

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

Act Home Health Services, Inc.

(b) County of Residence of First Listed Plaintiff Philadelphia (EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number) Thomas T. Hearn; Charles L. Shute Obermayer Rebmann Maxwell & Hippel LLP 1500 Market Street, Suite 3400W, Philadelphia, PA 19102 (215) 665-3000

DEFENDANTS

Sienneh Brooks-Louis

County of Residence of First Listed Defendant New Castle, DE (IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- 1 U.S. Government Plaintiff, 2 U.S. Government Defendant, 3 Federal Question (U.S. Government Not a Party), 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- Citizen of This State, Citizen of Another State, Citizen or Subject of a Foreign Country, PTF DEF, 1 1, 2 2, 3 3, 4 4, 5 5, 6 6

IV. NATURE OF SUIT (Place an "X" in One Box Only)

Click here for: Nature of Suit Code Descriptions.

Table with columns: CONTRACT, REAL PROPERTY, CIVIL RIGHTS, TORTS, PRISONER PETITIONS, FORFEITURE/PENALTY, LABOR, IMMIGRATION, BANKRUPTCY, SOCIAL SECURITY, FEDERAL TAX SUITS, OTHER STATUTES. Includes codes like 110 Insurance, 210 Land Condemnation, 310 Airplane, 365 Personal Injury, 625 Drug Related Seizure, 422 Appeal, 870 Taxes, etc.

V. ORIGIN (Place an "X" in One Box Only)

- 1 Original Proceeding, 2 Removed from State Court, 3 Remanded from Appellate Court, 4 Reinstated or Reopened, 5 Transferred from Another District, 6 Multidistrict Litigation - Transfer, 8 Multidistrict Litigation - Direct File

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity): 28 U.S.C. § 1332. Brief description of cause: Breach of non-competition agreement; unjust enrichment.

VII. REQUESTED IN COMPLAINT:

CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P. DEMAND \$75,000+; Injunctive Relief. CHECK YES only if demanded in complaint: JURY DEMAND: Yes No

VIII. RELATED CASE(S) IF ANY

(See instructions): JUDGE DOCKET NUMBER

DATE SIGNATURE OF ATTORNEY OF RECORD

8/25/21

Handwritten signature of attorney



INSTRUCTIONS FOR ATTORNEYS COMPLETING CIVIL COVER SHEET FORM JS 44

Authority For Civil Cover Sheet

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- I.(a) Plaintiffs-Defendants.** Enter names (last, first, middle initial) of plaintiff and defendant. If the plaintiff or defendant is a government agency, use only the full name or standard abbreviations. If the plaintiff or defendant is an official within a government agency, identify first the agency and then the official, giving both name and title.
- (b) County of Residence.** For each civil case filed, except U.S. plaintiff cases, enter the name of the county where the first listed plaintiff resides at the time of filing. In U.S. plaintiff cases, enter the name of the county in which the first listed defendant resides at the time of filing. (NOTE: In land condemnation cases, the county of residence of the "defendant" is the location of the tract of land involved.)
- (c) Attorneys.** Enter the firm name, address, telephone number, and attorney of record. If there are several attorneys, list them on an attachment, noting in this section "(see attachment)".
- II. Jurisdiction.** The basis of jurisdiction is set forth under Rule 8(a), F.R.Cv.P., which requires that jurisdictions be shown in pleadings. Place an "X" in one of the boxes. If there is more than one basis of jurisdiction, precedence is given in the order shown below.
 United States plaintiff. (1) Jurisdiction based on 28 U.S.C. 1345 and 1348. Suits by agencies and officers of the United States are included here. United States defendant. (2) When the plaintiff is suing the United States, its officers or agencies, place an "X" in this box.
 Federal question. (3) This refers to suits under 28 U.S.C. 1331, where jurisdiction arises under the Constitution of the United States, an amendment to the Constitution, an act of Congress or a treaty of the United States. In cases where the U.S. is a party, the U.S. plaintiff or defendant code takes precedence, and box 1 or 2 should be marked.
 Diversity of citizenship. (4) This refers to suits under 28 U.S.C. 1332, where parties are citizens of different states. When Box 4 is checked, the citizenship of the different parties must be checked. (See Section III below; **NOTE: federal question actions take precedence over diversity cases.**)
- III. Residence (citizenship) of Principal Parties.** This section of the JS 44 is to be completed if diversity of citizenship was indicated above. Mark this section for each principal party.
- IV. Nature of Suit.** Place an "X" in the appropriate box. If there are multiple nature of suit codes associated with the case, pick the nature of suit code that is most applicable. Click here for: [Nature of Suit Code Descriptions](#).
- V. Origin.** Place an "X" in one of the seven boxes.
 Original Proceedings. (1) Cases which originate in the United States district courts.
 Removed from State Court. (2) Proceedings initiated in state courts may be removed to the district courts under Title 28 U.S.C., Section 1441.
 Remanded from Appellate Court. (3) Check this box for cases remanded to the district court for further action. Use the date of remand as the filing date.
 Reinstated or Reopened. (4) Check this box for cases reinstated or reopened in the district court. Use the reopening date as the filing date.
 Transferred from Another District. (5) For cases transferred under Title 28 U.S.C. Section 1404(a). Do not use this for within district transfers or multidistrict litigation transfers.
 Multidistrict Litigation – Transfer. (6) Check this box when a multidistrict case is transferred into the district under authority of Title 28 U.S.C. Section 1407.
 Multidistrict Litigation – Direct File. (8) Check this box when a multidistrict case is filed in the same district as the Master MDL docket.
PLEASE NOTE THAT THERE IS NOT AN ORIGIN CODE 7. Origin Code 7 was used for historical records and is no longer relevant due to changes in statute.
- VI. Cause of Action.** Report the civil statute directly related to the cause of action and give a brief description of the cause. **Do not cite jurisdictional statutes unless diversity.** Example: U.S. Civil Statute: 47 USC 553 Brief Description: Unauthorized reception of cable service.
- VII. Requested in Complaint.** Class Action. Place an "X" in this box if you are filing a class action under Rule 23, F.R.Cv.P.
 Demand. In this space enter the actual dollar amount being demanded or indicate other demand, such as a preliminary injunction.
 Jury Demand. Check the appropriate box to indicate whether or not a jury is being demanded.
- VIII. Related Cases.** This section of the JS 44 is used to reference related pending cases, if any. If there are related pending cases, insert the docket numbers and the corresponding judge names for such cases.

Date and Attorney Signature. Date and sign the civil cover sheet.

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**ACT HOME HEALTH SERVICES,
INC.**

1121 S. 11th St.
Philadelphia, PA 19147

vs.

SIENNEH BROOKS-LOUIS

17 Brook Ramble Lane
Townsend, DE 19734

HON.:

CIVIL ACTION NO:

VERIFIED COMPLAINT FOR INJUNCTIVE RELIEF

Plaintiff, ACT Home Health Services, Inc. (“ACT”), by and through undersigned counsel, by way of Verified Complaint against Defendant, Sienneh Brooks-Louis (“Defendant”), avers as follows:

NATURE OF THE ACTION

1. ACT is a home care agency that provides in-home healthcare and nursing services, comparable to services provided by a nursing home or hospital, to its clients in and around Philadelphia.
2. In furtherance of this, ACT enters into Independent Contractor Agreements, with Licensed Registered Nurses and Licensed Practical Nurses wherein ACT secures client placements for its contractors and the contractors, in turn, provide in-home nursing services to ACT’s clients using their own independent and professional judgment.
3. In order to protect its legitimate business interests, including its client contracts and its goodwill, ACT requires its contractors to agree to refrain from disclosing such confidential information it receives from ACT.

4. In addition, the contractors also agree that while they are providing services for ACT, and for a period of one year following termination of their contract with ACT, they will not render services to any patient within a thirty (30) mile radius of ACT's Philadelphia office to which services have been rendered by the contractor pursuant to his or her agreement with ACT.

5. This action involves a former ACT contractor who, following termination of her contract with ACT, violated and continues to violate the above-referenced non-competition covenants by continuing to perform services within thirty (30) miles of ACT's Philadelphia office for the very client ACT placed her with during her contractual relationship with ACT.

6. To prevent further injury, ACT asserts the following claims against Defendant: (1) Breach of Contract; and (2) Unjust Enrichment.

7. Because Defendant's continued unlawful competitive conduct has caused, and will continue to cause, irreparable harm to ACT, ACT respectfully requests that this Court enjoin Defendant from further breaching her non-competition agreement.

PARTIES

8. ACT is a corporation organized under the laws of Pennsylvania with its principal place of business located at 1121 South 11th Street, Philadelphia, PA 19147.

9. Upon information and belief, Defendant is a natural person residing at 17 Brook Ramble Lane, Townsend, DE 19734.

JURISDICTION AND VENUE

10. This Court has personal jurisdiction over Defendant because she has conducted business related to this case in or about Philadelphia, Pennsylvania, and because her actions forming the basis of this Complaint, including her breach of her Independent Contractor Agreement with ACT and the resulting harm, occurred in Pennsylvania.

11. Federal diversity jurisdiction exists pursuant to 28 U.S.C. § 1332. Plaintiff is a Pennsylvania corporation with its principal place of business in Philadelphia, Pennsylvania. Defendant is a natural person residing in Delaware. Accordingly, complete diversity of citizenship exists. Moreover, the amount in controversy, exclusive of interest and costs, exceeds the sum or value of \$75,000.

12. Venue is proper in the Eastern District of Pennsylvania pursuant to 28 U.S.C. § 1391 because a substantial part of the events or omissions on which the claims asserted herein are based occurred in this District and the subject contract was executed in this District.

FACTUAL BACKGROUND

12. ACT is a home health care agency that contracts with clients to provide them with home based professional nursing care services.

13. In furtherance of this, ACT enters into contractual arrangements with Licensed Registered Nurses and/or Licensed Practical Nurses (“RNs” and “LPNs”) whereby the contractors (RNs and/or LPNs) engage ACT to secure placements for the contractors to provide services to patients in need of medical care. Once secured, the contractor then provides care for the patients using his/her own independent and professional judgment, and free from the control or direction of ACT.

14. Contractors are free to accept or reject any such placements. Once accepted, the patient is the responsibility of the contractor.

15. Because ACT is in the business of securing placements for nurses to provide medical care for the patients in need of such care and others with whom ACT contracts, its client contracts constitute valuable and unique assets that ACT identifies as confidential information.

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