimum Wage Act, 43 P.S. § 333.101, et seq.

(On Behalf of Plaintiff and the Putative Pennsylvania Rule 23 Class)

52. Plaintiff and the putative Pennsylvania Rule 23 Class restate and incorporate by reference the above paragraphs as if fully set forth herein.

53. At all times relevant to this action, Plaintiff and the putative Pennsylvania Rule 23 Class were employees of Defendant within the meaning of the PMWA and entitled to its protections. *See* 43 P.S. § 333.103(h).

54. Defendant is an employer covered by the PMWA. *See* 43 P.S. § 333.103(g).

55. The PMWA entitles employees to overtime compensation at a rate of not less than one and one-half times the employee's regular rate for hours worked in excess of forty in a workweek. *See* 43 P.S. § 333.104(c).

56. Defendant violated the PMWA by routinely failing to compensate Plaintiff and the putative Pennsylvania Rule 23 Class for hours worked in excess of forty (40) in a workweek, and with respect to such hours, failing to compensate Plaintiff and the putative Pennsylvania Rule 23 Class based upon the overtime premium rate of one and one-half times their regular rate of pay.

57. Plaintiff and the putative Pennsylvania Rule 23 Class seek damages in the amount of their underpayments based on Defendant's failure to pay wages due pursuant to the PMWA, and such other legal and equitable relief from Defendant's unlawful conduct as the Court deems just and proper.

58. Plaintiff and the putative Pennsylvania Rule 23 Class also seek recovery of all attorneys' fees, costs, liquidated damages, pre-judgment interest, and expenses of this action that are available under the PMWA.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff, on behalf of herself and the putative FLSA Collective, prays for judgment against Defendant as follows:

- A. Designation of this action as a collective action on behalf of Plaintiff and those similarly situated, and prompt issuance of notice pursuant to 29 U.S.C. § 216(b) to all those similarly-situated apprising them of the pendency of this action, and permitting them to assert timely FLSA claims in this action by filing individual consent forms;
- B. A finding that Plaintiff and the putative FLSA Collective are non-exempt employees entitled to protection under the FLSA;

- C. A finding that Defendant violated the overtime provisions of the FLSA;
- D. Judgment against Defendant in the amount of Plaintiff's and the putative FLSA Collective's unpaid back wages at the applicable overtime rates;
- E. An award of all damages, liquidated damages, pre-judgment interest and post-judgment interest;
- F. An award of attorneys' fees and costs incurred in prosecuting this action;
- G. Leave to add additional plaintiffs and/or state law claims by motion, the filing of written consent forms, or any other method approved by the Court; and
- H. For such other and further relief, in the law or equity, as this Court may deem appropriate and just.

WHEREFORE, Plaintiff, on behalf of herself and the Pennsylvania Rule 23

Class, prays for relief as follows:

- A. Certification of this action as a class action, pursuant to Rule 23 of the Federal Rules of Civil Procedure, on behalf of the putative Pennsylvania Rule 23 Class;
- B. A finding that Plaintiff and the putative Pennsylvania Rule 23 Class are non-exempt under the PMWA;
- C. A finding that Defendant violated the overtime provisions of the PMWA;
- D. Judgment against Defendant in the amount of Plaintiff's and the putative Pennsylvania Rule 23 Class' unpaid back wages at the applicable overtime rates;
- E. All damages, civil penalties, liquidated damages, pre-judgment interest, and post-judgment interest;
- F. All costs and attorneys' fees incurred in prosecuting this claim; and
- G. All further relief as the Court deems just and equitable.

DATED: August 11, 2017

SCHALL & BARASCH, LLC

/s/Patricia Barasch

Patricia Barasch, PA Bar No. 70073

Moorestown Office Center

110 Marter Avenue, Suite 105

Moorestown, New Jersey 08057

Telephone: (856) 914-9200

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NICHOLS KASTER, PLLP

/s/Rachhana T. Srey

Rachhana T. Srey, MN Bar No. 340133*

Paige C. Fishman, MN Bar No. 398359*

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80 South Eighth Street

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Facsimile: (612) 338-4878

srey@nka.com

pfishman@nka.com

**Motion for Admission Pro Hac Vice
forthcoming*

**Attorneys for Plaintiff, the Putative FLSA
Collective, and the Putative Pennsylvania
Rule 23 Class**

EXHIBIT 1

**AMERIHEALTH CARITAS
PLAINTIFF CONSENT FORM**

1. I consent to make a claim under the Fair Labor Standards Act, 29 U.S.C. § 201, et seq. against my current/former employer, AmeriHealth Caritas Services, LLC and any other related entities or affiliates to recover overtime pay.
2. During the past three years, there were occasions when I worked over 40 hours per week for AmeriHealth Caritas as a clinical care reviewer or other similar position, and did not receive proper compensation for all of my hours worked, including overtime pay.
3. If this case does not proceed collectively, then I also consent to join any subsequent action to assert these claims against AmeriHealth Caritas and any other related entities or affiliates.
4. I understand that I may withdraw my consent to proceed with my claims at any time by notifying the attorneys handling the matter.

Date: 7/24/17


Signature

ANN M. WOOD RN
Print Name

Information Below Will Be Redacted in Filings with the Court. Please Print or Type.

Return this form by
fax, email or mail to:

Nichols Kaster, PLLP, Attn: Rachhana T. Srey
Fax: (612) 215-6870
Email: forms@nka.com
Address: 4600 IDS Center, 80 S. 8th Street, Minneapolis, MN 55402
Web: www.nka.com

JS 44 (Rev. 10/15)

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 in 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 filing a case on the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

17-cv-3697

I. (a) PLAINTIFFS

ANN WOOD, individually and on behalf of all others similarly situated,

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

(c) Attorneys (Firm Name, Address, and Telephone Number)
 Patricia Barasch, Schall & Barasch, LLC, 110 Marter Avenue, Suite 105,
 Moorestown, New Jersey 08057; Telephone: (856) 914-9200
 Rachhana Srey, Nichols Kaster, PLLP, 4600 IDS Center, 80 S 8th Street,
 Minneapolis, MN 55402; Telephone: (612) 256-3200

DEFENDANTS

AMERIHEALTH CARITAS SERVICES, LLC,

County of Residence of First Listed Defendant Philadelphia 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
- 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"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other LABOR <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"/> 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)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609 | <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 <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 | CIVIL RIGHTS <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 | PRISONER PETITIONS 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 | | | |

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):

29 U.S.C. § 201, et seq. (FLSA)

Brief description of cause:
 Suit to recover unpaid overtime

VII. REQUESTED IN COMPLAINT:

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

DEMAND \$ >\$75,000.00

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

VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE

DOCKET NUMBER

DATE

08/11/2017

SIGNATURE OF ATTORNEY OF RECORD

/s/Patricia Barasch

FOR OFFICE USE ONLY

RECEIPT #

AMOUNT

APPLYING IFP

JUDGE

MAG. JUDGE

AUG 15 2017



UNITED STATES DISTRICT COURT

17 3697

FOR THE EASTERN DISTRICT OF PENNSYLVANIA — DESIGNATION FORM to be used by counsel to indicate the category of the case for the purpose of assignment to appropriate calendar.

Address of Plaintiff: Ann Wood c/o Nichols Kaster, PLLP, 4600 IDS Center, 80 S 8th Street, Minneapolis, MN 55402

Address of Defendant: AmeriHealth Caritas, LLC, 200 Stevens Drive, Philadelphia, PA 19113

Place of Accident, Incident or Transaction: Pennsylvania (Use Reverse Side For Additional Space)

Does this civil action involve a nongovernmental corporate party with any parent corporation and any publicly held corporation owning 10% or more of its stock? (Attach two copies of the Disclosure Statement Form in accordance with Fed.R.Civ.P. 7.1(a)) Yes [] No [X]

Does this case involve multidistrict litigation possibilities? Yes [] No [X]

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 [] No [X]
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 [] No [X]
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 in this court? Yes [] No [X]
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 [] No [X]

CIVIL: (Place [X] 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. [X] Habeas Corpus
9. [] Securities Act(s) Cases
10. [] Social Security Review Cases
11. [X] 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

(Check Appropriate Category)

I, Patricia Barasch, counsel of record do hereby certify:

[X] Pursuant to Local Civil Rule 53.2, Section 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: 08/17/2017

Patricia Barasch (Signature)

Attorney-at-Law

#024631993

Attorney I.D.#

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

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

DATE: 08/17/2017

Patricia Barasch (Signature)

Attorney-at-Law

#024631993

Attorney I.D.#

AUG 15 2017

GJP

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA
CASE MANAGEMENT TRACK DESIGNATION FORM

CIVIL ACTION

v.

NO. 17 3697

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.) ()
- (f) Standard Management – Cases that do not fall into any one of the other tracks. ()

| | | |
|---------------------|----------------------|-----------------------------------|
| <u>8/1/17</u> | <u>Peter Barasch</u> | <u>Plaintiffs</u> |
| Date | Attorney-at-law | Attorney for |
| <u>856-914-9200</u> | <u>856-914-9420</u> | <u>pbarasch@schalland</u> |
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(Civ. 660) 10/02

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