

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF CONNECTICUT

JULIE COOK, SCOTT TOMKINS, and )  
 JOSEPH G. HUSK, on behalf of )  
 themselves and others similarly situated, )  
 )  
*Plaintiffs,* )  
 )  
 v. )  
 )  
 AMEDISYS, INC. )  
 )  
*Defendant.* )  
 \_\_\_\_\_ )

{ECF CASE}  
COLLECTIVE AND CLASS ACTION  
COMPLAINT

Plaintiffs Julie Cook, Scott Tomkins, and Joseph G. Husk (“Plaintiffs”), by and through counsel, bring this wage and hour action against their former employer, Defendant Amedisys, Inc. (“Amedisys”), on behalf of themselves and other current and former employees who are similarly situated, and allege as follows:

**NATURE OF THE ACTION**

1. This case arises out of Amedisys’s systemic, company-wide wrongful classification of Plaintiffs and thousands of similarly situated employees as exempt from overtime compensation under the Fair Labor Standards Act (“FLSA”), 29 U.S.C. § 201, *et seq.*, and Amedisys’s failure to properly pay overtime wages and for all hours worked in violation of the FLSA and the Pennsylvania Minimum Wage Act (“PMWA”), 43 Pa. Stat. Ann. § 333.100, *et seq.*

2. In order for an employee to be exempt from the FLSA overtime compensation requirements, Amedisys must affirmatively establish both that the employee performs duties which meet one of the exempt categories, and also that the employee is compensated on either a

salaried basis or on a fee basis. Pursuant to Amedisys's pay policies, Plaintiffs are compensated based on hours worked and estimates of hours worked. This method does not comport with either the salaried basis or the fee basis requirements. It is therefore improper to treat Plaintiffs as exempt from the overtime requirements of the FLSA.

3. For at least three years preceding the filing of this action, Amedisys has maintained a corporate policy of paying its Registered Nurses ("RNs"), Physical Therapists, Occupational Therapists, and Speech Language Pathologists in its home health division (collectively, "Clinicians") pursuant to a compensation method which includes "per visit" payments for some work and hourly payments for other work. Amedisys pays Clinicians at an hourly rate for some of their work, including but not limited to time spent in case conferences, staff meetings, trainings and recertifications. Amedisys compensates Clinicians for patient visits and the work associated with such visits on a per visit basis whereby each Clinician is paid a consistent visit rate for each visit completed of a certain type, such that all routine visits are paid at the Clinician's routine rate, all start of care visits are paid at the Clinician's start of care rate, and all recertification visits are paid at the Clinician's recertification rate. These visit rates are based on estimates of how many hours a visit of each type takes.

4. Based upon Amedisys's corporate compensation policy, it misclassifies visiting health care providers as exempt employees.

5. Amedisys did not compensate Plaintiffs for all hours worked, or for all overtime wages earned.

6. Plaintiffs bring this action for violation of the FLSA as a collective action, pursuant to Section 16(b) of the FLSA, 29 U.S.C. § 216(b), on behalf of the following class:

All individuals who are or will be employed by Amedisys, Inc. as Registered Nurses, Physical Therapists, Occupational Therapists, and Speech Language

Pathologists in its home health division during the period beginning three years prior to the date of commencement of this action through the date of judgment in this action, and who were paid on a per visit and hourly basis, and who did not receive all overtime compensation due for hours worked in excess of forty (40) per week.

7. Accordingly, Amedisys is liable for its failure to pay Plaintiffs and members of the putative class for all hours worked and time and one-half for hours in excess of forty (40) at their regular rate.

8. Plaintiffs and all similarly situated employees who elect to participate in this action seek unpaid compensation, an equal amount of liquidated damages, and/or prejudgment interests, attorneys' fees, and costs pursuant to 29 U.S.C. § 216(b).

9. Plaintiffs Scott Tomkins and Joseph G. Husk also bring this action on their own behalf and as representatives of similarly situated current or former Amedisys Clinicians employed in Pennsylvania, under the Pennsylvania Minimum Wage Act. Plaintiffs Tomkins and Husk, who were and are Pennsylvania residents and worked for Amedisys branches located in Pennsylvania, assert that they and the putative class who are or were Pennsylvania residents, or who work or worked in Pennsylvania, are entitled to overtime wages of one and one-half times the regular hourly rate, liquidated damages, and attorneys' fees and costs, pursuant to 43 Pa Stat Ann §333.113, §260.10.

10. Plaintiffs seek class certification under Rule 23 of the Federal Rules of Civil Procedure for the following class of Amedisys employees in Pennsylvania who have been denied overtime wages mandated by state law:

All individuals who were, are, or will be employed by Amedisys, Inc. as Registered Nurses, Physical Therapists, Occupational Therapists, and Speech Language Pathologists in its home health division in the state of Pennsylvania during the period beginning 3 years prior to the date of commencement of this action through the date of judgment in this action, and who were paid on a per

visit and hourly basis, and who did not receive all overtime compensation due for hours worked in excess of forty (40) per week.

### **JURISDICTION AND VENUE**

11. The Court has jurisdiction over Plaintiffs' FLSA claims pursuant to 28 U.S.C. § 1331 and 29 U.S.C. § 216(b). This Court has jurisdiction over all of Plaintiffs' claims pursuant to the Class Action Fairness Act ("CAFA"), 28 U.S.C. § 1332(d)(2), because there exists diversity of citizenship for purposes of CAFA and because the total amount in controversy exceeds \$5 million. Such diversity exists as at least one member of the putative class is a citizen of a state other than the states of the Defendant's citizenship. Additionally, this Court has jurisdiction over Plaintiffs' state law claims pursuant to the doctrine of supplemental jurisdiction, as provided in 28 U.S.C. § 1367.

12. Venue is proper pursuant to 28 U.S.C. § 1391(b) and (c). Plaintiffs Cook is a resident of Connecticut, and her claims arose in the District of Connecticut, as did the claims of some other members of the putative FLSA class. Amedisys operates home health branches in 38 states, including Connecticut, and regularly conducts business within this judicial district.

### **PARTIES**

13. Plaintiffs are former employees of Defendant Amedisys who were Clinicians paid on a per visit and hourly basis at some point since June 2009. Plaintiff Cook was employed in Amedisys's Stratford, CT office. Plaintiff Tomkins was employed in Amedisys's Wilkes Barre, PA office. Plaintiff Husk was employed in Amedisys's Washington County, PA office. Plaintiffs bring this action on their own behalf, and pursuant to 29 U.S.C. § 216(b) and Rule 23(b)(3), Fed. R. Civ. P., as representatives of a proposed collective/class action of similarly situated employees. Consents to join this action are attached as Exhibit A.

14. At all relevant times, Plaintiff Cook was a citizen and resident of Connecticut, and Plaintiffs Tomkins and Husk were citizens and residents of Pennsylvania.

15. At all relevant times, Plaintiffs were employed by Amedisys as registered nurses, and were employees within the meaning of 29 U.S.C. § 203(e)(1).

16. At all relevant times, Defendant Amedisys has been a citizen of Delaware, where it is incorporated, and of Louisiana, where its corporate headquarters are located, and has had offices nationwide, including in the state of Connecticut, and Amedisys has conducted substantial business in Connecticut.

17. At all relevant times, Amedisys has operated a home health care division providing home health care services to patients in approximately 38 states, including Connecticut and Pennsylvania.

18. As of June 2012, Amedisys had 437 home health care locations and over 16,000 employees nationwide.

19. At all relevant times, Amedisys was an employer within the meaning of 29 U.S.C. § 203(d), and within the meaning of PMWA, 43 Pa. Stat. Ann. § 333.103.

20. At all relevant times, Amedisys was an enterprise within the meaning of 29 U.S.C. § 203(r)(1).

21. At all relevant times, Plaintiffs were employees engaged in commerce or in the production of goods for commerce within the meaning of 29 U.S.C. §§ 206-207.

### **FACTUAL ALLEGATIONS**

#### **A. Plaintiff Julie Cook**

22. Plaintiff Julie Cook worked for Amedisys as an RN case manager from November 2010 to May 2011. This job required Ms. Cook to provide patient care to patients in their

homes, as well as complete documentation of patient health and visits, and participate in various meetings and trainings at her Amedisys branch.

23. Amedisys assigned a certain number of productivity points (generally 1, 1.5 or 2) to each type of patient visit, using time estimates for patient visits to determine how many points to allocate. Amedisys compensated Ms. Cook at a base rate for routine visits, which are allocated 1 point, and at higher rates for recertification visits and resumption of care visits, which take longer than routine visits and are allocated 1.5 productivity points, and at the highest rate for start of care visits, which generally take the longest and are allocated 2 points. On information and belief, Amedisys set visit rates according to estimates for how much time each type of visit requires on average. Amedisys did not provide any additional compensation beyond the visit rates for time spent doing work before or after the patient visit that is related to the particular patient, including time spent completing patient documentation (“charting”), driving to and from the visits, dropping of lab tests, or communicating with patients, doctors, and other care providers.

24. Amedisys compensated Ms. Cook on an hourly rate basis for performing peer reviews, office clerical work, in service education or training and case conferences. Amedisys did not pay Ms. Cook for travel time to the office for these activities, even when the travel took place after the start of her compensable work day.

25. Ms. Cook was classified by Amedisys as an exempt employee and did not receive any overtime wages despite frequently working over 40 hours per week.

26. Ms. Cook often worked more than eight (8) hours a day and forty (40) hours per week. When Ms. Cook had a full visit schedule, she spent approximately 5.5 hours every weekday making and traveling between patient visits and participating in required meetings and

trainings, as well as an additional 1 hour in the mornings preparing clinical paperwork and conducting calls with other health providers and an additional 3 hours in the evenings completing patient charting and follow-up. Additionally, Ms. Cook spent 4 to 5 hours working over the weekend.

27. Thus, when Ms. Cook had a full visit schedule, she generally worked approximately 52 hours per week, but she was not compensated for all hours or for overtime wages incurred for hours in excess of 40 per week.

28. Amedisys misclassified Ms. Cook and all other similarly situated Clinicians as exempt, because the per visit/hourly compensation plan does not comply with either the salary or the fee basis requirements of the FLSA.

29. Amedisys failed to properly compensate Ms. Cook for all of her hours worked. Amedisys did not compensate Ms. Cook for all hours over forty (40) that she worked in a given workweek and did not pay a rate of one and one-half times the regular rate for these hours.

**B. Plaintiff Scott Tomkins**

30. Plaintiff Scott Tomkins worked for Amedisys as an RN from November 2009 through May 2011. This job required Mr. Tomkins to provide patient care to patients in their homes, as well as complete documentation of patient health and visits, and participate in various meetings and trainings at his Amedisys branch.

31. Amedisys paid Mr. Tomkins pursuant to a per visit/hourly basis compensation plan.

32. Amedisys assigned a certain number of productivity points (generally 1, 1.5 or 2) to each type of patient visit, using time estimates for patient visits to determine how many points to allocate. Amedisys compensated Mr. Tomkins at a base rate for routine visits, which are

allocated 1 point, and at higher rates for recertification visits and resumption of care visits, which require more time than routine visits and are allocated 1.5 productivity points, and at the highest rate for start of care visits, which require the most time and are allocated 2 points. On information and belief, Amedisys set visit rates according to estimates for how much time each type of visit requires on average. Amedisys did not provide any additional compensation beyond the visit rates for time spent doing work before or after the patient visit that is related to the particular patient, including time spent completing patient documentation (“charting”), driving to and from the visits, dropping of lab tests, or communicating with patients, doctors, and other care providers.

33. Amedisys compensated Mr. Tomkins on an hourly rate basis for performing peer reviews, office clerical work, in service education or training, and case conferences. Amedisys did not pay Mr. Tomkins for his travel time to the office for these activities, even when the travel took place after the start of his compensable work day.

34. Mr. Tomkins was classified by Amedisys as an exempt employee. Until December 2010, Mr. Tomkins did not receive any overtime wages despite frequently working over 40 hours per week. Following December 2010, Mr. Tomkins was told that he was now eligible to receive overtime and he received some additional compensation, but he did not receive time and a half payment of all hours worked over forty (40) per week.

35. Mr. Tomkins routinely worked more than eight (8) hours a day and forty (40) hours per week. Mr. Tomkins spent approximately 5 to 8 hours every weekday making and traveling between patient visits and participating in required meetings and trainings, as well as an additional 4.5 to 6 hours in the evenings completing patient charting and follow-up.



Additionally, Mr. Tomkins spent 4 to 11 hours working and making patient visits on Saturdays, and 4 to 6 hours completing follow-up work and documentation on Sundays.

36. Mr. Tomkins thus generally worked a minimum of 55 hours per week, but was not compensated at time and a half for his hours in excess of 40 per week.

37. Amedisys misclassified Mr. Tomkins and all other similarly situated Clinicians as exempt, because the per visit/hourly compensation plan does not comply with either the salary or the fee basis requirements of the FLSA or the PMWA.

38. Amedisys failed to properly compensate Mr. Tomkins for all of his hours worked.

39. Accordingly, Amedisys did not compensate Mr. Tomkins for all hours over forty (40) that he worked in a given workweek and did not pay a rate of one and one-half times the regular rate for these hours.

**C. Plaintiff Joseph G. Husk**

40. Plaintiff Joseph G. Husk worked for Amedisys as an RN from April 2010 through November 2011. This job required Mr. Husk to provide patient care to patients in their homes, as well as complete documentation of patient health and visits, and participate in various meetings and trainings at his Amedisys branch.

41. Beginning in approximately the summer of 2010, Amedisys stopped paying Mr. Husk and other Clinicians at his branch a salary and instead paid them solely pursuant to a per visit/hourly basis compensation plan.

42. Amedisys assigned a certain number of productivity points (generally 1, 1.5 or 2) to each type of patient visit, using time estimates for patient visits to determine how many points to allocate. Amedisys compensated Mr. Husk at a base rate for routine visits, which are allocated 1 point, and at higher rates for recertification visits, which require more time than

routine visits and are allocated 1.5 productivity points, and at the highest rate for start of care visits, which require the most time and are allocated 2 points. On information and belief, Amedisys set visit rates according to estimates for how much time each type of visit requires on average. Amedisys did not provide any additional compensation beyond the visit rates for time spent doing work before or after the patient visit that is related to the particular patient, including time spent scheduling visits, completing patient documentation (“charting”), driving to and from the visits, dropping of lab tests, or communicating with patients, doctors, and other care providers.

43. Amedisys compensated Mr. Husk on an hourly rate basis of \$28/hour for administrative work completed in office, including participating in weekly case conferences and office meetings, in-service education and training, paperwork not related to a particular visit, and occasionally for approved time in the office completing paperwork related to a patient visit. Amedisys did not pay Mr. Husk for his travel time to the office for these activities, even when the travel took place after the start of his compensable work day.

44. Mr. Husk was classified by Amedisys as an exempt employee, and he did not receive time and a half overtime payment for all hours worked over forty (40) per week. Although Mr. Husk was occasionally paid additional compensation that Amedisys labeled “overtime” when he accepted and completed additional patient visits in the evenings following a full-day of visits, such compensation was paid at a rate lower than time and a half, and was paid only for time spent making visits and not for all of the time over 40 hours Mr. Husk spent working.

45. Mr. Husk routinely worked more than eight (8) hours a day and forty (40) hours per week. Mr. Husk spent approximately 8 hours every weekday making and traveling between

patient visits and participating in required meetings and trainings, and spent an additional 2 hours in the evenings completing patient charting and follow-up. Additionally, Mr. Husk worked approximately 2 hours to 3 hours over the weekend performing follow-up.

46. Mr. Husk thus generally worked approximately 53 hours per week, but was not compensated at time and a half for his hours in excess of 40 per week.

47. Amedisys misclassified Mr. Husk and all other similarly situated Clinicians as exempt, because the per visit/hourly compensation plan does not comply with either the salary or the fee basis requirements of the FLSA or the PMWA.

48. Amedisys failed to properly compensate Mr. Husk for all of his hours worked.

49. Accordingly, Amedisys did not compensate Mr. Husk for all hours over forty (40) that he worked in a given workweek and did not pay a rate of one and one-half times the regular rate for these hours.

#### **FLSA COLLECTIVE ACTION ALLEGATIONS**

50. Amedisys intentionally misclassified visiting health care clinicians, including RN's, Physical Therapists, Occupational Therapists, and Speech Language Pathologists as exempt employees.

51. Members of the FLSA Class are similarly situated.

52. Members of the FLSA Class have substantially similar job requirements and pay provisions and are subject to a common practice, policy or plan that requires or permits them to perform work for the benefit of Amedisys in excess of forty (40) hours per workweek without compensation at time-and-a-half for hours over 40.

53. There are numerous (approximately several thousand) similarly situated current and former Clinicians who Amedisys misclassified in violation of the FLSA and who would

benefit from the issuance of a Court Supervised Notice of the present lawsuit and the opportunity to join in the present lawsuit.

54. Those similarly situated employees are known to Amedisys, are readily identifiable, and can be located through Amedisys's records.

55. Members of the proposed FLSA Class, and Plaintiffs, therefore, should be permitted to pursue their claims collectively, pursuant to 29 U.S.C. § 216(b).

56. Pursuit of this action collectively will provide the most efficient mechanism for adjudicating the claims of Plaintiffs and members of the proposed class.

57. Plaintiffs Scott Tomkins, Julie Cook, and Joseph G. Husk request that they be permitted to serve as representatives of those who have consented to participate in this action and that this action be granted collective action status pursuant to 29 U.S.C. § 216(b).

**RULE 23(b)(3) PENNSYLVANIA CLASS ACTION**

58. Pursuant to Rule 23 of the Federal Rules of Civil Procedure, Named Plaintiffs Tomkins and Husk bring their claim for relief to redress and remedy Amedisys's violations of the Pennsylvania Minimum Wage Act.

59. The proposed class is easily ascertainable. The number and identity of Pennsylvania class members are determinable from Amedisys's payroll records as are the patient visits assigned and worked, time records for each visiting health care provider, and the per visit/hourly rates for each class member.

60. Numerosity: The proposed class is so numerous that the joinder of all such persons is impracticable, and the disposition of their claims as a class will benefit the parties and the Court. While the exact number of class members is unknown to Plaintiffs at this time, upon information and belief, the class comprises of at least several hundred persons.

61. Commonality: There is a well defined commonality of interest in the questions of law and fact involving and affecting the class in that Plaintiffs and all members of the proposed class have been harmed by Amedisys's failure to compensate current and/or former visiting health care providers for all hours worked and time and a half for hours in excess of forty (40). The common questions of law and fact include, but are not limited to the following:

- (1) whether Amedisys misclassified Plaintiffs and members of the proposed class as exempt from the overtime requirements of the PMWA;
- (2) whether Amedisys refused to pay Plaintiffs and members of the proposed class overtime wages for hours worked in excess of forty (40) per week; and
- (3) whether Amedisys's refusal to pay such compensation is in violation of the PMWA.

62. Typicality: The claims of Plaintiffs herein are typical of those claims which could be alleged by any member of the class, and the relief sought is typical of the relief which would be sought by each member of the class in separate actions. All class members were subject to the same compensation practices of Amedisys, as alleged herein, of paying based on hours worked but failing to pay all earned wages including time and a half for hours over 40 per week. Amedisys's compensation policies and practices affected all class members similarly, and Amedisys benefited from the same type of unfair and/or wrongful acts as to each class member. Plaintiffs and members of the proposed class sustained similar losses, injuries and damages arising from the same unlawful policies, practices and procedures.

63. Adequacy of Representation: Plaintiffs are able to fairly and adequately protect the interests of all members of the class, and there are no known conflicts of interest between

Plaintiffs and members of the proposed class. Plaintiffs have retained counsel who are experienced and competent in both wage and hour law and complex class action litigation.

64. Predominance and Superiority: The common questions identified above predominate over any individual issues, which will relate solely to the quantum of relief due to individual class members. A class action is superior to other available means for the fair and efficient adjudication of this controversy. Individual joinder of all class members is impracticable. Class action treatment will permit a large number of similarly situated persons to prosecute their common claims in a single forum simultaneously, efficiently, and without the unnecessary duplication of effort and expense that numerous individual actions engender. Because the losses, injuries and damages suffered by each of the individual class members are small in the sense pertinent to class action analysis, the expense and burden of individual litigation would make it extremely difficult or impossible for the individual class members to redress the wrongs done to them.

65. On the other hand, important public interests will be served by addressing the matter as a class action. The cost to the court system and the public for the adjudication of individual litigation and claims would be substantial and substantially more than if the claims are treated as a class action. Prosecution of separate actions by individual members of the proposed class would create a risk of inconsistent and/or varying adjudications with respect to the individual members of the class, establishing incompatible standards of conduct for Amedisys and resulting in the impairment of class members' rights and the disposition of their interests through actions to which they were not parties. The issues in this action can be decided by means of common, class-wide proof. In addition, if appropriate, the Court can and is empowered to, fashion methods to efficiently manage this action as a class action.

66. Pursuit of this action collectively will provide the most efficient mechanism for adjudicating the claims of Plaintiffs and members of the proposed class.

**FIRST CAUSE OF ACTION**  
**(Violation of the Fair Labor Standards Act)**

67. Plaintiffs incorporate by reference the allegations asserted above.

68. Amedisys willfully violated the FLSA by misclassifying Plaintiffs as exempt employees, and a 3-year statute of limitations applies to such violations, pursuant to 29 U.S.C. § 255.

69. At all relevant times, Amedisys has been, and continues to be, an “employer” engaged in interstate “commerce” within the meaning of the FLSA, 29 U.S.C. § 203.

70. At all relevant times, Amedisys has employed, and continues to employ, “employee[s],” including the Plaintiffs, and each of the members of the prospective FLSA Class, that have been, and continue to be, engaged in interstate “commerce” within the meaning of the FLSA, 29 U.S.C. § 203.

71. At all relevant times, Amedisys has had gross operating revenues in excess of \$500,000.

72. Amedisys has willfully and intentionally engaged in a widespread pattern and practice of violating provisions of the FLSA by misclassifying Plaintiffs and similarly situated Clinicians as “exempt” employees, and thereby failing and refusing to pay them the hourly wage compensation as required by law and in accordance with § 206 and § 207 of the FLSA.

73. Plaintiffs and members of the proposed class are not employed in a *bona fide* executive, administrative, or a professional capacity pursuant to 29 U.S.C. § 213(a)(1) and corresponding regulations.

74. Plaintiffs and members of the proposed class are not subject to any other exemptions set forth in the FLSA or administrative regulations.

75. As a result of Amedisys's violations of the FLSA, Plaintiffs, as well as all others similarly situated, have suffered damages by being denied overtime wages in accordance with § 206 and § 207 of the FLSA.

76. Amedisys has not made a good faith effort to comply with the FLSA with respect to its compensation of Plaintiffs and other similarly situated present and former Clinicians.

77. As a result of Amedisys's unlawful acts, Plaintiffs and all similarly situated current and former RN Case Managers have been deprived of overtime compensation in amounts to be determined at trial, and are entitled to recovery of such amounts, liquidated damages, prejudgment interests, attorneys' fees, costs, and other compensation pursuant to § 216(b) of the FLSA.

**SECOND CAUSE OF ACTION**

**(Pennsylvania Minimum Wage Act: Unpaid Overtime Wages) (Brought on Behalf of Plaintiffs Tomkins and Husk and all Rule 23 Class Members)**

78. Plaintiffs reallege and incorporate by reference all allegations in all preceding paragraphs.

79. Amedisys misclassified Plaintiffs as exempt from the overtime requirements of the PMWA, and the statute of limitations is three years for such a violation. 43 Pa. Stat. Ann. §260.9a(g).

80. At times relevant to this action, Plaintiffs were employees and Amedisys has been an employer within the meaning of the Pennsylvania Minimum Wage Act, 43 Pa. Stat. Ann. § 333.103.



81. The overtime wage provisions of the Pennsylvania Minimum Wage Act, 43 Pa. Stat. Ann. §333.104(c) and its supporting regulations, 34 Pa. Code § 231.41, apply to Amedisys.

82. Amedisys has failed to pay Plaintiffs and the Rule 23 Class the overtime wages to which they were entitled under the Pennsylvania Minimum Wage Act, 43 Pa. Stat. Ann. § 333.104(c).

83. Plaintiffs and the Rule 23 Class are not exempt from the Pennsylvania minimum Wage Act, because they do not qualify as exempt professionals as defined by 34 Pa. Code § 231.84.

84. By Amedisys's failure to pay Plaintiffs and the Rule 23 Class Members overtime wages for hours worked in excess of 40 hours per week, it has willfully violated the Pennsylvania Minimum Wage Act and the supporting regulations.

85. Due to Amedisys's violations of the Pennsylvania Minimum Wage Act, Plaintiffs and the Rule 23 Class Members are entitled to recover from Amedisys their unpaid overtime wages, reasonable attorneys' fees and costs of the action, and pre-judgment and post-judgment interest, as well as liquidated damages. 43 Pa Stat Ann § 333.113, § 260.10.

#### **PRAYER FOR RELIEF**

Plaintiffs, and all those similarly situated, collectively request that this Honorable Court:

1. Issue an Order certifying this action as a collective action under the FLSA and designate the above Plaintiffs as representatives of all those similarly situated under the FLSA collective action;

2. At the earliest possible time, issue notice of this collective action, or allow Plaintiffs to do so, to all persons who have at any time since the three years immediately preceding the filing of this suit, up through and including the date of this Court's issuance of

court-supervised notice, been employed by Amedisys as home health Clinicians. Such notice shall inform them that this civil action has been filed, of the nature of the action, and of their right to join this lawsuit if they believe they were denied proper wages.

3. Issue an Order certifying a class of Pennsylvania employees pursuant to Rule 23, and designate Plaintiffs Tomkins and Husk as representatives on behalf of the Pennsylvania class;

4. Issue an Order appointing the undersigned counsel as Class Counsel pursuant to Rule 23(g).

5. Award Plaintiffs and all those similarly situated actual damages for unpaid wages and liquidated damages equal in amount to the unpaid compensation found due to Plaintiffs and the class as provided by the FLSA, 29 U.S.C. § 216(b), and award Plaintiffs Tomkins and Husk and employees in the Pennsylvania class actual damages for unpaid wages and liquidated damages in the amount of twenty-five percent (25%) of the unpaid compensation found due to Plaintiffs and the class as provided by the PMWA, 43 Pa. Stat. Ann. § 260.10;

6. Award Plaintiffs and all those similarly situated pre- and post-judgment interest at the statutory rate as provided by the FLSA, U.S.C. § 216(b) and pursuant to Pennsylvania law, 41 P.S. § 202;

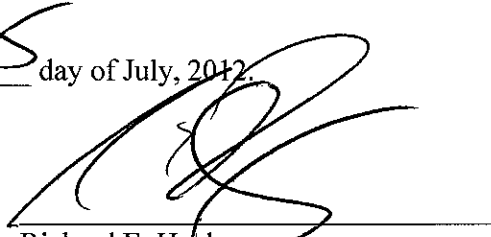
7. Award Plaintiffs and all those similarly situated attorneys' fees, costs, and disbursements as provided by the FLSA, 29 U.S.C. § 216(b) and pursuant to PMWA, 43 Pa Stat Ann. § 333.113, and

8. Award Plaintiffs and all those similarly situated further legal and equitable relief as this Court deems necessary, just, and proper.

**JURY DEMAND**

Plaintiffs hereby demand a trial by jury on all issues so triable.

Respectfully submitted, this the 25 day of July, 2012.



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