

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

JOEL BRANDLEY, on behalf of himself and all others similarly situated,	:	CIVIL ACTION
	:	
Plaintiff,	:	NO. _____
	:	
v.	:	JURY TRIAL DEMANDED
	:	
JCS MILITARY SUPPORT SERVICES, INC., and MAGELLAN HEALTH, INC.,	:	COLLECTIVE ACTION COMPLAINT
	:	
Defendants.	:	
	:	

PLAINTIFF'S ORIGINAL COMPLAINT

Plaintiff, JOEL BRANDLEY ("Brandley" or "Plaintiff"), files this Complaint against JCS MILITARY SUPPORT SERVICES, INC. ("JCS"), and MAGELLAN HEALTH, INC. ("Magellan") (JCS and Magellan are collectively referred to as "Defendants" herein), showing in support as follows:

I. NATURE OF THE CASE

1. This is a civil action brought by Plaintiff pursuant to the federal Fair Labor Standards Act, 29 U.S.C. §§ 201-219 and the federal Portal-to-Portal Act, 29 U.S.C §§ 251-262, (collectively, "FLSA") for Defendants' failure to pay Plaintiff time and one-half his regular rate of pay for all hours worked over 40 during each seven day workweek.

2. At times relevant, Plaintiff worked for JCS and Magellan performing counseling related services as a Military Family Life Counselor ("MFLC") in connection with Magellan's Military and Family Life Counseling Program and contract with the United States Government.

3. MFLCs have a primary duty of serving as routers of information for service members and their families at and around the military bases to which they are assigned. Magellan contracts with the federal government to provide health care services to service members at those bases. Magellan supervised and controlled the MFLCs, but those MFLCs were issued paychecks and W-2s for their work by JCS pursuant to timesheets submitted to both Magellan and JCS.

4. Plaintiff and the putative collective action members were hourly paid employees of Defendants. Plaintiff and the putative collective action members regularly worked in excess of 40 hours per seven day workweek, but were not paid time and one-half their respective regular rates of pay for all hours worked over 40 in each and every seven day workweek during the time period relevant to this lawsuit. For example, Defendants knowingly required Plaintiff and the putative collective action members to work hours for which they were not compensated and/or knew or should have known that Plaintiff and the putative collective action members worked hours for which they were not compensated. As Plaintiff and the putative collective action members typically had no less than 40 hours a workweek recorded by Defendants, the aforementioned unpaid work resulted in unpaid overtime wages.

5. Plaintiff files this lawsuit individually and on behalf of all others similarly situated as a FLSA collective action pursuant to 29 U.S.C. § 216(b) against JCS and Magellan for their failure to pay them time and one-half their respective regular rates of pay for all hours worked over 40 during each seven-day workweek. Under the FLSA, JCS and Magellan are joint employers of Plaintiff and the putative collective action members and are jointly and severally liable for the FLSA damages sought in this lawsuit.

6. Plaintiff and the putative collective action members seek all damages available under the FLSA, including back wages for the three-year period prior to filing this lawsuit and forward, liquidated damages, legal fees, costs, and post-judgment interest.

II. THE PARTIES, JURISDICTION, AND VENUE

A. Plaintiff Joel Brandley

7. Brandley is a natural person who resides in Weber County, Utah. He has standing to file this lawsuit.

8. Brandley is a current employee of Defendants.

9. Brandley began working for Defendants in approximately November 2013, and continues to work for Defendants. Brandley's job duties include providing non-medical behavioral counseling services to active duty, reserve, and veteran military individuals and their families and dependents.

10. At all times relevant, Brandley is and has been paid an hourly rate of pay by Defendants.

B. FLSA Overtime Collective Action Members

11. The FLSA Overtime Collective Action Members ("Collective Action Members") are all current and/or former MFLCs similarly situated to Plaintiff who: (a) work/worked for Magellan in connection with Magellan's Military and Family Life Counseling Program, but are/were issued paychecks and W2s from JCS; (b) are/were paid on an hourly rate basis; (c) had/have primary job duties/titles of MFLC; (d) work/worked more than 40 hours in any workweek; and (e) are/were not paid time and one-half their regular rates of pay for all hours worked over 40 in each such workweek by Magellan and/or JCS.

12. All Collective Action Members are similarly situated to Plaintiff, and to one another, within the meaning of Section 216(b) of the FLSA.

13. Plaintiff reserves the right to refine the definition of the FLSA Overtime Collective Action Class pursuant to amended pleadings, conditional certification/decertification proceedings, or as otherwise allowed by the Court.

C. Defendant Magellan Health, Inc.

14. On information and belief, Magellan is a foreign corporation incorporated under the laws of the State of Delaware. Magellan's headquarters is located at 4800 Scottsdale Road, Suite 4400, Scottsdale, Arizona 85251.

15. During all times relevant to this lawsuit, Magellan has done business in the State of Pennsylvania and throughout the United States.

16. Magellan operates within and around United States Military Bases across the United States. In connection with those business operations, MFLCs provide non-medical behavioral counseling services to active duty, reserve, and veteran military individuals and their families and dependents.

17. At all times relevant to this lawsuit, Magellan has been an "enterprise engaged in commerce" as defined by the FLSA.

18. At all times relevant to this lawsuit, Magellan employed, and continues to employ, two or more employees.

19. At all times relevant to this lawsuit, Magellan employed two or more employees who engaged in commerce and/or who handled, sold, or otherwise worked on goods or materials that have been moved in or produced for commerce by any person.

20. For example, Magellan employed two or more employees who regularly engaged in commerce in their daily work. Examples of that commerce include providing non-medical behavioral counseling services to active duty, reserve, and veteran military individuals and their families and dependents throughout the United States.

21. Furthermore, Magellan employed two or more employees who regularly handled, sold, or otherwise worked on goods and/or materials in their daily work that were moved in and/or produced for commerce. Examples of such goods and/or materials include communications equipment, vehicles, office supplies, and other goods and/or materials used by MFLCs in connection with performing their job duties for Magellan.

22. On information and belief, at all times relevant to this lawsuit, Magellan has had annual gross sales or business volume in excess of \$500,000.

23. Magellan may be served with summons through its registered agent, Corporation Service Company, 2338 West Royal Palm Road, Suite J, Phoenix, Arizona 85021.

D. Defendant JCS Military Support Services, Inc.

24. On information and belief, JCS is a domestic corporation incorporated under the laws of the State of Pennsylvania. JCS's headquarters is located at 950 Haverford Road, Suite 200, Bryn Mawr, Pennsylvania 19010.

25. During all times relevant to this lawsuit, JCS has done business in the State of Pennsylvania and throughout the United States.

26. JCS operates within and around United States Military Bases across the United States, in which MFLCs provide non-medical behavioral counseling services to active duty, reserve, and veteran military individuals and their families and dependents.

27. At all times relevant to this lawsuit, JCS has been an “enterprise engaged in commerce” as defined by the FLSA.

28. At all times relevant to this lawsuit, JCS employed, and continues to employ, two or more employees.

29. At all times relevant to this lawsuit, JCS employed two or more employees who engaged in commerce and/or who handled, sold, or otherwise worked on goods or materials that have been moved in or produced for commerce by any person.

30. For example, JCS employed two or more employees who regularly engaged in commerce in their daily work. Examples of that commerce include providing non-medical behavioral counseling services to active duty, reserve, and veteran military individuals and their families and dependents throughout the United States.

31. Furthermore, JCS employed two or more employees who regularly handled, sold, or otherwise worked on goods and/or materials in their daily work that were moved in and/or produced for commerce. Examples of such goods and/or materials include communications equipment, vehicles, office supplies, and other goods and/or materials used by MFLCs in connection with performing their job duties for Magellan. in various military bases throughout the country.

32. On information and belief, at all times relevant to this lawsuit, JCS has had annual gross sales or business volume in excess of \$500,000.

33. JCS may be served with summons at its registered office address, 950 Haverford Road, Suite 200, Bryn Mawr, Pennsylvania 19010.

E. Jurisdiction and Venue

34. The Court has personal jurisdiction over Defendants based on both general and specific jurisdiction.

35. During all times relevant to this lawsuit, Defendants have done business in the State of Pennsylvania and continue to do business in the State of Pennsylvania.

36. The Court has subject matter jurisdiction over this case based on federal question jurisdiction, 28 U.S.C. § 1331, because Plaintiff bases his claims on federal law, namely the FLSA.

37. Venue is proper in the United States District Court for the Eastern District of Pennsylvania because a substantial part of the events giving rise to the claims in this lawsuit occurred in this judicial district. Furthermore, JCS maintains its headquarters and principal place of business in this judicial district.

38. Venue is proper in the Philadelphia Division of the United States District Court for the Eastern District of Pennsylvania because JCS maintains business operations and principal place of business in the Philadelphia Division and a substantial part of the events giving rise to Plaintiff's claims occurred, and continue to occur, in the Philadelphia Division.

III. FACTUAL BACKGROUND

39. Plaintiff incorporates the preceding paragraphs by reference as if set forth fully in this section.

40. Magellan contracts with the United States Department of Defense to provide healthcare services at and around U.S. military bases. The services provided by MFLCs are an integral part of the Magellan's business because, without MFLCs, Magellan could not satisfy its obligations under its contracts with the federal government.

41. Magellan controls MFLCs' work and limits their freedom and discretion through various mechanisms, including (a) policies set forth in documents (e.g., Counselor Task Assignments ("CTAs") and other requirements) and (b) close supervision by direct supervisors and other Magellan managers.

42. According to Magellan's MFLC program website, Magellan contracts with certain third party companies to provide MFLCs as part of a federally mandated "obligation for the primary contractor to utilize business entities that are small business, minority-owned, women-owned, disabled-owned, veteran-owned, or disabled veteran-owned. Magellan works with several such businesses as part of the MFLC contract." *See MFLC – FAQ*, Magellan MFLC, <http://www.magellanmflc.org/public/faq.aspx> (last visited Jan. 5, 2017). On information and belief, JCS is one of those third party companies or subcontractors.

43. Additionally, Magellan's MFLC program website states, "If you become an employed MFLC rotational counselor for a Magellan subcontractor, you will work directly with Magellan for operational direction and guidance." *Id.*

44. Plaintiff and putative collective action members are current and former MFLCs who work/worked for Magellan, but are/were paid for their work by or through JCS. Plaintiff and the putative collective action members have/had primary job duties which consist/consisted of providing non-medical behavioral counseling services to active duty, reserve, and veteran military individuals and their families and dependents.

45. Magellan directs and controls all aspects of Plaintiff's and the putative collective action members' job duties, assignments, schedules, and tasks. Plaintiff and the putative collective action members report to Magellan supervisors directly.

46. The work performed by Plaintiff and the putative collective action members benefits Magellan and JCS at the same time. For example, Magellan enjoys/enjoyed the labor of Plaintiff and the putative collective action members, who are/were integral parts of its workforce performing MFLC services to satisfy Magellan's contract with the U.S. Government while JCS receives/received compensation from Magellan in return for providing Plaintiff and putative collective action members paychecks and W2s based on work performed by Plaintiff and the putative collective action members for Magellan.

47. Plaintiff and putative collective action members work/worked in and around United States Military Bases across the United States.

48. Defendants pay/paid Plaintiff and the putative collective action members an hourly rate of pay.

49. Plaintiff and the putative collective action members are/were non-exempt employees of Magellan and/or JCS under the FLSA. When they work/worked more than 40 hours per seven-day workweek, they are/were entitled to receive overtime premium compensation at the rate of one and one-half times their regular rates of pay for all such hours worked over 40.

50. Plaintiff and the putative collective action members respectively work/worked more than 40 hours per seven-day workweek on a regular basis.

51. Magellan and/or JCS did not, and do not, make and keep a record of all of the data required by 29 C.F.R. § 516.2(a) in connection with the work performed by Plaintiff and the putative collective action members for Magellan and/or JCS. For example, Magellan and/or JCS did not maintain accurate records of each hour worked per workday and workweek by Plaintiff and the putative collective action members.

52. Defendants have/had a practice and policy to generally pay Plaintiff and the putative collective action members for only 40 hours in a given seven-day workweek regardless of the amount of hours actually worked. For example, Defendants would not, and do not, generally allow Plaintiff and the putative collective action members to report their actual hours worked for Defendants in connection with their MFLC job duties. Furthermore, Defendants have/had a policy and/or practice of pressuring, coercing, and punishing Plaintiff and the putative collective action members into omitting/not reporting overtime hours worked and to keep the reported hours at approximately 40 per week.

53. Accordingly, Defendants knew and/or had reason to believe that Plaintiff and the putative collective action members were working more hours than were reported, and that they were working hours for which they were not paid. Defendants also knew that Plaintiff and the putative collective action members are/were regularly scheduled to work and reported 40 hours worked per workweek, respectively. As such, Defendants knew or had reason to believe that Plaintiff and the putative collective action members were working overtime hours for which they were not paid corresponding compensation, including overtime premium compensation. As a result of Defendants' practice and/or policy relative to the aforementioned "off-the-clock" work, Plaintiff and the putative collective action members are/were not paid all overtime compensation owed by Defendants pursuant to the FLSA.

54. That unpaid or "off-the-clock" work was integral and indispensable to the MFLCs' principal work activities for Defendants. For example, Plaintiff and the putative collective action members are/were required to be available after normal business hours and on weekends to support the needs of U.S. Military Service Members and their families and dependents. As a result, Plaintiff and the putative collective action members regularly performed

work rendering MFLC services for those Military Service Members and/or their families which was not reported as hours worked, and Defendants knew or had reason to believe those hours worked were not reported due to their aforementioned practice and policy of requiring MFLCs to underreport hours worked. Additionally, Plaintiff and putative collective action members are/were required to accommodate the requests of a military “Point of Contact” (“POC”) onsite at the relevant military base. The POC would request that MFLCs attend various events and functions after normal business hours and on weekends, in addition to working their standard 40-hour workweeks. For example, if a group of military service members were deploying from or redeploying to the relevant military base during evening hours or on weekends, which was common, MFLCs were present for those occurrences to assist and inform military service members and/or their families. Defendants knew or had reason to believe that this work was performed by MFLCs, but not compensated. As a result, Plaintiff and the putative collective action members were not paid time and one-half their respective regular rates of pay for all hours worked over 40 in each and every workweek.

55. MFLCs are/were also often required to attend summer assignments at youth camps for children and dependents of Military Service Members that required offsite travel. MFLCs are/were required to work from approximately 6:00 a.m. through approximately 11:00 p.m. every day during the duration of the youth camp. However, Defendants’ practice and/or policy is/was to not pay Plaintiff and putative collective action members for that work. This also resulted in Plaintiff and the putative collective action members not being paid time and one-half their respective regular rates of pay for all hours worked over 40 each and every workweek.

56. Defendants also have/had a policy and practice of not renewing employment contracts if MFLCs did not follow their instructions to report no more than 40 hours in a

workweek on timesheets. Because Defendants' policy and/or practice of not renewing employment contracts, Plaintiff and the putative collective action members typically underreported their hours worked even though they were, and are, still required to work those hours by Defendants and POCs. This results/resulted in Plaintiff and the putative collective action members not being paid time and one-half their respective regular rates of pay for all hours worked over 40 in each and every seven day workweek.

57. Defendants have/had notice of potential liability for unpaid overtime wages throughout the relevant time period pertaining to this lawsuit. Defendants' management and supervisors have/had knowledge of the obligation to pay overtime compensation to Plaintiff and Class Members for all hours worked over 40 in a given workweek. Defendants' management and supervisors also have/had knowledge that Plaintiff and the putative collective action members regularly worked off-the-clock hours and are/were not paid time and one-half their regular rates of pay for all hours worked over 40 in each and every workweek.

58. Plaintiff works and worked with numerous other hourly paid MFLC employees of Magellan and/or JCS. Like Plaintiff, those employees are/were subjected to Defendants' off-the-clock practices and/or policies described above which resulted in them not being paid for all hours worked, including not being paid time and one-half their respective regular rates of pay for all hours worked over 40 in each and every workweek. ,

IV. CONTROLLING LEGAL RULES

59. "Employ" includes to suffer or permit work. 29 U.S.C. § 203(g).

60. The FLSA generally requires that an employer employing an employee for a workweek exceeding 40 hours must compensate the employee for hours worked over 40 "at a rate not less than one and one-half times the regular rate of pay." 29 U.S.C. § 207(a)(1). The

“regular rate” includes “all remuneration for employment paid to, or on behalf of, the employee.” 29 U.S.C. § 207(e). With a few limited exceptions, all remuneration given to an employee must be included in the employee’s regular rate calculation. 29 U.S.C. § 207(e); 29 C.F.R. § 778.108; accord *Allen v. Board of Pub. Educ. For Bibb Cty.*, 495 F. 3d 1306, 1311 (11th Cir. 2007); see also *Johnson v. Big Lots Stores, Inc.*, 604 F. Supp. 2d 903, 927 (E.D. La. 2009).

61. Failing to pay the required overtime premium for hours worked over 40 in a workweek is a violation of the FLSA. 29 U.S.C. § 216.

62. The FLSA defines an employer as “any person acting directly or indirectly in the interest of an employer in relation to an employee.” 29 U.S.C. § 203(d); see also *In re Enterprise Rent-a-Car Wage & Hour Emp’t Practices Litig.*, 683 F.3d 462, 467 (3rd Cir. 2012) [hereinafter *Enterprise*].

63. An employer-employee relationship exists “[w]here the employers are not completely disassociated with respect to the employment of a particular employee and may be deemed to share control of the employee, directly or indirectly, by reason of the fact that one employer controls, is controlled by, or is under common control with the other employer.” 29 C.F.R. § 791.2(b); *Enterprise*, 683 F.3d at 467.

64. A “single individual may stand in the relation of an employee to two or more employers at the same time under the [FLSA].” 29 C.F.R. § 791.2(a); *Enterprise*, 683 F.3d at 467. Furthermore, a “determination of whether the employment by the employers is to be considered joint employment or separate and distinct employment for purposes of the act depends upon all the facts in the particular case.” 29 C.F.R. § 791.2(a); *Enterprise*, 683 F.3d at 467.

65. “When faced with a question requiring examination of a potential joint employment relationship under the FLSA, we conclude that courts should consider: 1) the alleged employer’s authority to hire and fire the relevant employees; 2) the alleged employer’s authority to promulgate work rules and assignments and to set the employees’ conditions of employment: compensation, benefits, and work schedules, including the rate and method of payment; 3) the alleged employer’s involvement in day-to-day employee supervision, including employee discipline; and 4) the alleged employer’s actual control of employee records, such as payroll, insurance, or taxes.” *Enterprise*, 683 F.3d at 469.

66. These factors “*do not constitute an exhaustive list* of all potentially relevant facts, and should not be blindly applied.” *Id.* (internal quotation marks omitted). District courts should not be confined to “narrow legalistic definitions” and are required to consider all relevant evidence, “including evidence that does not fall neatly within one of the above factors.” *Id.*

67. “[I]t is the duty of the management to exercise its control and see that the work is not performed if it does not want it to be performed. It cannot sit back and accept the benefits without compensating for them. The mere promulgation of a rule against such work is not enough. Management has the power to enforce the rule and must make every effort to do so.” 29 C.F.R. § 785.13.

68. Federal law requires employers to make and keep accurate and detailed payroll data for non-exempt employees. 29 U.S.C. § 211(c); 29 C.F.R. § 516.2(a). Amongst other things, the regulations require employers to make and keep payroll records showing data such as the employee’s name, social security number, occupation, time of day and day of week which the workweek begins, regular hourly rate of pay for any week in which overtime pay is due, hours worked each workday and total hours worked each workweek, total daily or weekly straight time

earnings, total premium pay for overtime hours. 29 C.F.R. § 516.2(a). Employers are required to maintain the foregoing data for a minimum of three years. 29 C.F.R. § 516.5.

V. PLAINTIFF'S FLSA CLAIMS

69. Plaintiff incorporates the preceding paragraphs by reference as if set forth fully in this section.

70. All conditions precedent to this suit, if any, have been fulfilled.

71. At relevant times, Defendants are/were eligible and covered employers under the FLSA. 29 U.S.C. § 203(d).

72. At relevant times, Magellan and JCS are/were joint employers of Plaintiff, as defined under the FLSA, and jointly and severally liable for Plaintiff's damages. 29 C.F.R. § 791.2.

73. At relevant times, Defendants are/have been enterprises engaged in commerce under the FLSA. 29 U.S.C. § 203(s)(1)(A).

74. Plaintiff works on or around a United States Military Base as an employee of Defendants. 29 U.S.C. § 203(e).

75. Plaintiff is paid an hourly rate of pay by Defendants.

76. Plaintiff regularly worked/works in excess of 40 hours per seven-day workweek as an employee of Defendants during the time period relevant to this lawsuit.

77. Defendants are/were required to pay Plaintiff time and one-half his regular rate of pay for all hours worked over 40 in a seven-day workweek. 29 U.S.C. § 2017(a)(1).

78. Defendants fail/failed to pay Plaintiff overtime compensation at one and one-half times his regular rate of pay for all hours worked over 40 in each and every seven-day workweek during the time period relevant to this lawsuit.

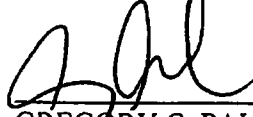
VIII. DAMAGES AND PRAYER

89. Plaintiff asks that summons be issued relative to Defendants and that he and the FLSA Overtime Collective Action Members be awarded a judgment against Magellan and/or JCS for the following:

- a. Certification of Plaintiff's FLSA overtime causes of action as a collective action with the requirement of notice of this lawsuit being provided to the putative collective action members;
- b. Actual damages in the amount of unpaid overtime wages;
- c. Liquidated damages;
- d. Post-judgment interest;
- e. Costs;
- f. Reasonable attorneys' fees; and
- g. All other relief to which Plaintiff and the FLSA Overtime Collective Action Members are entitled.

Respectfully submitted,

MORGAN & PAUL, PLLC



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ATTORNEYS 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

JOEL BRANDLEY, ON BEHALF OF HIMSELF AND ALL OTHERS
SIMILARLY SITUATED,

(b) County of Residence of First Listed Plaintiff WEBER COUNTY, UTAH
(EXCEPT IN U.S. PLAINTIFF CASES)

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

GREGORY G PAUL, MORGAN & PAUL, PLLC, 100 FIRST AVENUE,
SUITE 1010, PITTSBURGH, PA 15222 (844) 374-7200

DEFENDANTS

JCS MILITARY SUPPORT SERVICES INC., AND MAGELLAN
HEALTH, INC.

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
- ☒ 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)

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"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1595ff) <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 Constitutionality 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 USC 201-109, 251-262

Brief description of cause:
DENIAL OF OVERTIME PAY

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
01/06/2017

SIGNATURE OF ATTORNEY OF RECORD

FOR OFFICE USE ONLY

RECEIPT #

AMOUNT

APPLYING IFP

JUDGE

MAG. JUDGE

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 seven 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 – Transfer. (6) Check this box when a multidistrict case is transferred into the district under authority of Title 28 U.S.C. Section 1407.
 Multidistrict Litigation – Direct File. (8) Check this box when a multidistrict case is filed in the same district as the Master MDL docket.
PLEASE NOTE THAT THERE IS NOT AN ORIGIN CODE 7. Origin Code 7 was used for historical records and is no longer relevant due to changes in statute.
- 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.

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: 1571 7TH STREET, OGDEN, UT 84404

Address of Defendant: JCS MILITARY SUPPORT SERVICES, INC, 950 HAVERFORD ROAD, SUITE 200, BRYN

Place of Accident, Incident or Transaction: MAWR, PA 19010

(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 ☐

Does this case involve multidistrict litigation possibilities?

Yes ☐ No ☒

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 ☒
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 ☒
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 ☒
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 ☒

CIVIL: (Place ☒ 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) FLSA

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

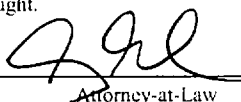
(Check Appropriate Category)

I, GREGORY PAUL, counsel of record do hereby certify:

☐ 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: 1/9/2017


Attorney-at-Law

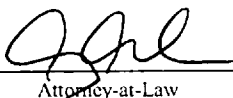
83334

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: 1/9/2017


Attorney-at-Law

83334

Attorney I.D.#

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

CASE MANAGEMENT TRACK DESIGNATION FORM

JOEL BRANDLEY, ON BEHALF OF HIMSELF
AND ALL OTHERS SIMILARLY SITUATED,

⋮
⋮
⋮
⋮

CIVIL ACTION

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. ()

JANUARY 9, 2017
Date


GREGORY G PAUL
Attorney-at-law

PLAINTIFFS
Attorney for

1-844-374-7200

1-888-822-9421

gregpaul@morgan-paul.com

Telephone

FAX Number

E-Mail Address

**Civil Justice Expense and Delay Reduction Plan
Section 1:03 - Assignment to a Management Track**

- (a) The clerk of court will assign cases to tracks (a) through (d) based on the initial pleading.
- (b) In all cases not appropriate for assignment by the clerk of court to tracks (a) through (d), the plaintiff shall submit to the clerk of court and serve with the complaint on all defendants a case management track designation form specifying that the plaintiff believes the case requires Standard Management or Special Management. 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.
- (c) The court may, on its own initiative or upon the request of any party, change the track assignment of any case at any time.
- (d) Nothing in this Plan is intended to abrogate or limit a judicial officer's authority in any case pending before that judicial officer, to direct pretrial and trial proceedings that are more stringent than those of the Plan and that are designed to accomplish cost and delay reduction.
- (e) Nothing in this Plan is intended to supersede Local Civil Rules 40.1 and 72.1, or the procedure for random assignment of Habeas Corpus and Social Security cases referred to magistrate judges of the court.

**SPECIAL MANAGEMENT CASE ASSIGNMENTS
(See §1.02 (e) Management Track Definitions of the
Civil Justice Expense and Delay Reduction Plan)**

Special Management cases will usually include that class of cases commonly referred to as "complex litigation" as that term has been used in the Manuals for Complex Litigation. The first manual was prepared in 1969 and the Manual for Complex Litigation Second, MCL 2d was prepared in 1985. This term is intended to include cases that present unusual problems and require extraordinary treatment. See §0.1 of the first manual. Cases may require special or intense management by the court due to one or more of the following factors: (1) large number of parties; (2) large number of claims or defenses; (3) complex factual issues; (4) large volume of evidence; (5) problems locating or preserving evidence; (6) extensive discovery; (7) exceptionally long time needed to prepare for disposition; (8) decision needed within an exceptionally short time; and (9) need to decide preliminary issues before final disposition. It may include two or more related cases. Complex litigation typically includes such cases as antitrust cases; cases involving a large number of parties or an unincorporated association of large membership; cases involving requests for injunctive relief affecting the operation of large business entities; patent cases; copyright and trademark cases; common disaster cases such as those arising from aircraft crashes or marine disasters; actions brought by individual stockholders; stockholder's derivative and stockholder's representative actions; class actions or potential class actions; and other civil (and criminal) cases involving unusual multiplicity or complexity of factual issues. See §0.22 of the first Manual for Complex Litigation and Manual for Complex Litigation Second, Chapter 33.

ClassAction.org

This complaint is part of ClassAction.org's searchable class action lawsuit database and can be found in this post: [JCS Military Support Services, Magellan Heath Hit with FLSA Lawsuit](#)
