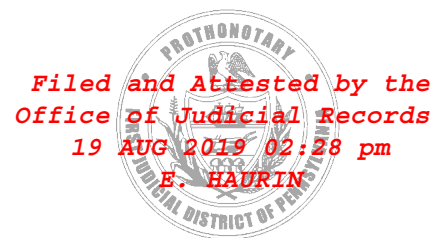


Peter Winebrake (PA Attorney No. 80496)
 R. Andrew Santillo (PA Attorney No. 93041)
 Mark J. Gottesfeld (PA Attorney No. 307752)
 Winebrake & Santillo, LLC
 715 Twining Road, Suite 211
 Dresher, PA 19025
 (215) 884-2491
Plaintiff's Counsel



| | | |
|-------------------------|---|-----------------------|
| | : | |
| KAPRIA MAPLES, | : | PHILADELPHIA COUNTY |
| Plaintiff, | : | COURT OF COMMON PLEAS |
| v. | : | |
| | : | CLASS ACTION |
| PREMIER CARE & STAFFING | : | |
| SERVICES, INC., | : | JURY TRIAL DEMANDED |
| Defendant. | : | |
| | : | |

AMENDED COMPLAINT – CLASS/COLLECTIVE ACTION
10 — Contract: Other

NOTICE

You have been sued in court. If you wish to defend against the claims set forth in the following pages, you must take action within twenty (20) days after the complaint and notice are served, by entering a written appearance personally or by attorney and filing in writing with the court your defenses or objections to the claims set forth against you. You are warned that if you fail to do so the case may proceed without you and a judgment may be entered against you by the court without further notice for any money claimed in the complaint or for any other claim or relief requested by the plaintiff. You may lose money or property or other rights important to you.

YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER OR CANNOT AFFORD ONE, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW TO FIND OUT WHERE YOU CAN GET LEGAL HELP.

PHILADELPHIA BAR ASSOCIATION
 Lawyer Referral and Information Service
 1101 Market Street, 11th Floor
 Philadelphia, Pennsylvania 19107
 (215) 238-1701

AVISO

Le han demandado a usted en la corte. Si usted quiere defenderse de estas demandas expuestas en las paginas siguientes, usted tiene veinte (20) dias de plazo al partir de la fecha de la demanda y la notification. Hace falta asentar una comparencia escrita o en persona o con un abogado y entregar a la corte en forma escrita sus defenses o sus objeciones a las demandas en contra de su persona. Sea avisado que si usted no se defiende, la corte tomara medidas y puede continuar la demanda en contra suya sin previo aviso o notification. Ademas, la corte puede decidira favor del demandante y require que usted cumpla con todas las provisiones de esta demanda. Usted puede perder dinero o sus propiedades u otros derechos importantes para usted.

LLEVE ESTA DEMANDA A UN ABOGADO INMEDIATA-MENTE SI NO TIENE ABOGADO O SI NO TIENE EL DINERO SUFFICIENTE DE PAGAR TAL SERVICIO, VAYA EN PERSONA O LLAME POR TELEFONO A LA OFFICINA CUYA DIRECCION SE ENCUENTRA ESCRITA ABAJO PARA AVERIGUAR DONDE SE PUEDE CONSEGUIR ASISTENCIA LEGAL.

ASOCIACION DE LICENCIADOS DE
 FILADELFA
 Servicio De Referencia E Informacion Legal
 1101 Market Street, 11th Floor
 Filadelfia, Pennsylvania 19107
 (215) 238-1701

Kapria Maples (“Plaintiff”) brings this class action lawsuit against Premier Care & Staffing Services, Inc. (“Defendant”), seeking all available relief under the Fair Labor Standards Act (“FLSA”), 29 U.S.C. §§ 201, et seq. and the Pennsylvania Minimum Wage Act (“PMWA”), 43 P.S. §§ 333.101, et seq. Plaintiff’s FLSA claim is asserted as a collective action under 29 U.S.C. § 216(b), while her PMWA is asserted as a class action pursuant to Pa. R. Civ. P. 1701, et seq.¹

PARTIES

1. Plaintiff resides at 1623 West Toronto Street, Philadelphia, PA 19132.
2. Defendant is a corporation that, according to its company website, is headquartered at 211 West State Street, Suite 205, Media, PA 19063.

JURISDICTION AND VENUE

3. This Court has personal jurisdiction over Defendant.
4. This Court has jurisdiction over the FLSA claim under 29 U.S.C. § 216(b)
5. Venue in this Court is proper because Defendant regularly conducts business in Philadelphia County. For example, Defendant’s company website states: “We extend our services to the leading hospitals and healthcare organizations within and surrounding the Philadelphia, Pennsylvania area.” Moreover, while employed by Defendant, Plaintiff primarily worked within Philadelphia County.

FACTS

6. Defendant, according to its company website, “is a professional staffing firm providing qualified homecare providers to private individuals and qualified

¹ FLSA collective action claims and class action claims may proceed together in the same lawsuit. *See Knepper v. Rite Aid Corp.*, 675 F.3d 249 (3d Cir. 2012).

healthcare professionals to hospitals, nursing homes, residential facilities, long-term care/assisted living, hospitals, doctors' clinics, surgery centers and home healthcare agencies in Philadelphia and surrounding area.”

7. Defendant employs hundreds of individuals who are paid on an hourly basis and provide homecare and/or healthcare services to Defendant's customers. These individuals will be referred to as “hourly employees.”

8. Plaintiff was employed by Defendant as an hourly employee from approximately May 2018 until approximately October 2018. In particular, Plaintiff worked for Defendant as a homecare provider, was assigned to Philadelphia County home of one of Defendant's clients, and was paid an hourly wage of either \$12.00 or \$13.00.

9. Defendant regularly failed to pay overtime premium compensation to Plaintiff and other hourly employees when they worked over 40 hours in a week. As one of many examples, Plaintiff was credited with working 45 hours during the week ending August 26, 2018 and was merely paid at her straight-time rate of \$12.00/hour for *all* work hours, including the 5 overtime hours.

CLASS/COLLECTIVE ACTION ALLEGATIONS

10. Plaintiff brings this lawsuit as a class and collective action on behalf of herself and all other individuals who, during any week since January 11, 2016, have been employed by Defendant, paid an hourly wage, and not paid overtime premium compensation for all hours worked over 40 in a week.

11. Plaintiff's FLSA claim should proceed as a collective action because Plaintiff and other putative collective members, having worked pursuant to the common

policies of Defendant described herein, are “similarly situated” as that term is defined in 29 U.S.C. § 216(b) and the associated decisional law

12. This action is properly maintained as a class action under the PMWA pursuant to Pennsylvania Rules of Civil Procedure 1702, 1708, and 1709.

13. The class is so numerous that joinder of all individual members is impracticable.

14. Defendant’s conduct with respect to Plaintiff and the class raises questions of law and fact that are common to the entire class.

15. Plaintiff’s claims and Defendant’s anticipated defenses are typical of the claims or defenses applicable to the entire class.

16. Plaintiff’s interests in pursuing this lawsuit are aligned with the interests of the entire class.

17. Plaintiff will fairly and adequately protect class members’ interests because she and her experienced and well-financed counsel are free of any conflicts of interest and are prepared to vigorously litigate this action on behalf of the entire class.

18. A class action provides the fairest and most efficient method for adjudicating the legal claims of all class members.

COUNT I
(Alleging FLSA Violations)

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

20. Defendant is an employer covered by the FLSA, and Plaintiff and collective members are employees entitled to the PMWA’s protections.

21. The FLSA requires that employees receive overtime premium compensation “not less than one and one-half times” their regular pay rate for hours

worked over 40 per week. *See* 29 U.S.C. § 207(a)(1).

22. Defendants violated the FLSA by failing to pay Plaintiff and other FLSA collective members overtime premium for hours worked over 40 per week.

23. In violating the FLSA, Defendants acted willfully and with reckless disregard of clearly applicable FLSA provisions and, as such, willfully violated the FLSA.

COUNT II
(Alleging PMWA Violations)

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

25. Defendant is an employer covered by the PMWA, and Plaintiff and the class members are employees entitled to the PMWA's protections.

26. The PMWA requires Defendant to pay Plaintiff and other class members overtime premium compensation "not less than one and one-half times" the regular pay rate for all hours worked over 40 per week. *See* 43 P.S. § 333.104(c).

27. Defendant violated the PMWA by failing to pay Plaintiff and other class members overtime premium compensation for all hours worked over 40 per week.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff, on behalf of herself and the class and collective, seek the following relief:

- A. Unpaid wages to the fullest extent permitted under the law;
- B. Liquidated damages to the fullest extent permitted under the law;
- C. Prejudgment interest to the fullest extent permitted under the law;
- D. Litigation costs, expenses, and attorney's fees to the fullest extent permitted under the law; and

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

JURY DEMAND

Plaintiff demands a jury trial.

Date: August 19, 2019

Respectfully,

/s/ R. Andrew Santillo
Peter Winebrake (PA Attorney No. 80496)
R. Andrew Santillo (PA Attorney No. 93041)
Mark J. Gottesfeld (PA Attorney No. 307752)
Winebrake & Santillo, LLC
715 Twining Road, Suite 211
Dresher, PA 19025
(215) 884-2491

For Plaintiff and the Putative Class

CERTIFICATE OF SERVICE

I, R. Andrew Santillo, hereby certify that, on August 19, 2019, the accompanying document was filed electronically and is available for viewing by all counsel of record.

/s/ R. Andrew Santillo
R. Andrew Santillo
WINEBRAKE & SANTILLO, LLC
Twining Office Center, Suite 211
715 Twining Road
Dresher, PA 19025
Ph: (215) 884-2491
E-Mail: asantillo@winebrakelaw.com