

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

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ROBERT SHERIDAN, on behalf of himself	:	CIVIL ACTION	
and similarly situated employees,	:		
	Plaintiff,	:	ELECTRONICALLY FILED
	v.	:	ON MARCH 15, 2019
		:	
COMMONWEALTH HEALTH	:	CLASS/COLLECTIVE ACTION	
EMERGENCY MEDICAL SERVICES,	:		
	Defendant.	:	JURY TRIAL DEMANDED
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**COMPLAINT - CLASS/COLLECTIVE ACTION**

Plaintiff Robert Sheridan (“Plaintiff”), on behalf of himself and similarly situated employees, brings this class/collective action lawsuit against Defendant Commonwealth Health Emergency Medical Services (“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 his PMWA claim is asserted as a class action under Federal Rule of Civil Procedure 23. See Knepper v. Rite Aid Corp., 675 F.3d 249 (3d Cir. 2012) (collective and class claims may proceed together in same action).

**JURISDICTION AND VENUE**

1. Jurisdiction over the FLSA claim is proper under 29 U.S.C. § 216(b) and 28 U.S.C. § 1331.

2. Jurisdiction over the PMWA claim is proper under 28 U.S.C. § 1367.
3. Venue in this Court is proper under 28 U.S.C. § 1391.

### **PARTIES**

4. Plaintiff resides in Moosic, PA.
5. Plaintiff is an employee covered by the FLSA and the PMWA.
6. Defendant is a corporation headquartered in Scranton, PA.
7. Defendant is an employer covered by the FLSA and the PMWA.

### **FACTS**

8. Defendant provides emergency medical services to patients in and around Northeastern Pennsylvania. See generally <https://www.commonwealthhealth.net/ambulance-services>.

9. Plaintiff is employed by Defendant as an Operations Supervisor.

10. During the 3-year period covered by this lawsuit, at least 30 other individuals have been employed by Defendant as Operations Supervisors.

11. Plaintiff and other Operations Supervisors often work over 40 hours per week. For example, during many weeks, Plaintiff is scheduled to work 48 hours and actually works 48 hours or more.

12. Defendant, as a matter of corporate policy, does not pay Plaintiff and other Operations Supervisors overtime premium compensation for hours worked over 40 per week. For example, during weeks in which Plaintiff is scheduled to

work (and actually works) 48 hours, he does not receive any overtime premium compensation for his 8 hours of overtime work.

**CLASS/COLLECTIVE ACTION ALLEGATIONS**

13. Plaintiff brings his FLSA claim as a collective action pursuant to 29 U.S.C. § 216(b) and brings his PMWA claim as a class action pursuant to Federal Rule of Civil Procedure 23 on behalf of: All individuals employed by Defendant as Operations Supervisors during any time within the past 3 years.

14. Plaintiff's FLSA claim should proceed as a collective action because Plaintiff and other putative collective members, having worked pursuant to the common policies described herein, are "similarly situated" as that term is defined in 29 U.S.C. § 216(b) and the associated decisional law.

15. Class action treatment of Plaintiff's PMWA claim is appropriate because, as alleged below, all of Rule 23's class action requisites are satisfied.

16. The class is readily ascertainable based on Defendant's standard payroll records and is so numerous that joinder of all class members is impracticable.

17. Plaintiff is a class member, his claims are typical of the claims of other class members, and he has no interests that are antagonistic to or in conflict with the interests of other class members.

18. Plaintiff will fairly and adequately represent the class members and

their interests, and he has retained competent and experienced counsel who will effectively represent the class members' interests.

19. Questions of law and fact are common to all class members, because, *inter alia*, this action concerns Defendant's companywide pay policies, as summarized herein. The legality of these policies will be determined through the application of generally applicable legal principles to a common set of facts.

20. Class certification is appropriate under Federal Rule of Civil Procedure 23(b)(3) because common questions of law and fact predominate over questions affecting only individual class members and because a class action is superior to other available methods for the fair and efficient adjudication of this litigation.

### **COUNT I**

21. All previous paragraphs are incorporated herein.

22. The FLSA entitles employees to overtime compensation "not less than one and one-half times" their regular pay rate for all hours worked over 40 per week. *See* 29 U.S.C. § 207(a)(1).

23. Defendant violated the FLSA by failing to pay Plaintiff and the collective overtime compensation for hours worked over 40 per week.

24. In violating the FLSA, Defendant acted willfully and with reckless disregard of clearly applicable FLSA provisions and, thus, has committed a willful

violation of the FLSA.

**COUNT II**

25. All previous paragraphs are incorporated herein.

26. The PMWA requires that employees receive overtime premium compensation “not less than one and one-half times” the employee’s regular pay rate for 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 Rule 23 class members overtime compensation for hours worked over 40 per week.

**PRAYER FOR RELIEF**

Plaintiff, on behalf of himself and others, seeks: (a) unpaid overtime wages; (b) prejudgment interest; (c) liquidated damages; (d) litigation costs, expenses, and attorneys’ fees; and (e) any other relief this Court deems just and proper.

**JURY TRIAL DEMANDED**

Plaintiff requests a jury trial as to all claims so triable.

Date: March 15, 2019

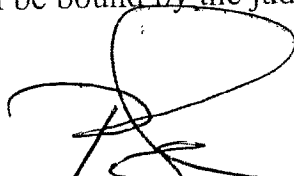
Respectfully,



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**CONSENT TO BECOME PARTY PLAINTIFF**

I hereby consent, pursuant to Section 16(b) of the Fair Labor Standards Act (“FLSA”), 29 U.S.C. § 216(b), to become a party plaintiff in the accompanying FLSA action. I understand that I will be bound by the judgment of the Court on all issues in this case.



\_\_\_\_\_  
Signature



\_\_\_\_\_  
Print Name