

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

-----X	
LESLIE LAZAAR,	:
individually and on behalf of	:
all others similarly situated, as a Collective	:
and Class representative,	:
	:
Plaintiffs,	:
	:
v.	:
	:
THE ANTHEM COMPANIES, INC.,	:
	:
Defendant.	:

Case No.

**CLASS AND COLLECTIVE ACTION
COMPLAINT**

PRELIMINARY STATEMENT

1. This is a collective and class action brought by individual and representative Plaintiff Leslie Lazaar (“Plaintiff”), on behalf of herself and all others similarly situated (the “putative FLSA Collective”), and on behalf of the members of the putative New York Rule 23 Class, to recover overtime pay from her employer, The Anthem Companies, Inc. (“Anthem” or “Defendant”).

2. Plaintiff brings this action on behalf of herself and all similarly situated individuals for violations of the Fair Labor Standards Act, 29 U.S.C. § 201, *et seq.* (“FLSA”).

3. Plaintiff’s claim is asserted as a state-wide collective action under the FLSA, 29 U.S.C. § 216(b).

4. Plaintiff also brings claims to recover unpaid wages under New York Labor Law, Article 19 §§ 650, *et seq.*, and the supporting New York State Department of Labor regulations (together, “NYLL”). Plaintiff brings these state law claims as a putative class action pursuant to Rule 23 of the Federal Rules of Civil Procedure.

5. The putative “FLSA Collective” is made up of all persons who are or have been employed by Defendant in New York as Utilization Review Nurses, Medical Management Nurses, Utilization Management Nurses, or other similar positions who were paid a salary and treated as exempt from overtime laws, and whose primary job was to perform medical necessity reviews during the applicable statutory period.

6. The putative “New York Rule 23 Class” is made up of all persons who are or have been employed by Defendant in the state of New York as Utilization Review Nurses, Medical Management Nurses, Utilization Management Nurses, or other similar positions who were paid a salary and treated as exempt from overtime laws, and whose primary job was to perform medical necessity reviews during the applicable statutory period.

7. As a result of Defendant’s willful and illegal pay practices, Plaintiff and those similarly situated were deprived of overtime compensation for their hours worked in violation of federal and New York state law.

JURISDICTION AND VENUE

8. This Court has original jurisdiction pursuant to 28 U.S.C. § 1331 to hear this Complaint and to adjudicate these claims because this action is brought under the FLSA.

9. This Court also has supplemental jurisdiction, pursuant to 28 U.S.C. § 1367, over the state law claims asserted, as the state and federal claims derive from a common nucleus of operative fact.

10. Venue is proper in the United States District Court for the Southern District of New York pursuant to 28 U.S.C. § 1391 because Plaintiff worked for Defendant in this district and a substantial part of the events or omissions giving rise to the claims occurred in this district.

PARTIES

11. Defendant The Anthem Companies, Inc. (“Anthem” or “Defendant”) is a foreign limited liability company with its principal place of business located at 220 Virginia Ave., Indianapolis, Indiana, 46204, United States.

12. Anthem operates office locations in multiple states around the country, including an office located in Manhattan, New York.

13. Plaintiff’s paystubs list Anthem and its principal place of business address as her employer.

14. Upon information and belief, other similarly situated individuals’ paystubs list Anthem and its principal place of business address as their employer.

15. Anthem is a multi-line health insurance company that provides managed care programs and related services.

16. According to its website, Anthem provides healthcare benefits to more than 74 million members nationwide and serves one in eight Americans through their affiliated medical care coverage plans.

17. Anthem operates in interstate commerce by, among other things, offering and selling a wide array of products and services, including but not limited to, preferred provider organization, consumer-driven health plans, traditional indemnity, health maintenance organization, point-of-service, ACA public exchange and off-exchange products, administrative services, Bluecard, Medicare plans, individual plans, Medicaid plans and other state-sponsored programs, pharmacy products, life insurance, disability products, radiology benefit management, personal health care guidance, dental, vision services and products, and Medicare administrative operations to customers and consumers in multiple states across the country, including New York.

18. Upon information and belief, Anthem's gross annual sales made, or business done has been in excess of \$500,000.00 at all relevant times.

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

20. Plaintiff Leslie Lazaar is an adult resident of Hudson County, New Jersey.

21. Defendant employed Plaintiff as a Utilization Review Nurse from approximately April 2012 to January 2017. Plaintiff's claims were tolled when she opted-in to *Laura Canaday, et al. v. The Anthem Companies, Inc.*, case number 1:19-cv-01084-STA-jay on November 4, 2019.

22. Plaintiff reported to Defendant's Manhattan, New York office from approximately April 2012 to 2013, after which point, Plaintiff worked from her home in the Bronx, New York City, New York.

FACTUAL ALLEGATIONS COMMON TO ALL CLAIMS

23. At all times relevant herein, Anthem operated a willful scheme to deprive Plaintiff and others similarly situated of overtime compensation.

24. Plaintiff and the similarly situated individuals work or worked as Utilization Review Nurses, Medical Management Nurses, Utilization Management Nurses, or in similar job titles, and were primarily responsible for performing medical necessity reviews for Defendant.

25. In conducting medical necessity reviews, Plaintiff and the other similarly situated individuals' primary job duty is non-exempt work consisting of reviewing medical authorization requests submitted by healthcare providers against pre-determined guidelines and criteria for insurance coverage and payment purposes.

26. Plaintiff and the similarly situated individuals are or were paid a salary with no overtime pay.

27. Plaintiff and the other similarly situated individuals are or were treated as exempt from overtime laws, including the FLSA and NYLL.

28. Defendant suffered and permitted Plaintiff and the other similarly situated individuals to work more than forty (40) hours per week without overtime pay.

29. For example, between November 6, 2016 to November 12, 2016, Plaintiff estimates that she worked approximately 60 hours and did not receive overtime pay for her overtime hours.

30. Defendant has been aware, or should have been aware, that Plaintiff, members of the putative FLSA Collective, members of the putative New York Rule 23 Class performed non-exempt work that required payment of overtime compensation. Defendant also required Plaintiff, members of the putative FLSA Collective, members of the putative New York Rule 23 Class to work long hours, including overtime hours, to complete all of their job responsibilities and meet Defendant's productivity standards.

31. Defendant knew that Plaintiff and the other similarly situated individuals worked unpaid overtime hours because Plaintiff and others complained to Defendant about their long hours and the workload.

32. Although Defendant had a legal obligation to do so, Defendant did not make, keep, or preserve adequate or accurate records of the hours worked by Plaintiff and the other similarly situated individuals.

FLSA COLLECTIVE ACTION ALLEGATIONS

33. Plaintiff restates and incorporates by reference the above paragraphs as if fully set forth herein.

Explore Litigation Insights

Docket Alarm provides insights to develop a more informed litigation strategy and the peace of mind of knowing you're on top of things.

Real-Time Litigation Alerts



Keep your litigation team up-to-date with **real-time alerts** and advanced team management tools built for the enterprise, all while greatly reducing PACER spend.

Our comprehensive service means we can handle Federal, State, and Administrative courts across the country.

Advanced Docket Research



With over 230 million records, Docket Alarm's cloud-native docket research platform finds what other services can't. Coverage includes Federal, State, plus PTAB, TTAB, ITC and NLRB decisions, all in one place.

Identify arguments that have been successful in the past with full text, pinpoint searching. Link to case law cited within any court document via Fastcase.

Analytics At Your Fingertips



Learn what happened the last time a particular judge, opposing counsel or company faced cases similar to yours.

Advanced out-of-the-box PTAB and TTAB analytics are always at your fingertips.

API

Docket Alarm offers a powerful API (application programming interface) to developers that want to integrate case filings into their apps.

LAW FIRMS

Build custom dashboards for your attorneys and clients with live data direct from the court.

Automate many repetitive legal tasks like conflict checks, document management, and marketing.

FINANCIAL INSTITUTIONS

Litigation and bankruptcy checks for companies and debtors.

E-DISCOVERY AND LEGAL VENDORS

Sync your system to PACER to automate legal marketing.