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U.S. DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON

SYBILLA RANDOLPH, individually and on behalf of all others similarly situated,

Plaintiff,

v.

CENTENE MANAGEMENT COMPANY, LLC,

Defendant.

NO.
COMPLAINT

PRELIMINARY STATEMENT

1. This is a collective and class action brought by Individual and Representative Plaintiff Sybilla Randolph (“Plaintiff” or “Washington Class Representative”), on her own behalf and on behalf of the proposed classes. Plaintiff and the putative class members are or were employed by Defendant Centene Management Company (“CMC” or “Defendant”) and are or were denied overtime pay required by state and federal wage and hour laws. These employees are similarly situated under Rule 23 of the Federal Rules of Civil Procedure and the Fair Labor Standards Act (“FLSA”), 29 U.S.C. § 216(b).

2. The FLSA Collective Class is made up of all persons who are, have been, or will be employed by Defendant as “Case Managers” (also known as prior-authorization, pre-

1 certification, or concurrent review nurses) during the applicable statutory period, and whose job
2 it was to apply pre-determined criteria and guidelines to authorization requests submitted by
3 healthcare providers for insurance coverage and payment purposes.

4 3. The Washington Rule 23 Class is made up of all persons who are, have been, or
5 will be employed by Defendant as “Case Managers” (also known as prior-authorization, pre-
6 certification, or concurrent review nurses) within the State of Washington at any time during
7 the applicable statutory period.

8 4. During the applicable statutory period, Defendant failed to pay overtime
9 compensation to each member of the respective classes as required by federal and state law.
10 Plaintiff seeks relief for the Collective Class under the FLSA and for the Washington Class
11 under Washington wage and hour law to remedy Defendant’s failure to pay appropriate
12 overtime compensation.

13 **JURISDICTION AND VENUE**

14 5. This Court has original jurisdiction to hear this Complaint and to adjudicate the
15 claims stated herein under 28 U.S.C. § 1331, this action being brought under the Fair Labor
16 Standards Act, 29 U.S.C. § 201 *et seq.* (“FLSA”). This Court has supplemental jurisdiction
17 over Plaintiff’s state law claims pursuant to 28 U.S.C. § 1367.

18 6. Venue is proper in the United States District Court for the Western District of
19 Washington pursuant to 28 U.S.C. § 1391 because Defendant maintains an office in Tacoma,
20 Washington, and because a substantial part of the events giving rise to the claims occurred in
21 this district.

22 **PARTIES**

23 7. Defendant CMC is a Wisconsin corporation with its corporate headquarters
24 located in Saint Louis, Missouri.

25 8. CMC operates office locations in multiple states around the country including a
26 location in Tacoma, Washington.

1 9. CMC is a subsidiary of Centene Corporation.

2 10. Centene Corporation is a multi-line healthcare enterprise that provides programs
3 and related services to a number of under-insured and uninsured individuals. Its subsidiaries,
4 including CMC are managed care companies who operate government sponsored health
5 insurance plans.

6 11. Defendant operates in interstate commerce by, among other things, providing
7 utilization review services to customers in multiple states across the country, including
8 Washington.

9 12. Defendant's gross annual sales made or business done have been in excess of
10 \$500,000.00 at all relevant times.

11 13. At all relevant times, Defendant is, and has been, an "employer" engaged in
12 interstate commerce and/or the production of goods for commerce, within the meaning of the
13 FLSA, 29 U.S.C. § 203(d).

14 14. Plaintiff Sybilla Randolph is an adult resident of the State of Washington.
15 Plaintiff has been employed by Defendant as a "Case Manager" from approximately December
16 16, 2013 to the present. Plaintiff currently works out of Defendant's Tacoma office.

17 **FACTUAL ALLEGATIONS COMMON TO ALL CLAIMS**

18 15. At all times relevant herein, Defendant operated a willful scheme to deprive
19 their Case Managers of overtime compensation.

20 16. Plaintiff and the similarly situated individuals worked as Case Managers
21 performing utilization reviews for Defendant. As Case Managers, Plaintiff's and the putative
22 class members' primary job duty was non-exempt work consisting of reviewing medical
23 authorization requests submitted by healthcare providers against pre-determined guidelines and
24 criteria for insurance coverage and payment purposes.

25 17. Plaintiff and the putative class members were paid a salary with no overtime
26 pay.

1 18. Plaintiff and the putative class members were classified as exempt from federal
2 and state overtime laws.

3 19. Defendant suffered and permitted Plaintiff and the putative class members to
4 work more than forty (40) hours per week without overtime pay.

5 20. Defendant has been aware, or should have been aware, that Plaintiff and the
6 putative class members performed non-exempt work that required payment of overtime
7 compensation. For instance, Defendant employs LPNs and LVNs as Case Managers to conduct
8 utilization reviews. Defendant also required Plaintiff and the similarly situated individuals to
9 work long hours and on weekends, including overtime hours, to complete all of her job
10 responsibilities and meet Defendant's productivity standards.

11 21. Plaintiff's supervisors knew that Plaintiff and other putative class members were
12 working overtime hours because they required Plaintiff and others to work overtime hours
13 and/or were present during those hours.

14 22. Although they had a legal obligation to do so, Defendant did not make, keep, or
15 preserve adequate or accurate records of the hours worked by Plaintiff and the putative class
16 members.

17 **COLLECTIVE ACTION ALLEGATIONS**

18 23. Plaintiff, on behalf of herself and all similarly situated individuals, restates and
19 incorporates by reference the above paragraphs as if fully set forth herein.

20 24. Plaintiff files this action on behalf of herself and all similarly situated
21 individuals. Pursuant to 29 U.S.C. § 216(b), Plaintiff's signed consent form is attached as
22 Exhibit A.

23 25. The employees similarly situated are:

24 **FLSA Collective Class**: All persons who are, have been, or will be employed
25 by Defendant as Case Managers (also known as prior authorization, pre-
26 certification, or concurrent review nurses) at any time from three years prior
to the filing of this Complaint through the entry of judgment, and whose job it
was to apply pre-determined criteria and guidelines to authorization requests
submitted by healthcare providers.

1 26. Plaintiff and the FLSA Collective Class worked or work in excess of forty (40)
2 hours during workweeks within the applicable statutory period.

3 27. Defendant did not pay Plaintiff or the FLSA Collective overtime premiums for
4 their overtime hours worked.

5 28. Defendant willfully engaged in a pattern of violating the FLSA, 29 U.S.C. § 201
6 et seq., as described in this Complaint in ways including, but not limited to, failing to pay its
7 employees overtime compensation.

8 29. Defendant's conduct constitutes a willful violation of the FLSA within the
9 meaning of 29 U.S.C. § 255(a).

10 30. Defendant is liable under the FLSA for failing to properly compensate Plaintiff
11 and the similarly situated individuals. Accordingly, notice should be sent to the FLSA
12 Collective Class members. There are numerous similarly situated current and former
13 employees of Defendant who have suffered from the Defendant's practice of denying overtime
14 pay, and who would benefit from the issuance of court-supervised notice of this lawsuit and the
15 opportunity to join. Those similarly situated employees are known to Defendant, and are
16 readily identifiable through Defendant's records.

17 **CLASS ALLEGATIONS**

18 31. Plaintiff (as the "Washington Class Representative") brings this action as a class
19 action pursuant to Rule 23 of the Federal Rules of Civil Procedure on behalf of the following
20 defined class:

21 **Washington Class:** All persons who are, have been, or will be employed by
22 Defendant as Case Managers (also known as prior authorization, pre-
23 certification, or concurrent review nurses) within the State of Washington at
24 any time from three years prior to the filing of this Complaint through the
entry of judgment, and whose job it was to apply pre-determined criteria and
guidelines to authorization requests submitted by healthcare providers.

25 32. **Numerosity:** Upon information and belief, the proposed Washington Class is so
26 numerous that joinder of all members is impracticable. Plaintiff is informed and believes, and

1 on that basis alleges, that during the applicable statutory period, Defendant employed over 25
2 people who satisfy the definition of the proposed Washington Class.

3 33. Typicality: The Washington Class Representative's claims are typical of the
4 members of the Washington Class. The Washington Class Representative had the same duties
5 and responsibilities as other class members. Other class members worked unpaid overtime
6 hours The Washington Class Representative and the Washington Class were subject to
7 Defendant's policy and practice of improperly treating and classifying its Case Managers as
8 "exempt" from wage and hour laws and failing to pay appropriate overtime compensation.

9 34. Superiority: A class action is superior to other available methods for the fair
10 and efficient adjudication of the controversy, particularly in the context of wage and hour
11 litigation where individual plaintiffs lack the financial resources to vigorously prosecute
12 separate lawsuits in federal court against large corporate defendants.

13 35. Adequacy: The Washington Class Representative will fairly and adequately
14 protect the interests of the Washington Class, and have retained counsel experienced in
15 complex wage and hour class and collective action litigation.

16 36. Commonality: Common questions of law and fact exist to all members of the
17 Washington Class and predominate over any questions solely affecting individual members of
18 the Class, including but not limited to:

19 A. Whether Defendant improperly classified and treated the Washington
20 Class Representative and the members of the Washington Class as exempt from Washington
21 wage and hour laws;

22 B. Whether Defendant unlawfully failed to pay appropriate overtime
23 compensation to the Washington Class Representative and the members of the Washington
24 Class in violation Washington wage and hour laws;

25 C. Whether Defendant failed to keep accurate time records for all hours
26 worked by the Washington Class Representative and the Washington 23 Class;

1 D. Whether Defendant's actions were willful; and

2 E. The proper measure of damages sustained by the Washington Class
3 Representative and the Washington Class.

4 37. This case is maintainable as a class action under Fed. R. Civ. P. 23(b)(1)
5 because prosecution of actions by or against individual members of the Washington Class
6 would result in inconsistent or varying adjudications and create the risk of incompatible
7 standards of conduct for Defendant.

8 38. Class certification is also appropriate under Fed. R. Civ. P. 23(b)(3) because
9 questions of law and fact common to the Washington Class predominate over any questions
10 only affecting individual members of the class, and because a class action is superior to other
11 available methods for the fair and efficient adjudication of this litigation. Defendant's common
12 and uniform policies and practices denied the members of the Washington Class the overtime
13 pay to which they are entitled. The damages suffered by the individual Washington Class
14 members are small compared to the expense and burden of individual prosecution of this
15 litigation. In addition, class certification is superior because it will obviate the need for unduly
16 duplicative litigation that might result in inconsistent judgments about Defendant's practices.

17 39. Plaintiff intends to send notice to all members of the Washington Class to the
18 extent required by Rule 23. The names and addresses of the members of the Washington Class
19 are available from Defendant.

20 **CAUSES OF ACTION**
21 **COUNT I – VIOLATIONS OF THE FAIR LABOR STANDARDS ACT**
22 **FAILURE TO PAY OVERTIME**
23 **(on behalf of Plaintiff and the similarly situated individuals)**

24 40. Plaintiff and the FLSA Collective Class restate and incorporate by reference the
25 above paragraphs as if fully set forth herein.

26 41. The FLSA, 29 U.S.C. § 207, requires employers to pay non-exempt employees
one and one-half times the regular rate of pay for all hours worked over forty (40) hours per
workweek.

1 42. Defendant suffered and permitted Plaintiff and the FLSA Collective Class to
2 work more than forty (40) hours per week during weeks within the statutory period without
3 paying them overtime compensation.

4 43. Defendant's actions, policies, and practices described above violate the FLSA's
5 overtime requirement by regularly and repeatedly failing to compensate Plaintiff and the FLSA
6 Collective Class the required overtime pay.

7 44. As the direct and proximate result of Defendant's unlawful conduct, Plaintiff
8 and the FLSA Collective Class have suffered and will continue to suffer a loss of income and
9 other damages. Plaintiff and the FLSA Collective are entitled to liquidated damages and
10 attorneys' fees and costs incurred in connection with this claim.

11 45. By failing to accurately record, report, and/or preserve records of hours worked
12 by Plaintiff and the FLSA Collective Class, Defendant has failed to make, keep, and preserve
13 records with respect to each of its employees sufficient to determine their wages, hours, and
14 other conditions and practice of employment, in violation of the FLSA, 29 U.S.C. § 201, *et seq.*

15 46. The foregoing conduct, as alleged, constitutes a willful violation of the FLSA
16 within the meaning of 29 U.S.C. § 255(a). Defendant knew, or showed reckless disregard for
17 the fact, that its compensation practices were in violation of these laws.

18 **COUNT II - VIOLATIONS OF THE WASHINGTON MINIMUM WAGE ACT**
19 **FAILURE TO PAY OVERTIME**

20 **(On Behalf of the Washington Class Representative and the Washington Class)**

21 47. The Washington Class Representative and the Washington Class restate and
22 incorporate by reference the above paragraphs as if fully set forth herein.

23 48. RCW 49.46.130 requires employers to pay employees one and one-half times
24 the regular rate at which they are/were employed for all hours worked over forty (40) per work
25 week.
26

1 49. RCW 49.46.090 makes employers who violate RCW 49.46.130 liable to the
2 affected employees in the amount of unpaid wages, costs, attorneys' fees, and other appropriate
3 relief under the law.

4 50. Defendant's actions, policies, and/or practices as described above violate RCW
5 49.46.130 by regularly and repeatedly failing to compensate Plaintiff and the Washington Class
6 at the required overtime rate.

7 51. By failing to accurately record, report, and/or preserve records of hours worked
8 by Plaintiff and the Washington Class, Defendant has failed to make, keep, and preserve
9 records with respect to each of its employees sufficient to determine their wages, hours, and
10 other conditions and practice of employment, in violation of Washington law. *See* WAC 296-
11 126-050 (requiring "[e]very employer shall keep for at least three years a record of the name,
12 address, and occupation of each employee, dates of employment, rate or rates of pay, amount
13 paid each pay period to each such employee and the hours worked"); WAC 296-128-010(6)
14 (requiring employer to keep records of the "[h]ours worked each workday and total hours
15 worked each week"); WAC 296-128-020 (requiring employers to maintain those records for at
16 least three years).

17 52. As the direct and proximate result of Defendant's unlawful conduct, the
18 Washington Class Representative and the Washington Class have suffered and will continue to
19 suffer a loss of income and other damages. The Washington Class Representative and the
20 Washington Class are entitled to damages, including interest thereon, as well as attorneys' fees
21 and costs, incurred in connection with this claim.

22 **COUNT III — VIOLATIONS OF THE WASHINGTON WAGE REBATE ACT**
23 **WILLFUL REFUSAL TO PAY WAGES**
24 **(On Behalf of the Washington Class Representative and the Washington Class)**

25 53. The Washington Class Representative and the Washington Class restate and
26 incorporate by reference the above paragraphs as if fully set forth herein.

1 54. RCW 49.52.050 provides that any employer or agent of any employer who,
2 “[w]ilfully and with intent to deprive the employee of any party of his wages, shall pay any
3 employee a lower wage than the wage such employer is obligated to pay such employee by any
4 statute, ordinance, or contract” shall be guilty of a misdemeanor.

5 55. Defendant’s violations of RCW 49.46.130, as discussed above, have been willful
6 and thus constitute violations of RCW 49.52.050.

7 56. RCW 49.52.070 provides that any employer who violates the provisions of
8 RCW 49.52.050 shall be liable in a civil action for twice the amount of wages withheld,
9 attorneys’ fees, and costs.

10 57. By the actions alleged above, Defendant has violated the provisions of
11 RCW 49.52.050.

12 58. As a result of the willful, wrongful acts of Defendant, the Washington Class
13 Representative and the Washington Class have been deprived of compensation in amounts to
14 be determined at trial and pursuant to RCW 49.52.070, the Washington Class Representative
15 and the Washington Class are entitled to recovery of twice such damages, including interest
16 thereon, as well as attorneys’ fees and costs.

17 **PRAYER FOR RELIEF**

18 **WHEREFORE**, Plaintiff, on behalf of herself and all others similarly situated, prays
19 for relief as follows:

20 A. Designation of this action as a collective action on behalf of the FLSA
21 Collective and prompt issuance of notice pursuant to 29 U.S.C. § 216(b) to all similarly situated
22 individuals apprising them of the pendency of this action, and permitting them to assert FLSA
23 claims in this action by filing individual consent forms pursuant to 29 U.S.C. § 216(b);

24 B. Certification of this action as a class action pursuant to Rule 23 of the Federal
25 Rules of Civil Procedure;

1 C. Judgment against Defendant in the amount of Plaintiff's, the FLSA Collective
2 Class' and the Washington Class' unpaid back wages at the applicable overtime rates;

3 D. An additional and equal amount as liquidated/statutory damages under state and
4 federal law;

5 E. Appropriate civil penalties;

6 F. A finding that Defendant's violations of the FLSA were willful and in bad faith;

7 G. All reasonable costs and attorneys' fees pursuant to 29 U.S.C. § 216, RCW
8 49.46.090, RCW 49.52.070, and/or applicable laws;

9 H. An award of prejudgment interest (to the extent liquidated damages are not
10 awarded) and post-judgment interest as provided by law;

11 I. Leave to add additional plaintiffs and/or state law claims by motion, the filing of
12 written consent forms, or any other method approved by the Court; and

13 J. All further relief as the Court deems just and equitable.

14 RESPECTFULLY SUBMITTED AND DATED this 12th day of September, 2014.

15 TERRELL MARSHALL DAUDT & WILLIE PLLC

16
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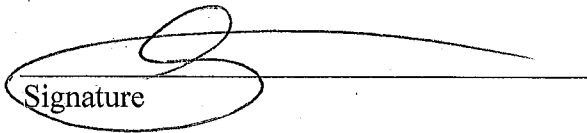
Attorneys for Plaintiffs and the Similarly Situated

EXHIBIT A

PLAINTIFF CONSENT FORM

1. I consent to make a claim under the Fair Labor Standards Act, 29 U.S.C. § 201, et seq. against my current/former employer, Centene and/or its subsidiaries to recover overtime pay.
2. During the past three years, there were occasions when I worked over 40 hours per week as prior authorization, pre-certification, case manager, and/or utilization management nurse, or other similar position, for Centene and/or its subsidiaries, and did not receive proper compensation for all of my hours worked, including overtime pay.
3. If this case does not proceed collectively, then I also consent to join any subsequent action to assert my wage and hour claims.
4. I understand that I may withdraw my consent to proceed with my claims at any time by notifying the attorneys handling the matter.

Date: 09/24/14


Signature

Stella Randolph
Print Name

Information Below Will Be Redacted in Filings with the Court. Please Print or Type.

Address: REDACTED

City, State Zip: REDACTED

Best Phone Number(s): REDACTED

Email: REDACTED

Return this form by
fax, email or mail to:

Nichols Kaster, PLLP, Attn: Rachhana T. Srey
Fax: (612) 338-4878
Email: forms@nka.com
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