

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

LISANDRA GONZALEZ, individually and on behalf of all persons similarly situated,	:	
	:	Civil Action No.:
Plaintiff,	:	Complaint — Class & Collective Action
	:	
v.	:	Jury Trial Demanded
	:	
VERITAS CONSULTANT GROUP, LLC, d/b/a MORAVIA HEALTH NETWORK,	:	
	:	
Defendant.	:	
	:	

**CLASS AND COLLECTIVE ACTION COMPLAINT**

**INTRODUCTION**

1. Plaintiff Lisandra Gonzalez (“Plaintiff” or “Gonzalez”), through her undersigned counsel, individually and on behalf of all persons similarly situated, files this Class and Collective Action Complaint against Veritas Consultant Group, LLC, doing business as Moravia Health Network (“Defendant” or “MHN”), seeking all available relief under the Fair Labor Standards Act of 1938, 29 U.S.C. §§ 201 *et seq.* (“FLSA”), and Pennsylvania state law. The following allegations are made on personal knowledge as to Plaintiff and on information and belief as to others.

2. Despite the Pennsylvania Supreme Court’s clear ruling in *Bayada Nurses, Inc. v. Dep’t of Labor*, 607 Pa. 517 (2010), that third-party home health agencies must pay their home health aides overtime compensation under Pennsylvania law, and the Department of Labor’s January 1, 2015 revised FLSA regulations, MHN failed to pay Plaintiff and other home health aides overtime compensation.

**JURISDICTION AND VENUE**

3. Jurisdiction over Plaintiff’s FLSA claim is proper under 29 U.S.C. § 216(b) and 28

U.S.C. § 1331.

4. This Court has supplemental jurisdiction over Plaintiff's state law claims under 28 U.S.C. § 1367 because those claims derive from the same nucleus of operative facts as Plaintiff's FLSA claim.

5. Venue in this Court is proper pursuant to 28 U.S.C. § 1391 because the events giving rise to Plaintiff's claims occurred within the Eastern District of Pennsylvania ("District") and Defendant conducts business in that District.

### **PARTIES**

6. Plaintiff Lisandra Gonzalez ("Plaintiff" or "Gonzalez") is an individual currently residing in Philadelphia, Pennsylvania. Plaintiff worked for MHN as a home health aide, performing home care support and services to elderly and disabled clients in Pennsylvania from approximately January 2015 to December 2016. Plaintiff's written consent to be a Plaintiff in this action pursuant to 29 U.S.C. § 216(b) is attached hereto as Exhibit A.

7. Defendant Veritas Consultant Group, LLC, doing business as Moravia Health Network ("Defendant" or "MHN"), is a Delaware limited liability company with its headquarters and principal place of business in Philadelphia, Pennsylvania. MHN is a provider of integrated healthcare services, offering home care and health services to individuals.

8. MHN employed Plaintiff and has employed and continues to employ similarly situated persons.

9. MHN engages in commerce as defined in 29 U.S.C. § 203 and employs individuals engaged in commerce. *See* 29 U.S.C. § 202(a).

10. Throughout the relevant period, MHN's annual gross volume of business exceeded \$500,000.

11. Throughout the relevant period, MHN has employed a complement greater than the equivalent of ten (10) full-time employees.

**CLASS DEFINITIONS**

12. Plaintiff brings Count I of this lawsuit pursuant to the FLSA, 29 U.S.C. § 216(b), as a collective action on behalf of herself and the following similarly situated persons:

All persons who were employed by Veritas Consultant Group, LLC, doing business as Moravia Health Network (“MHN”) as home health aides in the United States between the effective date of the U.S. Department of Labor’s Home Care Final Rule, 29 C.F.R. § 552.6 and the present (the “FLSA Class”).

13. Plaintiff brings Counts II, III, and IV of this lawsuit as a class action pursuant to Fed. R. Civ. P. 23 on behalf of herself and the following class:

All persons who were employed by Veritas Consultant Group, LLC, doing business as Moravia Health Network (“MHN”) as home health aides in Pennsylvania between March 24, 2013<sup>1</sup> and the present (the “Pennsylvania Class”).

14. The FLSA Class and the Pennsylvania Class are collectively referred to as the “Classes.”

15. Plaintiff reserves the right to redefine the FLSA Class and the Pennsylvania Class prior to notice or class certification, and thereafter, as necessary.

**FACTS**

16. MHN employs home health aides, such as Plaintiff, to perform a variety of services—including medication management, incontinent care, light housekeeping, bathing, dressing, grooming, ambulation assistance, and meal assistance among other services—to elderly and disabled clients in this District and, upon information and belief, elsewhere in Pennsylvania.

17. MHN’s home health aides are trained employees, and MHN holds them out to the

---

<sup>1</sup> The statute of limitations on Plaintiff’s unjust enrichment claim under Pennsylvania law is four (4) years. Accordingly, Count IV of the Complaint goes back to March 24, 2013.

public as such.

18. From approximately January 2015 to December 2016, Plaintiff was employed as a home health aide by MHN.

19. MHN employed Plaintiff and Class Members to provide home care support to its elderly and disabled clients.

20. Plaintiff and Class Members provided domestic services in or about the private homes of MHN's clients.

21. MHN is not a householder under 34 P.A. Code § 231.1. Instead, Plaintiff and Class Members performed work in or about the private dwellings of MHN's clients for MHN in MHN's pursuit of a trade, occupation, profession, enterprise, or vocation.

22. As a home health aide, Plaintiff assisted clients with dressing, personal care, meals, light housekeeping, and medication management among other duties. Other Class Members performed the same or substantially similar job duties.

23. In general, MHN paid Plaintiff and the Class Members at an hourly wage for hours worked, *i.e.*, straight time. For example, Plaintiff was generally paid at rates between \$11 and \$12.50 per hour based on hours worked as submitted by Plaintiff to MHN through timesheets.

24. Plaintiff routinely worked and properly submitted timesheets in excess of forty (40) hours per workweek. Similarly, other Class Members routinely worked and properly submitted timesheets in excess of forty (40) hours per workweek.

25. MHN did not pay Plaintiff and Class Members overtime compensation for hours worked over forty (40) per workweek.

26. Plaintiff complained to MHN's office managers on multiple occasions that she was not paid for overtime when she worked over forty hours per workweek. Each time, MHN told

Plaintiff that it did not pay overtime and offered instead minor increases to her hourly wage.

27. No good faith dispute or contest exists as to the entitlement of Plaintiff and Class Members to these wages.

28. In November 2010, the Pennsylvania Supreme Court held that home healthcare providers did not qualify for the domestic service exemption from minimum wage and overtime requirements under Pennsylvania law. *See Bayada Nurses, Inc. v. Dep't of Labor*, 607 Pa. 527 (2010).

29. On October 1, 2013, the U.S. Department of Labor issued the Home Care Final Rule, extending minimum wage and overtime protections under the FLSA to home care workers like Plaintiff and Class Members, which became effective on January 1, 2015 (“Final Rule”). The Final Rule was challenged by an association of home care companies and was upheld on August 21, 2015 by the U.S. Court of Appeals for the District of Columbia. *See Home Care Ass'n of Am. v. Weil*, 799 F.3d 1084 (D.C. Cir. 2015) *pet. for cert. pending*, No. 15-683. The Supreme Court declined to stay the effective date of the ruling, and on October 13, 2015, the Court of Appeals reversed the district court’s orders. *See* U.S. Dep’t. of Labor, Wage and Hour Division, “Important Information Regarding recent Home Care Litigation in the U.S. District Court of D.C.,” available at <https://www.dol.gov/whd/homecare/litigation.htm>.

30. MHN should have known of the Department of Labor’s Home Care Final Rule, as it was widely publicized, including within the industry.

31. As a home healthcare agency, MHN was or should have been aware of the *Bayada* and MHN’s obligation to pay its home health aides, including Plaintiff and Pennsylvania Class members, overtime and other proper compensation. Instead, MHN ignored these obligations and failed to pay overtime and other proper compensation to Plaintiff and the Pennsylvania Class.

32. Moreover, throughout the entire relevant time period, MHN was aware that Plaintiff and other Pennsylvania Class members were not properly compensated under Pennsylvania law because Plaintiff and other Pennsylvania Class members' timesheets clearly demonstrated that they routinely worked more than forty (40) hours per workweek but did not receive overtime compensation.

33. By not taking actions to pay home health aides overtime in spite of this Final Rule, MHN has acted willfully and in reckless disregard of the applicable FLSA provisions by failing to pay overtime with knowledge that such time was compensable.

34. MHN disregarded Pennsylvania law by failing to properly compensate Plaintiff and the Pennsylvania Class for hours worked in excess of forty (40) during the workweek.

35. Based on information and belief, MHN continues its practices of failing to pay its home health aides overtime compensation.

**COLLECTIVE ACTION ALLEGATIONS UNDER THE FLSA**

36. Plaintiff brings this lawsuit pursuant to 29 U.S.C. § 216(b) as a collective action on behalf of herself and the FLSA Class as defined above.

37. Plaintiff desires to pursue her FLSA claim on behalf of all individuals who opt in to this action pursuant to 29 U.S.C. § 216(b).

38. Plaintiff and the FLSA Class are "similarly situated" as that term is used in 29 U.S.C. § 216(b) because, *inter alia*, all such individuals currently work or have worked pursuant to MHN's common business and payroll practices as described herein, and, as a result of such practices, have not been paid overtime compensation due as described herein. Resolution of this action requires inquiry into common facts, including, *inter alia*, MHN's common compensation and payroll practices.

39. These similarly situated employees are known to MHN, readily identifiable, and can be easily located through MHN's business records.

40. MHN employs and has employed many FLSA Class members throughout the United States. These similarly situated current and former employees may be readily notified of this action through U.S. mail and/or other reasonable means, and allowed to opt in to this action, pursuant to 29 U.S.C. § 216(b), for the purpose of collectively adjudicating their claims for unpaid wages, liquidated damages, interest, attorney's fees, and costs under the FLSA.

### **CLASS ACTION ALLEGATIONS**

41. Plaintiff brings this action as a class action pursuant to Fed. R. Civ. P. 23 on behalf of herself and the Pennsylvania Class as defined above.

42. The members of the Pennsylvania Class are so numerous that joinder of all members is impracticable. Upon information and belief, there are more than forty (40) members of the Pennsylvania Class.

43. There are questions of law and fact common to the proposed Pennsylvania Class, which predominate over any questions affecting only individual Pennsylvania Class members, including, without limitation, whether MHN has violated and continues to violate Pennsylvania law through its policies and practice of not paying its home health aide employees overtime compensation.

44. Plaintiff's claims are typical of the claims of Pennsylvania Class members in the following ways, without limitation: (a) Plaintiff is a member of the Pennsylvania Class; (b) Plaintiff's claims arise out of the same policies, practices, and course of conduct that form the basis of the claims of the Pennsylvania Class; (c) Plaintiff's claims are based on the same legal and remedial theories as those of the Pennsylvania Class and involve similar factual circumstances;

(d) there are no conflicts between the interests of Plaintiff and other Pennsylvania Class members; and (e) the injuries suffered by Plaintiff are similar to the injuries suffered by other Pennsylvania Class members.

45. Plaintiff will fairly and adequately represent and protect the interests of the Pennsylvania Class because there are no conflicts between the claims of Plaintiff and those of other Pennsylvania Class members, and Plaintiff's claims are typical of the claims of the Pennsylvania Class. Plaintiff's counsel is competent and experienced in litigating class actions and other complex litigation, including wage and hour cases like this one.

46. Class certification is appropriate under Fed. R. Civ. P. 23(b)(3) because questions of law and fact common to the Pennsylvania Class predominate over any questions affecting only individual Pennsylvania Class members.

47. Class action treatment is superior to other available methods for the fair and efficient adjudication of the controversy alleged herein. Such treatment will permit a large number of similarly situated persons to prosecute their common claims in a single forum simultaneously, efficiently, and without the duplication of effort and expense that numerous individual actions would entail. No difficulties are expected to be encountered in the management of this class action that would preclude its maintenance as a class action, and no superior alternative exists for the fair and efficient adjudication of this controversy. The Pennsylvania Class is readily identifiable from MHN's own employment records. Prosecution of separate actions by individual members of the Pennsylvania Class would create the risk of inconsistent and varying adjudications with respect to individual Pennsylvania Class members that would establish incompatible standards of conduct for MHN.

48. A class action is superior to other available methods for adjudication of this



controversy because, without limitation: (a) joinder of all members is impractical; (b) the amounts at stake for many of the Pennsylvania Class members, while substantial, are not great enough to enable those Pennsylvania Class members to maintain separate suits against MHN; (c) Plaintiff is not aware of any litigation concerning the controversy alleged herein already begun by any Pennsylvania Class member against Defendant; (d) it is desirable to concentrate the litigation of the Pennsylvania Class members' claims in the Eastern District of Pennsylvania because substantially all of the alleged wrongdoing took place in that District, Defendant's principle place of business is located in that District, and substantially all of the Pennsylvania Class members reside in that District; and (e) the Pennsylvania Class members do not have special interests in individually controlling the prosecution of separate actions because the prosecution of Plaintiff's claims will fairly and adequately protect the interests of the Pennsylvania Class members and Plaintiff does not expect the litigation of individualized defenses or theories of recovery.

49. Without a class action, MHN will retain the benefit of its wrongdoing, which will result in further damages to the Pennsylvania Class. Plaintiff envisions no difficulty in the management of this action as a class action.

**COUNT I**  
**Violations of the FLSA**  
**(On Behalf of Plaintiff Gonzalez and the FLSA Class)**

50. All previous paragraphs are incorporated as though fully set forth herein.

51. The FLSA requires that covered employees be compensated for all hours worked exceeding forty (40) in a workweek at a rate no less than one and one-half (1½) times the regular rate at which they are compensated (the "overtime wage"). *See* 29 U.S.C. § 207 and 29 C.F.R. § 552.100.

52. The FLSA defines "employer" broadly to include "any person acting directly or indirectly in the interest of an employer in relation to an employee...." 29 U.S.C. § 203(d).

53. MHN is subject to the wage requirements of the FLSA because MHN is an “employer” under 29 U.S.C. § 203(d).

54. At all relevant times, MHN was an “employer” engaged in “commerce” within the meaning of the FLSA, 29 U.S.C. § 203, 29 U.S.C. § 202(a), and 29 C.F.R. § 552.100.

55. During all relevant times, Plaintiff and the FLSA Class were covered employees entitled to the FLSA’s above-described protections. *See* 29 U.S.C. § 203(e).

56. From the effective date of the DOL Final Rule, Plaintiff and the FLSA Class are entitled to be paid overtime wages for hours worked exceeding forty (40) in a workweek pursuant to 29 U.S.C. § 207 and 29 C.F.R. § 552.100.

57. MHN, pursuant to its policies and practices, failed and refused to pay overtime wages to Plaintiff and the FLSA Class as required by the FLSA.

58. MHN knowingly failed to compensate Plaintiff and the FLSA Class overtime wages in violation of 29 U.S.C. §§ 206 and 207, and 29 C.F.R. § 552.100.

59. In violating the FLSA, MHN acted willfully and with reckless disregard of clearly applicable FLSA provisions.

60. Pursuant 29 U.S.C. § 216(b), employers, such as MHN, who fail to pay an employee wages in conformance with the FLSA shall be liable to the employee for the overtime wages, an additional equal amount as liquidated damages, reasonable attorney’s fees, and costs of the action.

**COUNT II**  
**Violations of the Pennsylvania Minimum Wage Act**  
**(On Behalf of Plaintiff Gonzalez and the Pennsylvania Class)**

61. All previous paragraphs are incorporated as though fully set forth herein.

62. The Pennsylvania Minimum Wage Act of 1968, 43 P.S. §§ 333.101 *et seq.*

(“PMWA”), requires that covered employees be compensated for all hours worked in excess of forty (40) per workweek at a rate not less than one and one-half (1½) times the regular rate at which they are compensated. *See* 43 P.S. § 333.104(c) and 34 Pa. Code § 231.41.

63. MHN is subject to the minimum wage and overtime requirements of the PMWA because MHN is an employer under 43 P.S. § 333.103(g).

64. During all relevant times, Plaintiff and the Pennsylvania Class were covered employees entitled to the PMWA’s above-described protections. *See* 43 P.S. § 333.103(h).

65. MHN’s compensation scheme applicable to Plaintiff and the Pennsylvania Class failed to comply with 43 P.S. § 333.104(c) and 34 Pa. Code § 231.41.

66. MHN failed to compensate Plaintiff and the Pennsylvania Class at a rate of one and one-half (1½) times their regular hourly wage for hours worked in excess of forty (40) per workweek, in violation of 43 P.S. § 333.104(c) and 34 Pa. Code § 231.41.

67. Pursuant 43 P.S. § 333.113, employers, such as MHN, who fail to pay an employee wages in conformance with the PMWA shall be liable to the employee for the unpaid wages, and court costs and attorneys’ fees incurred in recovering those unpaid wages.

**COUNT III**  
**Violations of the Pennsylvania Wage Payment and Collection Law**  
**(On Behalf of Plaintiff Gonzalez and the Pennsylvania Class)**

68. All previous paragraphs are incorporated as though fully set forth herein.

69. The Pennsylvania Wage Payment and Collection Law, 43 P.S. §§ 260.1 *et seq.* (“PWPCCL”), requires that employers pay covered employees all wages due, including overtime wages. *See* 43 P.S. § 260.3(a).

70. MHN is subject to the wage payment requirements of the PWPCCL because MHN is an “employer” under 43 P.S. § 260.2(a).

71. During all relevant times, Plaintiff and the Pennsylvania Class were covered employees entitled to the PWPCL's above-described protections.

72. MHN failed to compensate Plaintiff and the Pennsylvania Class overtime for hours worked more than forty (40) in a workweek, in violation of Pennsylvania Code, 43 P.S. § 260.3.

73. MHN is not permitted by state or federal law, or by order of a court of competent jurisdiction, to withhold or divert any portion of Plaintiff and the Pennsylvania Class' wages that concern this lawsuit

74. MHN does not have written authorization from any Plaintiff or Pennsylvania Class Member to withhold, divert or deduct any portion of his or her wages that concern this lawsuit.

75. Pursuant 43 P.S. §§ 260.9(a) and 260.10, employers, such as MHN, who fail to pay an employee wages in conformance with the PWPCL shall be liable to the employee for the unpaid wages, liquidated damages, and reasonable attorneys' fees incurred in recovering the unpaid wages.

76. MHN is in violation of Pennsylvania law by failing to pay Plaintiff and the Pennsylvania Class for all compensable time and by failing to pay Plaintiff and the Pennsylvania Class for work time, including overtime, at the established rate.

**COUNT IV**  
**Unjust Enrichment**  
**(On Behalf of Plaintiff Gonzalez and the Pennsylvania Class)**

77. All previous paragraphs are incorporated as though fully set forth herein.

78. MHN has received and benefited from the uncompensated labors of Plaintiff and the Pennsylvania Class such that to retain said benefit without compensation would be inequitable and rise to the level of unjust enrichment.

79. At all relevant times, MHN devised and implemented a plan to increase its earnings and profits by fostering a scheme of securing work from Plaintiff and the Pennsylvania Class

without properly paying compensation for overtime.

80. Contrary to all good faith and fair dealing, MHN induced Plaintiff and the Pennsylvania Class to perform work while failing to properly compensate them for all hours worked as required by law, including overtime hours.

81. By reason of having secured the work and efforts of Plaintiff and the Pennsylvania Class without proper compensation as required by law, MHN enjoyed reduced overhead with respect to its labor costs, and therefore realized additional earnings and profits to its own benefit and to the detriment of Plaintiff and the Pennsylvania Class. MHN retained and continues to retain such benefits contrary to the fundamental principles of justice, equity, and good conscience.

82. Accordingly, Plaintiff and the Pennsylvania Class are entitled to judgment in an amount equal to the benefits unjustly retained by MHN.

#### **PRAYER FOR RELIEF**

WHEREFORE, Plaintiff seeks the following relief on behalf of herself and all others similarly situated:

- a. An order certifying this litigation to proceed as an FLSA collective action pursuant to 29 U.S.C. § 216(b);
- b. Prompt notice, pursuant to 29 U.S.C. § 216(b), of this litigation to all potential FLSA Class members;
- c. An order certifying this litigation to proceed as a class action pursuant to Fed. R. Civ. P. 23 on behalf of the Pennsylvania Class;
- d. Back pay damages (including unpaid overtime compensation, unpaid spread of hours payments, and unpaid wages) and prejudgment interest to the fullest extent permitted under the law;
- e. Liquidated damages to the fullest extent permitted under the law;
- f. Litigation costs, expenses, and attorneys' fees to the fullest extent permitted under the law; and

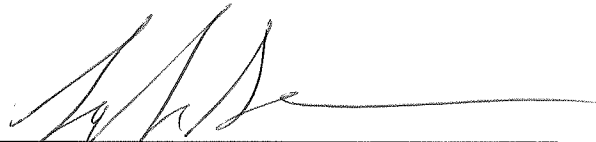
g. Such other and further relief as this Court deems just and proper.

**JURY DEMAND**

Plaintiff demands a trial by jury for all issues of fact.

Dated: March 24, 2017

Respectfully submitted,



---

Sarah R. Schalman-Bergen (PA 206211)  
Camille Fundora (PA 312533)  
BERGER & MONTAGUE, P.C.  
1622 Locust Street  
Philadelphia, PA 19103  
Telephone: (215) 875-3000  
Facsimile: (215) 875-4604  
sschalman-bergen@bm.net  
cfundora@bm.net

Richard M. Simins (PA 57754)  
Jackson E. Warren (PA 321263)  
MONTGOMERY McCracken  
WALKER & RHOADS LLP  
123 South Broad Street  
Philadelphia, PA 19109  
Telephone: (215) 772-1500  
Facsimile: (215) 772-7407  
rsimins@mmwr.com  
jwarren@mmwr.com

*Attorneys for Plaintiff and the Proposed  
Classes*

JS 44 (Rev. 12/12)

**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**  
 LISANDRA GONZALEZ, individually and on behalf of all persons similarly situated,

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

(c) Attorneys (Firm Name, Address, and Telephone Number)  
 Sarah R. Schalman-Bergen, Camille Fundora  
 Berger & Montague, P.C., 1622 Locust Street,  
 Philadelphia, PA 19103, 215-875-3000

**DEFENDANTS**  
 VERITAS CONSULTANT GROUP, LLC, d/b/a MORAVIA HEALTH NETWORK

County of Residence of First Listed Defendant Philadelphia County, PA  
 (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	<b>PERSONAL INJURY</b> <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 <b>PERSONAL PROPERTY</b> <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	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 <b>PROPERTY RIGHTS</b> <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark <b>SOCIAL SECURITY</b> <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))	<input type="checkbox"/> 375 False Claims Act <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
<b>REAL PROPERTY</b> <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	<b>CIVIL RIGHTS</b> <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	<b>PRISONER PETITIONS</b> <b>Habeas Corpus:</b> <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 <b>Other:</b> <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	<b>LABOR</b> <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	<b>FEDERAL TAX SUITS</b> <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	

**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):  
 Fair Labor Standards Act, 29 U.S.C. Section 201 et seq.

Brief description of cause:  
 Denial of wages and overtime compensation

**VII. REQUESTED IN COMPLAINT:**     CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.    DEMANDS    CHECK YES only if demanded in complaint.    JURY DEMAND:     Yes     No

**VIII. RELATED CASE(S) IF ANY** (See instructions).    JUDGE \_\_\_\_\_    DOCKET NUMBER \_\_\_\_\_

DATE: 03/24/2017    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 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.



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

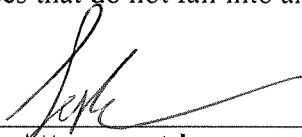
**CASE MANAGEMENT TRACK DESIGNATION FORM**

LISANDRA GONZALEZ, individually and on behalf	:	CIVIL ACTION
of all persons similarly situated,	<input checked="" type="checkbox"/>	
	:	
v.	:	
	:	
VERITAS CONSULTANT GROUP, LLC, d/b/a	:	NO.
MORAVIA HEALTH NETWORK,	:	

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. ()

3/24/2017		Plaintiff
_____	_____	_____
<b>Date</b>	<b>Attorney-at-law</b>	<b>Attorney for</b>
215-875-3000	215-875-4604	sschalman-bergen@bm.net
_____	_____	_____
<b>Telephone</b>	<b>FAX Number</b>	<b>E-Mail Address</b>

**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.

UNITED STATES DISTRICT COURT

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: Philadelphia, PA 19140

Address of Defendant: 1500 Walnut St #1900, Philadelphia, PA 19102

Place of Accident, Incident or Transaction: Philadelphia, PA  
(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) Fair Labor Standards Act

B. Diversity Jurisdiction Cases:

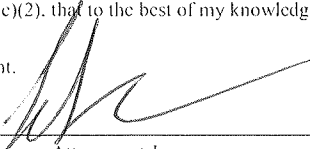
1.  Insurance Contract and Other Contracts
2.  Airplane Personal Injury
3.  Assault, Defamation
4.  Marine Personal Injury
5.  Motor Vehicle Personal Injury
6.  Other Personal Injury (Please specify)
7.  Products Liability
8.  Products Liability — Asbestos
9.  All other Diversity Cases  
(Please specify)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

ARBITRATION CERTIFICATION

(Check Appropriate Category)

I, Sarah R. Schalman-Bergen, counsel of record do hereby certify:  
 Pursuant to Local Civil Rule 53.2, Section 3(e)(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: 3/24/2017

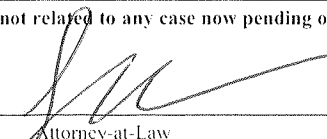
  
\_\_\_\_\_  
Attorney-at-Law

206211  
\_\_\_\_\_  
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: 3/24/2017

  
\_\_\_\_\_  
Attorney-at-Law

206211  
\_\_\_\_\_  
Attorney I.D.#

# Exhibit A

**OPT-IN CONSENT FORM**

Unpaid Wages and Overtime Litigation – Moravia Health

**Complete And Mail (or Email) To:**

MORAVIA HEALTH OVERTIME LITIGATION  
 ATTN: CAMILLE FUNDORA  
 BERGER & MONTAGUE, P.C.  
 1622 LOCUST STREET  
 PHILADELPHIA, PA 19103  
 Email: cfundora@bm.net  
 Phone: (215) 875-3033  
 Fax: (215) 875-4604

Name: <u>Lisandra Gonzalez</u> <small>(Please Print)</small>	Date of Birth: [REDACTED]
Address: [REDACTED]	Phone Number: [REDACTED] Email: [REDACTED]

**CONSENT TO JOIN COLLECTIVE ACTION**

**Pursuant to Fair Labor Standards Act, 29 U.S.C. § 216(b)**

- I consent and agree to pursue my claims arising out of alleged violations of the Fair Labor Standards Act, 29 U.S.C. § 201, *et seq.* in connection with the above-referenced lawsuit.
- I have worked for Moravia Health (“Defendant” or “Moravia Health”) in (state(s)) PA from on or about (dates(s)) January 2015 to on or about (dates(s)) January 2017.
- I understand that this lawsuit is brought under the Fair Labor Standards Act of 1938, as amended, 29 U.S.C. § 201, *et seq.* I hereby agree and opt-in to become a Plaintiff herein and be bound by any judgment of the Court or any settlement of this action.
- I specifically authorize the attorneys, Berger & Montague, P.C. and Montgomery McCracken Walker & Rhoads LLP, as my agents to prosecute this lawsuit on my behalf and to negotiate a settlement of any and all claims I have against the Defendant in this case.

<u>3/20/17</u> <small>(Date Signed)</small>	<u>Lisandra Gonzalez</u> <small>(Signature)</small>
--	--

**\*\*IMPORTANT NOTE\*\***

Statute of Limitations concerns mandate that you return this form as soon as possible to preserve your rights.

**FORMULARIO DE CONSETIMIENTO PARA TOMAR PARTE**

Acción del Salario Impagada Contra Moravia Health

Rellenar y enviar por correo (o email) a:

MORAVIA HEALTH WAGE & HOUR LITIGATION  
 ATTN: CAMILLE FUNDORA  
 BERGER & MONTAGUE, P.C.  
 1622 LOCUST STREET  
 PHILADELPHIA, PA 19103  
 Email: cfundora@bm.net  
 Tel: (215) 875-3033  
 Fax: (215) 875-4604

Nombre: <u>Lisandra Gonzalez</u>	Fecha
Dirección:	Teléfono
	Email

**CONSENTIMIENTO PARA UNIRSE A LA ACCIÓN COLECTIVA**

- Yo consiento y estoy de acuerdo perseguir mis reclamaciones que surgen de las presuntas alegadas violaciones de la Ley de Normas Justas de Trabajo, 29 U.S.C. § 201, y sigs. en conexión con la demanda indicada arriba.
- He trabajado como un trabajador para Moravia Health ("Demandado" o "Moravia Health") en (estado(s)) PA desde el o sobre (fecha(s)) January 2015 hasta o sobre (fecha(s)) January 2017 y no fue pagado durante el tiempo por la formación de trabajo.
- Yo comprendo que esta demanda es traído bajo de la Ley de Normas Justas de Trabajo, 29 U.S.C. § 201, y sigs. Yo consiento y opto hacer un Demandante en el presente y estará obligado por cualquier juicio de la Corte o cualquier acuerdo de esta acción.
- Yo específicamente autorizo el Demandante Nombrado y sus abogados, Berger & Montague, P.C. y Montgomery McCracken Walker & Rhoads LLP, como mis agentes para perseguir esta demanda de mi parte y negociar un acuerdo de cualquier y todas las reclamaciones que tengo contra el Demandado en este caso.

<u>3/20/17</u> (Fecha)	<u>Lisandra Gonzalez</u> (Firma)
------------------------	----------------------------------

**\*\*NOTA IMPORTANTE\*\***

Estatuto de limitaciones preocupaciones exige que devuelva este formulario tan pronto como sea posible para preservar sus derechos.

# ClassAction.org

This complaint is part of ClassAction.org's searchable class action lawsuit database and can be found in this post: [Home Health Aides Sue Moravia Health Network For Unpaid Overtime](#)

---