

Civil Cover Sheet

For Prothonotary Use Only (Docket Number)
SEPTEMBER 2019
E-Filing Number: 1909013299 **000728**

PLAINTIFF'S NAME GLADYS CONCEPCION CHAPARRO	DEFENDANT'S NAME ALL AMERICAN HOME CARE, LLC
--	---

PLAINTIFF'S ADDRESS 	DEFENDANT'S ADDRESS 2921 NORTH 5TH STREET PHILADELPHIA PA 19133
-------------------------	---

PLAINTIFF'S NAME	DEFENDANT'S NAME
------------------	------------------

PLAINTIFF'S ADDRESS	DEFENDANT'S ADDRESS
---------------------	---------------------

PLAINTIFF'S NAME	DEFENDANT'S NAME
------------------	------------------

PLAINTIFF'S ADDRESS	DEFENDANT'S ADDRESS
---------------------	---------------------

TOTAL NUMBER OF PLAINTIFFS 1	TOTAL NUMBER OF DEFENDANTS 1	COMMENCEMENT OF ACTION <input checked="" type="checkbox"/> Complaint <input type="checkbox"/> Petition Action <input type="checkbox"/> Notice of Appeal <input type="checkbox"/> Writ of Summons <input type="checkbox"/> Transfer From Other Jurisdictions
---------------------------------	---------------------------------	---

AMOUNT IN CONTROVERSY <input type="checkbox"/> \$50,000.00 or less <input checked="" type="checkbox"/> More than \$50,000.00	COURT PROGRAMS <input type="checkbox"/> Arbitration <input type="checkbox"/> Mass Tort <input type="checkbox"/> Commerce <input type="checkbox"/> Settlement <input type="checkbox"/> Jury <input type="checkbox"/> Savings Action <input type="checkbox"/> Minor Court Appeal <input type="checkbox"/> Minors <input type="checkbox"/> Non-Jury <input type="checkbox"/> Petition <input type="checkbox"/> Statutory Appeals <input type="checkbox"/> W/D/Survival <input checked="" type="checkbox"/> Other: CLASS ACTION
--	---

CASE TYPE AND CODE
C1 - CLASS ACTION

STATUTORY BASIS FOR CAUSE OF ACTION

RELATED PENDING CASES (LIST BY CASE CAPTION AND DOCKET NUMBER) <div style="text-align:center"> FILED PRO PROTHY SEP 06 2019 M. BRYANT </div>	IS CASE SUBJECT TO COORDINATION ORDER? YES NO
--	---

TO THE PROTHONOTARY:
Kindly enter my appearance on behalf of Plaintiff/Petitioner/Appellant: GLADYS CONCEPCION CHAPARRO
Papers may be served at the address set forth below.

NAME OF PLAINTIFF'S/PETITIONER'S/APPELLANT'S ATTORNEY SETH P. LYONS	ADDRESS COMMUNITY LEGAL SERVICES, INC. 1424 CHESTNUT STREET PHILADELPHIA PA 19102
PHONE NUMBER (215) 981-3790	FAX NUMBER none entered

SUPREME COURT IDENTIFICATION NO. 322778	E-MAIL ADDRESS slyons@clsphila.org
--	---------------------------------------

SIGNATURE OF FILING ATTORNEY OR PARTY SETH LYONS	DATE SUBMITTED Friday, September 06, 2019, 02:32 pm
---	--

**FIRST JUDICIAL DISTRICT OF PENNSYLVANIA
COURT OF COMMON PLEAS OF PHILADELPHIA
TRIAL DIVISION - CIVIL**

CONCEPCION CHAPARRO VS
ALL AMERICAN HOME CARE,
LLC

SEPTEMBER TERM, 2019

No. 00728

PRAECIPE TO PROCEED IN FORMA PAUPERIS

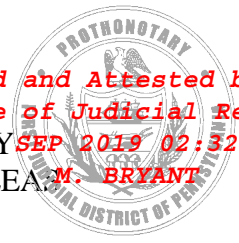
TO THE PROTHONOTARY:

Kindly allow, GLADYS CONCEPCION CHAPARRO, (plaintiff) (defendant), to proceed in forma pauperis.

I, SETH P. LYONS, attorney for the party proceeding in forma pauperis, certify that I believe the party is unable to pay the costs and that I am providing free legal service to the party.

SETH P. LYONS
Attorney for Plaintiff/Defendant

Date: 09/06/2019



Filed and Attested by the
Office of Judicial Records
06 SEP 2019 02:32 pm
M. BRYANT

	:	
GLADYS CONCEPCION CHAPARRO,	:	PHILADELPHIA COUNTY
	:	COURT OF COMMON PLEAS
Plaintiff,	:	
v.	:	CLASS ACTION
	:	
ALL AMERICAN HOME CARE, LLC,	:	JURY TRIAL DEMANDED
	:	
Defendant.	:	
	:	

ORDER

AND NOW, this day of , 2019, upon consideration of the within motion and affidavit to proceed in forma pauperis, the said motion is hereby granted.

IT IS HEREBY ORDERED that the plaintiff, Gladys Concepcion Chaparro, shall be allowed to proceed in this matter in forma pauperis, without the necessity of paying the filing or costs hereof.

BY THE COURT:

J.

Community Legal Services, Inc.
BY: Seth Lyons
Identification No. 322778

1424 Chestnut Street
Philadelphia, PA 19102
(215) 981-3790

Attorney for Plaintiff

GLADYS CONCEPCION CHAPARRO,	:	PHILADELPHIA COUNTY
	:	COURT OF COMMON PLEAS
Plaintiff,	:	
v.	:	CLASS ACTION
	:	
ALL AMERICAN HOME CARE, LLC,	:	JURY TRIAL DEMANDED
	:	
Defendant.	:	

PRAECIPE TO PROCEED IN FORMA PAUPERIS

TO THE PROTHONOTARY:

Kindly allow the plaintiff, Gladys Concepcion Chaparro, to proceed in forma pauperis in filing a complaint against the defendant All American Home Care, LLC in the above-captioned matter.

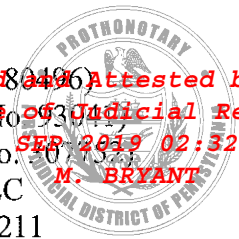
I, attorney for the party proceeding in forma pauperis, certify that I believe the party is unable to pay the costs and that I am providing free legal services to the party.

/Seth Lyons/
SETH P. LYONS
Attorney for Plaintiff

DATED: September 6, 2019

Seth Lyons (PA No. 322778)
Community Legal Services of Philadelphia
1424 Chestnut Street
Philadelphia, PA 19102

Peter Winebrake (PA No. 80496)
R. Andrew Santillo (PA No. 93041)
Mark J. Gottesfeld (PA No. 33777)
Winebrake & Santillo, LLC
715 Twining Road, Suite 211
Dresher, PA 19025



Attested by the
Office of Judicial Records
66 SEP 2019 02:32 pm

Attorneys for Plaintiff and the Putative Class

GLADYS CONCEPCION CHAPARRO,	:	PHILADELPHIA COUNTY
	:	COURT OF COMMON PLEAS
Plaintiff,	:	CLASS ACTION
v.	:	JURY TRIAL DEMANDED
ALL AMERICAN HOME CARE, LLC,	:	
	:	
Defendant.	:	

COMPLAINT -- CLASS 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 notificacion. 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
FILADELFIA
Servicio De Referencia E Informacion Legal
1101 Market Street, 11th Floor
Filadelfia, Pennsylvania 19107
(215) 238-1701

Gladys Concepcion Chaparro (“Plaintiff”) brings this class action lawsuit against All American Home Care, LLC (“Defendant”), seeking all available relief under the Pennsylvania Minimum Wage Act (“PMWA”), 43 P.S. §§ 333.101, et seq.

PARTIES

1. Plaintiff resides at 240 West Rubicam Street, Philadelphia, PA 19120.
2. Defendant is a corporation that, according to the Pennsylvania Department of State, is headquartered at 2921 North 5th Street Philadelphia PA 19133.

JURISDICTION AND VENUE

3. This Court has personal jurisdiction over Defendant.
4. Venue in this Court is proper because Defendant regularly conducts business in Philadelphia County and has an office located within Philadelphia County.

FACTS

5. 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.”

6. Plaintiff was employed by Defendant as an hourly employee from approximately October 2017 until approximately July 2019. 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 \$12.00.

7. In 2018, Defendant agreed to settle a class and collective action lawsuit titled Cooper, et al. v. All American Home Care LLC, et al, 2:17-cv-1563 (E.D. Pa.) on behalf of similar hourly employees of Defendant asserting unpaid overtime wage claims.

The settlement of the Cooper matter included a release of claims ending November 20, 2017.

8. Despite being aware of its wage obligations to eligible employees when they worked over 40 hours as a result of the Cooper case, Defendant continued its standard practice of not paying hourly employees full overtime premium compensation as required under the PMWA when they worked over 40 hours in a week after November 20, 2017.

9. As one of many examples, Plaintiff was credited with working 86.5 hours during the two-week pay period between April 15, 2018 and April 28, 2018. See Exhibit A. However, Plaintiff merely paid at her straight-time rate of \$12.00/hour for *all* work hours, including her overtime hours for this period. Id.

CLASS ACTION ALLEGATIONS

10. Plaintiff brings this lawsuit as a class action on behalf of herself and all other individuals who, during any week since November 21, 2017, 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. This action is properly maintained as a class action pursuant to Pennsylvania Rules of Civil Procedure 1702, 1708, and 1709.

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

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

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

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

16. 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.

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

COUNT I

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

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

20. 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).

21. 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, seek the following relief:

- A. Unpaid wages to the fullest extent permitted under the law;
- B. Prejudgment interest to the fullest extent permitted under the law;

C. Litigation costs, expenses, and attorney's fees to the fullest extent permitted under the law; and

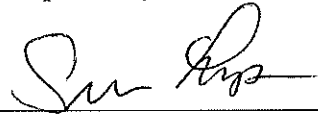
D. Such other and further relief as this Court deems just and proper.

JURY DEMAND

Plaintiff demands a jury trial.

Date: September 6, 2019

Respectfully,



Seth Lyons, Esq.
Community Legal Services of Philadelphia
1424 Chestnut Street
Philadelphia, PA 19102
(215) 981-3790

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

I, Gladys Concepcion Chaparro, hereby state that I have personal knowledge of the statements made in the foregoing Complaint; and that the statements made in the Complaint are true and correct to the best of my knowledge, information, and belief.

I understand that the statements in this Verification are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

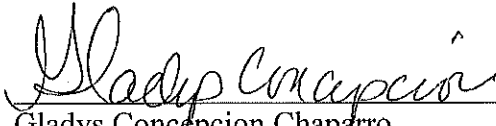

Gladys Concepcion Chaparro

Exhibit A

All American Home Care, LLC.
 332 Bustleton Pike Suite 102
 Feasterville, PA 19053

Gladys Concepcion-Chaparro



Direct Deposit

Employee Pay Stub Check number: DD8834 Pay Period: 04/29/2018 - 05/12/2018 Pay Date: 05/18/2018

Employee SSN
 Gladys Concepcion-Chaparro [Redacted] [Redacted]

Earnings and Hours	Qty	Rate	Current	YTD Amount	Direct Deposit	Amount
PAS	86:30	12.00	1,038.00	4,668.00	[Redacted]	842.70
Holiday Pay				180.00		
Overtime- Hourly				180.00		
PAS(12.00)				2,400.00		
	86:30		1,038.00	7,428.00		
Taxes			Current	YTD Amount	Memo	
Medicare Employee Addl Tax			0.00	0.00	Direct Deposit	
Phila City Wage Tax			-40.39	-289.00		
Federal Withholding			-43.00	-230.00		
Social Security Employee			-64.38	-460.54		
Medicare Employee			-15.05	-107.71		
PA - Withholding			-31.87	-228.06		
PA - Unemployment Employee			-0.63	-4.46		
			-195.30	-1,319.77		
Net Pay			842.70	6,108.23		