

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

BROOKE HARVEY, individually and on
behalf of all others similarly situated,

v.

COMMUNITY HEALTH NETWORK,
INC.

Case No. 1:22-cv-00659

FLSA Collective Action

FED. R. CIV. P. 23 Class Action

PLAINTIFF'S ORIGINAL CLASS AND COLLECTIVE ACTION COMPLAINT

SUMMARY

1. Like many other companies across the United States, Community Health's timekeeping and payroll systems were affected by the hack of Kronos in 2021.
2. That hack led to problems in timekeeping and payroll throughout Community Health's organization.
3. As a result, Community Health's workers who were not exempt from the overtime requirements under federal and state law, were not paid for all hours worked or were not paid their proper overtime premium after the onset of the Kronos hack.
4. Brooke Harvey is one such Community Health worker.
5. Community Health could have easily implemented a system for recording hours and paying wages to non-exempt employees until issues related to the hack were resolved.
6. But it didn't. Instead, Community Health used prior pay periods or reduced payroll estimates to avoid paying wages and proper overtime to these non-exempt hourly and salaried employees.

7. Community Health pushed the cost of the Kronos hack onto the most economically vulnerable people in its workforce.

8. The burden of the Kronos hack was made to fall on front-line workers—average Americans—who rely on the full and timely payment of their wages to make ends meet.

9. Community Health's failure to pay wages, including proper overtime, for all hours worked violates the Fair Labor Standards Act (FLSA), 29 U.S.C. § 201, *et seq.*, the Indiana Minimum Wage Law (IMWL), I.C. § 22-2-2, *et seq.*, and the Indiana Wage Payment Statute (IWPS), I.C. § 22-2-5, *et seq.*

10. Harvey brings this lawsuit to recover these unpaid overtime wages and other damages owed by Community Health to him and the non-overtime-exempt workers like him, who were the ultimate victims of not just the Kronos hack, but also Community Health's decision to make its front line workers bear the economic burden for the hack.

11. This action seeks to recover the unpaid wages and other damages owed by Community Health to all these workers, along with the penalties, interest, and other remedies provided by federal and Indiana law.

JURISDICTION & VENUE

12. This Court has original subject matter jurisdiction pursuant to 28 U.S.C. § 1331 because this action involves a federal question under the FLSA. 29 U.S.C. § 216(b).

13. The Court has supplemental jurisdiction over any state law sub-classes pursuant to 28 U.S.C. § 1367.

14. Venue is proper in this Court pursuant to 28 U.S.C. § 1391(b)(1) because Community Health is headquartered in this District.

PARTIES

15. **Plaintiff Brooke Harvey** is a natural person.
16. Harvey has been, at all relevant times, an employee of Community Health.
17. Harvey has worked for Community Health since February 2005.
18. Harvey's written consent is attached as Exhibit 1.
19. Harvey represents at least two groups of similarly situated Community Health workers.
20. Harvey represents a collective of similarly situated workers under the FLSA pursuant to 29 U.S.C. § 216(b). This "FLSA Collective" is defined as:

All current or former hourly and salaried employees of Community Health (including any subsidiaries and alter egos) who were non-exempt under the FLSA and who worked for Community Health in the United States at any time since the onset of the Kronos ransomware attack, on or about December 11, 2021, to the present.
21. Harvey represents a class of similarly situated workers under Indiana law pursuant to Federal Rule of Civil Procedure 23. This "Indiana Class" is defined as:

All current or former hourly and salaried employees of Community Health (including any subsidiaries and alter egos) who were not exempt from overtime pay and who worked for Community Health in Indiana at any time since the onset of the Kronos ransomware attack, on or about December 11, 2021, to the present.
22. Together, throughout this Complaint, the FLSA Collective members and Indiana Class members are referred to as the "Similarly Situated Workers."
23. **Defendant Community Health Network, Inc. ("Community Health")** is a domestic corporation.
24. Community Health maintains its headquarters and principal place of business in this District.

25. Community Health may be served by service upon its registered agent, **Karen Ann P. Lloyd, 7330 Shadeland Station, Ste. 200, Indianapolis, IN 46256**, or by any other method allowed by law.

26. The Indiana Business ID of Community Health is 192854A118.

27. Community Health maintains 216 assumed names in Indiana under which it conducts business.

28. Each of Community Health's 216 assumed names operates under the same Indiana Business ID number.

29. The 216 assumed names under which it conducts business are some, but not all of, Community Health's "alter egos."

30. At all relevant times, Community Health exerted operational control over its subsidiaries and alter egos.

31. At all relevant times, Community Health substantially controlled the terms and conditions of employment for workers of its subsidiaries and alter egos.

32. At all relevant times, Community Health had a common control and management of labor relations regarding employees of its subsidiaries and alter egos.

33. Community Health employed and/or jointly employed, with its subsidiaries and alter egos, Harvey and the Similarly Situated Workers.

34. Community Health and its respective subsidiaries and alter egos are joint employers for purposes of the FLSA.

35. Community Health and its respective subsidiaries and alter egos are joint employers for purposes of Indiana law.

COVERAGE UNDER THE FLSA

36. At all relevant times, Community Health was an employer of Harvey within the meaning of Section 3(d) of the FLSA, 29 U.S.C. § 203(d).

37. At all relevant times, Community Health was an employer of the FLSA Collective members within the meaning of Section 3(d) of the FLSA, 29 U.S.C. § 203(d).

38. At all relevant times, Community Health has been part of an enterprise within the meaning of Section 3(r) of the FLSA, 29 U.S.C. § 203(r).

39. During at least the last three years, Community Health has had gross annual sales in excess of \$500,000.

40. During at least the last three years, Community Health was and is part of an enterprise engaged in commerce or in the production of goods for commerce within the meaning of the FLSA, 29 U.S.C. § 203(s)(1).

41. Community Health employs many workers, including Harvey, who are engaged in commerce or in the production of goods for commerce and/or who handle, sell, or otherwise work on goods or materials that have been moved in or produced for commerce by any person.

42. The goods and materials handled, sold, or otherwise worked on by Harvey, and other Community Health employees and that have been moved in interstate commerce include, but are not limited to, medical equipment and supplies.

FACTS

43. Community Health is a healthcare system operating hospitals, health pavilions and doctors offices.

44. Community Health also provides healthscare services within workplaces, schools, and homes.

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