

Court of Common Pleas of Philadelphia County  
 Trial Division  
**Civil Cover Sheet**

For Prothonotary Use Only (Docket Number)  
**MAY 2016**  
**000229**  
 E-Filing Number: 1605003677

PLAINTIFF'S NAME SUSAN KUHN	DEFENDANT'S NAME BB&T CORPORATION
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PLAINTIFF'S ADDRESS 500 WEST ANGLESEA DRIVE WILDWOOD NJ 08260	DEFENDANT'S ADDRESS 200 WEST SECOND STREET WINSTON-SALEM NC 27101
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PLAINTIFF'S NAME	DEFENDANT'S NAME
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PLAINTIFF'S ADDRESS	DEFENDANT'S ADDRESS
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PLAINTIFF'S NAME	DEFENDANT'S NAME
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PLAINTIFF'S ADDRESS	DEFENDANT'S ADDRESS
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TOTAL NUMBER OF PLAINTIFFS 1	TOTAL NUMBER OF DEFENDANTS 1	COMMENCEMENT OF ACTION <input checked="" type="checkbox"/> Complaint <input type="checkbox"/> Writ of Summons <input type="checkbox"/> Petition Action <input type="checkbox"/> Transfer From Other Jurisdictions <input type="checkbox"/> Notice of Appeal
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AMOUNT IN CONTROVERSY <input type="checkbox"/> \$50,000.00 or less <input type="checkbox"/> More than \$50,000.00	COURT PROGRAMS <input type="checkbox"/> Arbitration <input type="checkbox"/> Jury <input type="checkbox"/> Non-Jury <input checked="" type="checkbox"/> Other: CLASS ACTION	<input type="checkbox"/> Mass Tort <input type="checkbox"/> Savings Action <input type="checkbox"/> Petition <input type="checkbox"/> Commerce <input type="checkbox"/> Minor Court Appeal <input type="checkbox"/> Statutory Appeals <input type="checkbox"/> Settlement <input type="checkbox"/> Minors <input type="checkbox"/> W/D/Survival
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CASE TYPE AND CODE  
 C1 - CLASS ACTION

STATUTORY BASIS FOR CAUSE OF ACTION

RELATED PENDING CASES (LIST BY CASE CAPTION AND DOCKET NUMBER)	<b>FILED</b> <b>PRO PROTHY</b> <b>MAY 02 2016</b> <b>M. BRYANT</b>	IS CASE SUBJECT TO COORDINATION ORDER? YES      NO
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TO THE PROTHONOTARY:  
 Kindly enter my appearance on behalf of Plaintiff/Petitioner/Appellant: SUSAN KUHN  
 Papers may be served at the address set forth below.

NAME OF PLAINTIFF'S/PETITIONER'S/APPELLANT'S ATTORNEY R. ANDREW SANTILLO	ADDRESS WINEBRAKE & SANTILLO, LLC TWINING OFFICE CENTER 715 TWING ROAD, SUITE 211 DRESHER PA 19025
PHONE NUMBER (215) 884-2491	FAX NUMBER (215) 884-2492

SUPREME COURT IDENTIFICATION NO. 93041	E-MAIL ADDRESS asantillo@winebrakelaw.com
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SIGNATURE OF FILING ATTORNEY OR PARTY R. ANDREW SANTILLO	DATE SUBMITTED Monday, May 02, 2016, 06:06 pm
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Plaintiff Susan Kuhn (“Plaintiff”), on behalf of herself and similarly situated individuals, brings this class action lawsuit against Defendant BB&T Corporation (“Defendant”), seeking all available relief under the Pennsylvania Minimum Wage Act (“PMWA”), 43 P.S. §§ 333.101, *et seq.* The following allegations are based on personal knowledge as to Plaintiff’s own conduct and are made on information and belief as to the acts of others.

### **JURISDICTION AND VENUE**

1. This Court has personal jurisdiction over Defendant.
2. Venue in this Court is proper under Pennsylvania Rules of Civil Procedure 1006 and 2179 because Defendant regularly conducts business within Philadelphia County by, *inter alia*, operating multiple “National Penn Bank” branch locations within Philadelphia County.

### **PARTIES**

3. Plaintiff is an individual residing at 500 West Anglesea Drive, Wildwood, NJ 08260.
4. Defendant BB&T Corporation is a North Carolina corporation registered to do business in Pennsylvania and headquartered at 200 West Second Street, Winston-Salem, NC 27101.
5. Defendant is an employer covered by the record-keeping, minimum wage, and wage payment mandates of the PMWA.

### **FACTS**

6. Defendant provides a wide range of retail and commercial banking as well as other financial services.

7. In approximately August 2015, Defendant entered into an agreement to acquire National Penn Bancshares, Inc. (“National Penn Bank”).

8. On April 1, 2015, Defendant’s acquisition of National Penn Bank was completed.

9. Upon consummation of the acquisition, National Penn Bank ceased to exist as an independent business entity.

10. Upon information and belief, Defendant succeeded to all of National Penn Bank’s liabilities, including, *inter alia*, all known and unknown liabilities to former National Penn Bank employees for violations of federal, state, or local laws

11. Defendant (and, prior to the acquisition, National Penn Bank) employed “Mortgage Loan Officers” (“MLOs”) in Pennsylvania.

12. Plaintiff worked as a MLO in Pennsylvania during the three-year period until her retirement on approximately March 1, 2016.

13. Plaintiff and other MLOs had the primary duty of selling mortgage loan and refinance products to Defendant’s (and, prior to the acquisition, National Penn Bank’s) customers.

14. Plaintiff and other MLOs performed their work duties primarily from inside their home offices and/or Defendant’s (and, prior to the acquisition, National Penn Bank’s) office locations.

15. Plaintiff and other MLOs were compensated with a repayable draw plus commissions based on the number of mortgage loan and refinance products were purchased by Defendant’s (and, prior to the acquisition, National Penn Bank’s) customers.

16. Plaintiff and other MLOs regularly worked over 40 hours per workweek.

17. In particular, Plaintiff estimates that she worked an average of 47 or more hours a week during the three-year period prior to her retirement in March 2016.

18. When Plaintiff and other MLOs worked over 40 hours, Defendant and, prior to the acquisition, National Penn Bank) failed to pay Plaintiff and other MLOs any compensation, including overtime premium compensation, for their overtime work.

### **CLASS ACTION ALLEGATIONS**

19. Plaintiff brings this lawsuit as a class action on behalf of herself and all individuals who, during any time in the past three years, worked for Defendant (and, prior to the acquisition, National Penn Bank) as MLOs in Pennsylvania.

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

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

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

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

24. Plaintiff's interests in pursuing this lawsuit are aligned with the interests of the entire class.

25. 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.

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

**COUNT I  
(Alleging PMWA Violations)**

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

28. Plaintiff and other class members are employees entitled to the PMWA's protections.

29. Defendant is an employer covered by the PMWA.

30. The PMWA entitles employees to compensation for every hour worked in a workweek. *See* 43 P.S. § 333.104(a).<sup>1</sup>

31. The PMWA entitles employees to overtime compensation "not less than one and one-half times" the employee's regular pay rate for all hours worked over 40 in a workweek. *See* 43 P.S. § 333.104(c).

32. Defendants violated the PMWA by failing to pay Plaintiff and the class members any compensation, including overtime premium compensation, for hours worked in excess of 40 during the workweek.

**PRAYER FOR RELIEF**

**WHEREFORE**, Plaintiff, on behalf of herself and other members of the class, seeks the following relief:

- A. An order permitting this action to proceed as a class action;
- B. Unpaid overtime wages to the fullest extent permitted under the law;
- C. Prejudgment interest to the fullest extent permitted under the law;

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<sup>1</sup> Plaintiffs are not alleging that Defendant violated the minimum wage provisions of the PMWA.

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.

Date: May 2, 2016

/s/ R. Andrew Santillo  
Peter Winebrake  
R. Andrew Santillo  
Mark J. Gottesfeld  
WINEBRAKE & SANTILLO, LLC  
715 Twining Road, Suite 211  
Dresher, PA 19025  
Phone: (215) 884-2491

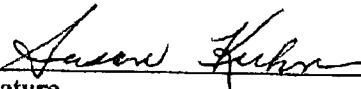
*Attorneys for Plaintiff*

**VERIFICATION**

I, Susan Kuhn, hereby state:

1. I am the plaintiff in this action;
2. I verify that the statements made in the Complaint are true and correct to the best of my knowledge information and belief; and
3. I understand that the statements in the Complaint are subject to the penalties of 18 Pa. C.S. § 4904 relating to unsworn falsification to authorities.

Dated: 4/29/2016

  
Signature