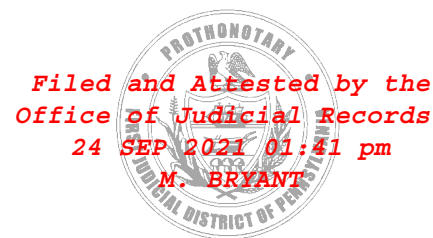


Peter Winebrake (80496)
WINEBRAKE & SANTILLO, LLC
715 Twining Road, Suite 211
Dresher, PA 19025
(215) 884-2491



Additional Counsel Listed on Signature Page

ISABELLA BRISTOW, on behalf of herself and others similarly situated,	:	
	:	
	:	PHILADELPHIA COUNTY
	:	COURT OF COMMON PLEAS
	:	
Plaintiff,	:	
	:	
v.	:	CLASS ACTION
	:	
	:	
AMERIHEALTH CARITAS,	:	JURY TRIAL DEMANDED
	:	
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 notificacion. 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 decidir a 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

Isabella Bristow (“Plaintiff”) brings this class action lawsuit against AmeriHealth Caritas (“Defendant”), seeking all available relief under the Pennsylvania Minimum Wage Act of 1968 (“PMWA”), 43 P.S. §§333.101, *et seq.*

PARTIES

1. Plaintiff maintains a permanent residence at 1132 Anchor Street, Philadelphia, PA 19124.
2. Plaintiff is an employee covered by the PMWA and entitled to its protections.
3. Defendant is a corporation headquartered at 200 Stevens Drive, Philadelphia, PA 19113.
4. Defendant is an employer covered by the PMWA and required to comply with its wage and hour mandates.

JURISDICTION AND VENUE

5. This Court has personal jurisdiction over Defendant.
6. Venue in this Court is proper under Pennsylvania Rule of Civil Procedure 2179 because Defendant regularly conducts business in Philadelphia County.

FACTS

7. Defendant purportedly “is a national leader in health care solutions for people who are at a low income level and/or are chronically ill.”¹
8. Defendant employs individuals in the position of CHC Service Coordinator. According to Defendant’s standardized job description, CHC Service Coordinators “assist[]

¹ <https://www.amerihealthcaritas.com/our-story/index.aspx> (last visited 9/23/21)

participants who need LTSS² in obtaining the services they need as required by CHC³.”

9. The CHC Service Coordinator position does not require knowledge of an advanced type in a field of science or learning customarily acquired by a prolonged course of specialized instruction and study.

10. CHC Service Coordinators are paid salaries.

11. CHC Service Coordinators regularly work over 40 hours per week.

12. CHC Service Coordinators do not receive any overtime premium compensation for hours worked over 40 per week.

13. CHC Service Coordinators do not perform work related to the management or general business operations of Defendant or its customers.

14. In performing their work, CHC Service Coordinators are required to follow standardized and highly-detailed guidelines, checklists, and protocols that leave them with little opportunity to exercise discretion and independent judgment.

15. CHC Service Coordinators do not supervise other employees.

16. Plaintiff is employed by Defendant as a CHC Service Coordinator and is paid an

² “LTSS” is an acronym for “Long-Term Services and Supports” and “refers to the assistance many people need with common activities in their everyday lives. These activities can include basic functions such as bathing, eating, or dressing, or more involved tasks like cleaning, cooking, and taking medications. LTSS recipients include not only the elderly, but also non-elderly people with physical disabilities, intellectual and developmental disabilities, mental illness, traumatic brain injury, and other complex issues. LTSS can be temporary, lasting several weeks or months, or, for more chronic conditions, years. . . . While LTSS programs are partially paid for with private funds, public insurance benefit plans like Medicaid pick up the majority of the payments.” <https://www.amerihhealthcaritas.com/health-care-solutions/long-term-services-and-supports.aspx> (last visited 9/23/21).

³ “CHC” is an acronym for “Community HealthChoices,” which is Pennsylvania’s mandatory managed care program for adults who “have both Medicare and Medicaid, or receive long-term supports through Medicaid because [they] need help with everyday personal tasks.” <https://www.dhs.pa.gov/HealthChoices/HC-Services/Pages/CHC-Main.aspx> (last visited 9/23/21).

annual salary of around \$51,000.

17. Plaintiff, like other CHC Service Coordinators, regularly works over 40 hours per week. Specifically, Plaintiff estimates that she currently works 50-60 hours during a typical week.

18. Plaintiff, like other CHC Service Coordinators, does not receive any overtime premium compensation for hours worked over 40 per week.

CLASS ACTION ALLEGATIONS

19. Plaintiff sues on behalf of herself and every other individual who (i) resides in Pennsylvania and (ii) has been employed by Defendant in Pennsylvania as a CHC Service Coordinator within the past three years. These individuals are called “class members.”

20. This action may be 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 class members is impracticable.

22. Defendant’s challenged conduct – namely its standardized practice of failing to pay overtime premium compensation to CHC Service Coordinators – 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 and defenses applicable to the entire class.

24. Plaintiff will fairly and adequately assert and protect the interests of the class because, *inter alia*, she is represented by experienced and well-funded lawyers who are prepared to vigorously litigate this action on behalf of the class and she is free of any conflicts of interest that prevent her from pursuing this action on behalf of the class.

25. A class action provides a fair and efficient method for adjudication of the controversy because, *inter alia*:

(a) Common questions of law and fact predominate over any questions affecting Plaintiff or any individual class member;

(b) All class members are easily identifiable through Defendant's personnel records and no foreseeable difficulties in the management of this lawsuit as a class action exist;

(c) Maintenance of this lawsuit as a class action protects against the risks of inconsistent or varying adjudications that might result if individual class members were to commence independent actions in various Pennsylvania courthouses;

(d) Because Defendant is headquartered in Philadelphia, this Court is an appropriate forum for the litigation;

(e) Because the damages sustained by individual class members are relatively small compared to the resources of Defendant and the costs of individual litigation, it is impracticable and unrealistic for individual class members to independently pursue litigation against Defendant in order to vindicate their rights.

COUNT I

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

27. Defendant has violated the PMWA by failing to pay overtime premium

compensation to Plaintiff and other class members.

JURY DEMAND

Plaintiff demands a jury trial.

PRAYER FOR RELIEF

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

- A. Unpaid overtime wages;
- B. Prejudgment interest;
- C. Litigation costs, expenses, and attorney's fees; and
- D. Such other and further relief as this Court deems just and proper.

Date: September 24, 2021

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

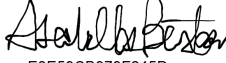
Plaintiff's Lawyers

VERIFICATION

I, Isabella Bristow, hereby state:

1. I am a plaintiff in this action;
2. I verify that the statements made in the accompanying 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: 9/24/2021

DocuSigned by:

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Isabella Bristow