

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
BROWARD DIVISION**

**JAIME MACALPINE, on behalf of herself
and all others similarly situated,**

Plaintiff,

v.

CASE NO.:

**CRA SOLUTIONS, INC.,
a Florida Profit Corporation,**

Defendant.

_____ /

COMPLAINT AND DEMAND FOR JURY TRIAL

Plaintiff, JAIME MACALPINE (“MACALPINE” or “Plaintiff”), by and through her undersigned counsel, files this Complaint against Defendant, CRA SOLUTIONS, INC. (“CRA” or “Defendant”), and states as follows:

INTRODUCTION

1. Plaintiff worked for Defendant as a “Clinical Research Associate.”
2. Plaintiff was paid on an hourly basis.
3. To avoid its obligations under the FLSA, Defendant misclassified Plaintiff and other “Clinical Research Associates,” like her, as independent contractors.
4. Plaintiff brings this lawsuit on behalf of herself and all other similarly-situated employees of Defendant, who performed similar duties to, and who were paid in the same illegal manner as Plaintiff.
5. The proposed class of putative Plaintiffs, that Plaintiff will seek to notify of this lawsuit is defined as:

Any and all “Clinical Research Associates” who worked for Defendant at any time during the last three (3) years that were: (a) classified as “independent contractors”; (b) were paid on an hourly basis; (c) worked more than forty (40) hours per week; and (d) were not paid overtime compensation for hours worked over forty (40) per week.

6. Defendant misclassified all “Clinical Research Associates” like Plaintiff in a uniform and blanket manner, without regard to any specific evaluation or analysis of each person’s duties performed and skill set involved.

7. Defendant’s blanket misclassification in this regard constitutes a common policy and practice applicable to Plaintiff and all similarly situated putative class members.

8. This lawsuit is brought as a collective action under the FLSA to recover unpaid overtime compensation owed to Plaintiff and other similarly-situated class members.

JURISDICTION AND VENUE

9. Jurisdiction in this Court is proper as the claims are brought pursuant to the Fair Labor Standards Act, as amended (29 U.S.C. §201 hereinafter called the “FLSA”) to: recover overtime wages, an additional equal amount as liquidated damages, obtain declaratory relief, and other relief permitted by the FLSA, and reasonable attorney’s fees and costs.

10. Venue in the Southern District of Florida is proper pursuant to 28 U.S.C. § 1391(b) and (c), because Defendant provides services in this District and is thus considered a resident of this District. Further, a significant portion of the events giving rise to the claim alleged herein occurred within this District.

11. This Court has the authority to grant declaratory relief pursuant to the FLSA and the Federal Declaratory Judgment Act (“DJA”), 28 U.S.C. §§ 2201-02.

PARTIES

12. At all times material hereto, Plaintiff was and continues to be a resident of Palm Beach County, Florida.

13. At all times material hereto, Plaintiff was an “employee” of Defendant within the meaning of the FLSA, despite Defendant’s blanket misclassification of Plaintiff and all other similarly situated class members as “independent contractors.”

14. During the relevant FLSA liability period, Defendant failed to pay Plaintiff for all hours worked and denied Plaintiff overtime compensation for hours worked in excess of forty per week.

15. Plaintiff, with the filing of this Complaint, consents to join this action and authorizes same to proceed on her behalf.

16. At all times material hereto, Defendant was, and continues to be, a Florida Profit Corporation engaged in business in Florida, with its principal place of business in Florida.

17. At all times material hereto, Plaintiff was “engaged in commerce” within the meaning of §6 and §7 of the FLSA.

18. At all times material hereto (2015-18), Defendant was an “employer” within the meaning of the FLSA.

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

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

21. During the relevant FLSA limitations period, Defendant employed two or more persons, including Plaintiff, and has "had employees handling, selling or otherwise working on goods or materials that have been moved in or produced for commerce by any person," as defined

in § 203(s)(1)(A)(i).

STATEMENT OF FACTS

22. Defendant provides, among other things, monitoring and study management services to medical device, pharmaceutical, and biotechnology companies.

23. Defendant hires individuals, like Plaintiff, to serve as “Clinical Research Associates” and pays them on an hourly basis to perform monitor and study management services on Defendant’s behalf.

24. These “Clinical Research Associates,” like Plaintiff and the putative class members, are misclassified as “independent contractors” despite the fact that, among other thing: (a) they have no control over their rate of pay as same is dictated by Defendant; (b) Defendant provides all equipment, clients, offices, administrative staff and otherwise covers the overhead incurred for Plaintiffs to perform their work; (c) Plaintiffs work is closely monitored, controlled, and supervised by Defendant; (d) Defendant dictates the quantity and quality of work performed by Plaintiff; and (e) Plaintiff and the other class members do not have the opportunity to work for others during their tenure of employment with Defendant.

25. Defendant has classified Plaintiff, and all similarly situated class members (Clinical Research Associates) as “independent contractors.”

26. Plaintiff, and those similarly situated, are paid on an hourly basis.

27. Plaintiff and the class members do/did not earn a salary.

28. Plaintiff and the class members were not exempt from overtime under any white collar exemptions to the FLSA.

29. Plaintiff began working for Defendant as a “Clinical Research Associate” on or about April 2009, and Plaintiff worked for Defendant continuously through June 8, 2018.

30. During her tenure, Plaintiff and similarly situated class members regularly worked in excess of forty (40) hours within a work week, and oftentimes up to sixty (60) hours per week or more, without the payment of any overtime compensation, whatsoever.

31. Plaintiff and the putative class members should have been compensated at the rate of one and one-half times their regular rate for those hours that Plaintiff worked in excess of forty (40) hours per week, as required by the FLSA.

32. From the commencement of Plaintiff's tenure through her separation, Defendant failed to pay Plaintiff and the putative class members, proper overtime compensation, at the federally mandated rate of time and one-half their regular rate of pay.

33. In sum, Plaintiff and the putative class routinely worked over forty (40) hours in a work week but were not paid full and proper overtime wages for all of that work, as required by the FLSA.

34. Defendant has known that Plaintiff and all similarly situated class members, performed work without proper compensation and Defendant chose to deny them overtime compensation, for performing this work, in willful disregard of their rights under the FLSA.

35. Prior to the filing of this lawsuit, Defendant did not consult with an attorney to evaluate whether Plaintiff's actual job duties and pay structure rendered her exempt under the overtime provisions of the FLSA.

36. Prior to the filing of this lawsuit, Defendant did not consult with the DOL to evaluate whether Plaintiff's actual job duties and pay structure rendered her exempt under the overtime provisions of the FLSA.

37. Prior to the filing of this lawsuit, Defendant did not consult with an accountant to

evaluate whether Plaintiff's actual job duties and pay structure rendered her exempt under the overtime provisions of the FLSA.

38. Based on the allegations in Paragraphs 35-37, above, Plaintiff is entitled to liquidated damages as Defendant had no objective or subjective good faith belief that its pay practices were in compliance with the FLSA.

39. Plaintiff has retained the law firm of CELLER LEGAL, P.A. to represent her and the putative class, in the litigation, and has agreed to pay the firm a reasonable fee for its services.

COLLECTIVE ACTION ALLEGATIONS

40. Plaintiff re-alleges and incorporates by reference the preceding paragraphs 1 through 39.

41. Plaintiff brings Count I as an opt-in collective action pursuant to 29 U.S.C. § 216(b) on behalf of herself and the following:

Any and all "Clinical Research Associates" who worked for Defendant at any time during the last three (3) years that were: (a) classified as "independent contractors"; (b) were paid on a day rate basis; (c) worked more than forty (40) hours per week; and (d) were not paid overtime compensation for hours worked over forty (40) per week.

42. The FLSA claim may be pursued by those who opt-in to this case, pursuant to 29 U.S.C. § 216(b).

43. Plaintiff, individually and on behalf of other similarly-situated employees, seeks relief on a collective basis challenging, among other FLSA violations, Defendant's policies and practices of failing to pay full and proper overtime compensation and misclassifying employees as "independent contractors."

44. The number and identity of other Plaintiffs yet to opt-in and consent to be party

Plaintiffs, may be determined from the records of Defendant, and potential class members may easily and quickly be notified of the pendency of this action.

COUNT I

FAILURE TO PAY OVERTIME COMPENSATION TO HOURLY PAID LABORERS IN VIOLATION OF THE FLSA DURING THE FLSA RELEVANT LIABILITY PERIOD

45. Plaintiff re-alleges and incorporates by reference the preceding paragraphs 1 through 44 with respect to all hourly paid “Clinical Research Associates.”

46. During the FLSA limitations period, Defendant did not compensate hourly paid “Clinical Research Associates” for all their hours worked for Defendant in excess of forty (40) per week as required by Section 207 of the FLSA, based on Defendant’s misclassification of these individuals as “independent contractors.”

47. Hourly paid “Clinical Research Associates” were victims of a common illegal policy and plan by Defendant to deny them overtime compensation required by the FLSA.

48. Defendant's failure to pay hourly paid “Clinical Research Associates” in accordance with the requirements of Section 207 of the FLSA was in willful disregard of the overtime wage compensation requirements of the FLSA.

49. Plaintiff, on behalf of herself and other hourly paid “Clinical Research Associates,” seeks unpaid overtime compensation in an amount to be determined, as well as an equal amount of liquidated damages (or pre-judgment interest in the event liquidated damages are denied), post-judgment interest, and attorneys' fees and costs pursuant to 29 U.S.C. § 216(b).

PRAYER FOR RELIEF

WHEREFORE, Plaintiff, individually, and on behalf of all hourly paid “Clinical Research Associates,” demands judgment against Defendant and prays this Court:

- a. Issue notice to all hourly paid “Clinical Research Associates” who were employed by Defendant at any time during the relevant FLSA limitations period, informing them of their right to file consents to join this action;
- b. Declare Defendant's policy of not paying hourly paid “Clinical Research Associates” overtime illegal under the FLSA;
- c. Find that Defendant's violation of the FLSA was willful and impose a three- year statute of limitations period for FLSA claims;
- d. Award Plaintiff and all other hourly paid “Clinical Research Associates” unpaid overtime compensation;
- e. Award hourly paid “Clinical Research Associates” an amount equal to unpaid overtime compensation as liquidated damages under 29 U.S.C. § 216(b);
- f. Award hourly paid “Clinical Research Associates” pre-judgment interest if liquidated damages are not awarded;
- g. Award hourly paid “Clinical Research Associates” post-judgment interest as provided by law;
- h. Award hourly paid “Clinical Research Associates” reasonable attorneys' fees and costs as mandated by Section 216(b) of the FLSA; and
- i. Award hourly paid “Clinical Research Associates” such other relief as the Court deems fair and equitable.

JURY DEMAND

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

Dated: August 22, 2018.

Respectfully submitted,

/s/ Noah E. Storch

Noah E. Storch, Esq.

Florida Bar No. 0085476

Richard Celler, Esq.

Florida Bar No. 0173370

Richard Celler Legal, P.A

7450 Griffin Road, Suite 230

Davie, FL 33314

Telephone: (866) 344-9243

Facsimile: (954) 337-2771

Email: noah@floridaovertimelawyer.com

Email: richard@floridaovertimelawyer.com

EXHIBIT A

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
BROWARD DIVISION

CASE NO.:

JAIME MACALPINE, on behalf of herself and all
others similarly situated,

Plaintiff,

v.

CRA SOLUTIONS, INC.,
a Florida Profit Corporation,

Defendants.

_____ /

CONSENT TO BECOME PARTY PLAINTIFF

I, JAIME MACALPINE, consent to become the party plaintiff in the above-styled lawsuit.

Date: August 22, 2018

Signature: 

Print: 22/Aug/2018

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.) NOTICE: Attorneys MUST Indicate All Re-filed Cases Below.

I. (a) PLAINTIFFS JAIME MACALPINE, on behalf of herself and all others similarly situated,

DEFENDANTS CRA SOLUTIONS, INC., a Florida Profit Corporation,

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

County of Residence of First Listed Defendant BROWARD (IN U.S. PLAINTIFF CASES ONLY)

(c) Attorneys (Firm Name, Address, and Telephone Number) NCAH E. STORCH, RICHARD CELLER LEGAL, P.A., 7450 GRIFFIN ROAD, SUITE 230, DAVIE, FL 33314

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED. Attorneys (If Known)

(d) Check County Where Action Arose: MIAMI-DADE MONROE BROWARD PALM BEACH MARTIN ST. LUCIE INDIAN RIVER OKEECHOBEE HIGHLANDS

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- 1 U.S. Government Plaintiff
2 U.S. Government Defendant
3 Federal Question (U.S. Government Not a Party)
4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- Citizen of This State
Citizen of Another State
Citizen or Subject of a Foreign Country
PTF DEF
1 1 Incorporated or Principal Place of Business In This State
2 2 Incorporated and Principal Place of Business In Another State
3 3 Foreign Nation

IV. NATURE OF SUIT (Place an "X" in One Box Only)

Grid of categories including CONTRACT, REAL PROPERTY, CIVIL RIGHTS, TORTS, PRISONER PETITIONS, FORFEITURE/PENALTY, LABOR, IMMIGRATION, BANKRUPTCY, SOCIAL SECURITY, FEDERAL TAX SUITS, and OTHER STATUTES.

V. ORIGIN (Place an "X" in One Box Only)

- 1 Original Proceeding
2 Removed from State Court
3 Re-filed (See VI below)
4 Reinstated or Reopened
5 Transferred from another district (specify)
6 Multidistrict Litigation Transfer
7 Appeal to District Judge from Magistrate Judgment
8 Multidistrict Litigation - Direct File
9 Remanded from Appellate Court

VI. RELATED/ RE-FILED CASE(S)

(See instructions): a) Re-filed Case YES NO b) Related Cases YES NO JUDGE: DOCKET NUMBER:

VII. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing and Write a Brief Statement of Cause (Do not cite jurisdictional statutes unless diversity): 29 U.S.C. §201 hereinafter called the "FLSA" LENGTH OF TRIAL via days estimated (for both sides to try entire case)

VIII. REQUESTED IN COMPLAINT:

CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23 DEMAND \$ CHECK YES only if demanded in complaint: JURY DEMAND: Yes No

ABOVE INFORMATION IS TRUE & CORRECT TO THE BEST OF MY KNOWLEDGE

DATE August 22, 2018 SIGNATURE OF ATTORNEY OF RECORD NOAH E. STORCH

FOR OFFICE USE ONLY RECEIPT #

AMOUNT 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.C.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; 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 clerks 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.

Refiled (3) Attach copy of Order for Dismissal of Previous case. Also complete VI.

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.

Appeal to District Judge from Magistrate Judgment. (7) Check this box for an appeal from a magistrate judge's decision.

Remanded from Appellate Court. (8) Check this box if remanded from Appellate Court.

VI. Related/Refiled Cases. This section of the JS 44 is used to reference related pending cases or re-filed cases. Insert the docket numbers and the corresponding judges name for such cases.

VII. 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

VIII. 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 dollar amount (in thousands of dollars) 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.

Date and Attorney Signature. Date and sign the civil cover sheet.

AO 440 (Rev. 06/12) Summons in a Civil Action

UNITED STATES DISTRICT COURT

for the

Southern District of Florida

JAIME MACALPINE, on behalf of herself
and all others similarly situated,

Plaintiff(s)

v.

CRA SOLUTIONS, INC.,
a Florida Profit Corporation,

Defendant(s)

Civil Action No.

SUMMONS IN A CIVIL ACTION

To: (Defendant's name and address) CRA SOLUTIONS, INC
MATZAT, JILL- REGISTERED AGENT
11555 HERON BAY BLVD, SUITE 102
CORAL SPRINGS, FL 33076

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you
are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ.
P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of
the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney,
whose name and address are:

RICHARD CELLER LEGAL, P.A.
NOAH E. STORCH, ESQ.
7450 GRIFFIN ROAD, SUITE 230
DAVIE, FLORIDA 33314
(866) 344-9243
EMAIL: noah@floridaovertimelawyer.com

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint.
You also must file your answer or motion with the court.

CLERK OF COURT

Date:

Signature of Clerk or Deputy Clerk

Civil Action No. _____

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))

This summons for *(name of individual and title, if any)* _____
was received by me on *(date)* _____ .

I personally served the summons on the individual at *(place)* _____
_____ on *(date)* _____ ; or

I left the summons at the individual's residence or usual place of abode with *(name)* _____
_____, a person of suitable age and discretion who resides there,
on *(date)* _____ , and mailed a copy to the individual's last known address; or

I served the summons on *(name of individual)* _____ , who is
designated by law to accept service of process on behalf of *(name of organization)* _____
_____ on *(date)* _____ ; or

I returned the summons unexecuted because _____ ; or

Other *(specify)*:

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ _____ 0.00 _____ .

I declare under penalty of perjury that this information is true.

Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc:

Print

Save As...

Reset

ClassAction.org

This complaint is part of ClassAction.org's searchable class action lawsuit database and can be found in this post: [CRA Solutions Facing Lawsuit Alleging Unpaid Overtime](#)
