BEGAM MARKS & TRAULSEN, P.A.
11201 North Tatum Blvd., Suite 110
Phoenix, Arizona 85028-6037
(602) 254-6071

Richard P. Traulsen – State Bar #016050
rtraulsen@BMT-law.com
Local Counsel for Plaintiff

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

Andrea Wilkerson, individually and on behalf of all similarly situated individuals, Plaintiff, v. Walgreens Specialty Pharmacy, LLC d/b/a AllianceRX Walgreens Prime and Healthcare Support Staffing, Inc. Defendants.	Case No.: **COLLECTIVE AND CLASS ACTION COMPLAINT AND JURY TRIAL DEMAND**

Plaintiff, ANDREA WILKERSON ("Wilkerson") by and through her undersigned attorneys, hereby brings this Collective and Class Action Complaint against Defendants, WALGREENS SPECIALTY PHARMACY, LLC ("AllianceRx") and HEALTHCARE SUPPORT STAFFING, INC. ("Healthcare Staffing") (collectively "Defendants") and states as follows:

INTRODUCTION

1. This is a class and collective action brought by Plaintiff on behalf of herself and all similarly situated current and/or former Call Center Representative employees of

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Defendants to recover for Defendants' willful violations of the Fair Labor Standards Act ("FLSA"), 29 U.S.C. §§ 201, et seq., the Arizona Wage Act, A.R.S. §§ 23-350, et seq., and A.R.S. §§ 23-364 (the "Arizona Wage Act"), and alleged contractual obligations (or unjust enrichment if no contract is found), and other appropriate rules, regulations, statutes, and ordinances.

2. The U.S. Department of Labor ("DOL") recognizes that call center jobs, like those held by Plaintiff in Defendants' call center locations, are homogenous and issued guidance to alert and condemn an employer's non-payment of an employee's necessary preliminary and postliminary activities. See DOL Fact Sheet #64, attached hereto as Exhibit A at 2 ("An example of the first principal activity of the day for agents/specialists/representatives working in call centers includes starting the computer to download work instructions, computer applications and work-related emails.") Additionally, the FLSA requires that "[a] daily or weekly record of all hours worked, including time spent in pre-shift and post-shift job-related activities must be kept." Id.

3. Defendants subjected Plaintiff, and those similarly situated, to Defendants' policy and practice of failing to compensate its call center employees for their necessary pre-shift time, which resulted in the failure to properly compensate them as required under applicable federal and state laws.

4. Plaintiff seeks a declaration that her rights, the rights of the FLSA Collective Class, and the rights of the Rule 23 Classes were violated and seeks to recover an award of unpaid wages and overtime premiums, liquidated damages, penalties, injunctive and

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declaratory relief, attorneys' fees and costs, pre- and post-judgment interest, and any other remedies to which they may be entitled.

JURISDICTION AND VENUE

5. This Court has subject-matter jurisdiction over Plaintiff's FLSA claims pursuant to 28 U.S.C. § 1331 because Plaintiff's claims arise under the FLSA, 29 U.S.C. §§ 201, et seq.

6. This Court has subject-matter jurisdiction over Plaintiff's FLSA claim pursuant to 29 U.S.C. § 216(b), which provides that suits under the FLSA "may be maintained against any employer . . . in any Federal or State court of competent jurisdiction."

7. This Court has supplemental jurisdiction over Plaintiff's state law claims pursuant to 28 U.S.C. § 1367(a) because these claims arise from a common set of operative facts and are so related to the claims within this Court's original jurisdiction that they form a part of the same case or controversy.

8. Upon information and belief, Defendants' annual sales exceed $500,000 and they have more than two employees, so the FLSA applies in this case on an enterprise basis. See 29 U.S.C. § 203(s)(1)(A).

9. Defendants' employees, including Plaintiff, engage in interstate commerce—including, but not limited to utilizing telephone lines and Internet—and therefore, they are also covered by the FLSA on an individual basis.

10. This Court has personal jurisdiction over Defendant AllianceRx because it

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maintains offices in the State of Arizona.

11. This Court has personal jurisdiction over Defendant Healthcare Staffing because the company does business within the State of Arizona, is registered with the State of Arizona, and avails itself of business with companies located within the State of Arizona.

12. Venue is proper in this District pursuant to 28 U.S.C. § 1391 because Defendants conduct substantial business within this District, and because a substantial portion of the events that give rise to the claims pled in this Complaint occurred in this District.

PARTIES

13. Plaintiff Wilkerson is an individual who resides in the County of Maricopa, City of Phoenix, Arizona. Plaintiff worked for Defendants as a Call Center Representative from September 2020 to May 2021. Plaintiff executed her Consent to Sue form, attached hereto as Exhibit B.

14. Defendant AllianceRx is a Delaware corporation headquartered in Deerfield, Illinois. AllianceRx operates customer service call center locations in Tempe, Arizona; Dallas, Texas; Canton, Michigan; and Pittsburgh, Pennsylvania. *See* "Locations" https://www.alliancerxwp.com/about-us (last visited July 8, 2021).

15. AllianceRx is a joint venture between one of the largest retail drugstores, Walgreens, and pharmacy benefit manager Prime Therapeutics that provides pharmacy services to consumers. *See generally*, https://www.alliancerxwp.com/ (last visited July 8, 2021).

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16. AllianceRx may accept service via its registered agent Illinois Corporation Service at 801 Adlai Stevenson Drive, Springfield, IL 62703. AllianceRx does not maintain a foreign corporation registration with the Arizona Corporation Commission.

17. Defendant Healthcare Staffing is a Florida corporation headquartered in Maitland, Florida that provides labor staffing for its clients, including AllianceRx.

18. Healthcare Staffing specializes in labor staffing for the health care industry, including customer service representatives for pharmacies and pharmacy benefit managers. *See* "Customer Service Reps," https://www.healthcaresupport.com/customer-service-reps-2/ (last visited July 9, 2021).

19. Healthcare Staffing may accept service via its registered agent Cogency Global, Inc. at 300 W Clarendon Avenue, Suite 240, Phoenix, Arizona 85013.

20. At all relevant times, Defendants were members of, and engaged in, a joint venture, partnership, and common enterprise, and were acting within the course and scope of, and in pursuant of said joint venture, partnership, or common enterprise.

21. Upon information and belief, Healthcare Staffing screened employees for AllianceRx. After Healthcare Staffing offered these joint employees employment at AllianceRx, the joint employees began working for Defendants at AllianceRx's call center located in Tempe, Arizona.

22. Upon information and belief, Healthcare Staffing was compensated at the time joint employees began work for AllianceRx, and Healthcare Staffing continued to be compensated on an ongoing basis while joint employees remained working at AllianceRx's

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