

COMMONWEALTH OF KENTUCKY  
FAYETTE CIRCUIT COURT – DIVISION 3  
CIVIL ACTION No. 10-CI-5512

VELMA HISLE, KELLY GOFF,  
ELIZABETH GULLEY

PLAINTIFFS  
SEP 24 2010

vs. **COMPLAINT**

CORRECTCARE - INTEGRATED HEALTH, INC., DEFENDANT  
a Kentucky Corporation

Serve: Arthur A. Hellebusch, II  
366 South Broadway  
Lexington, KY 40508  
(corporation's agent for service of process)

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Plaintiffs Velma Hisle, Kelly Goff and Elizabeth Gulley for their  
complaint against defendant CorrectCare – Integrated Health, Inc. state as  
follows:

I

**Nature of the Action**

1. This is an action where employees seek payment of earned wages  
and overtime compensation pursuant to KRS Chapter 337 that the  
defendant-employer has failed and refused to pay. The plaintiffs seek, in  
addition to their earned and owed wages and overtime compensation,  
liquidated damages, attorney's fees, costs and litigation expenses as provided  
by KRS Chapter 337 and CR 54.

## II

### Jurisdiction and Venue

2. The Fayette Circuit Court has jurisdiction over this case on two grounds: (1) pursuant to KRS 23A.010 because the amount in controversy exceeds the court's jurisdictional minimum; and, (2) pursuant to KRS 337.385(1), which grants circuit court jurisdiction to cases seeking recovery of unpaid wages and/or overtime compensation under KRS Chapter 337. Venue is proper in Fayette Circuit Court because the plaintiffs' claims arose and ripened in Fayette County, Kentucky and because the defendant maintains its principal place of business in Fayette County, Kentucky.

## III

### Parties

3. Velma Hisle is a citizen of the United States of America and a resident of the Commonwealth of Kentucky.

4. Kelly Goff is a citizen of the United States of America in a resident of the Commonwealth of Kentucky.

5. Elizabeth Gulley is a citizen of the United States of America and a resident of the Commonwealth of Kentucky.

6. CorrectCare – Integrated Health, Inc. (CorrectCare), is a corporation organized under the laws of the Commonwealth of Kentucky. It maintains its principal office in Fayette County, Kentucky and its agent for service of process is Arthur A. Hellebusch, II, who may be served at 366

South Broadway, Lexington, KY 40508, according to the records maintained by the Kentucky Secretary of State.

#### IV

#### Facts Giving Rise to the Lawsuit

7. Hisle, at all times pertinent hereto, was an "employee" of CorrectCare within the meaning of KRS Chapter 337 and, more specifically, KRS 337.010(1)(e).

8. Goff, at all times pertinent hereto, was an "employee" of CorrectCare within the meaning of KRS Chapter 337 and, more specifically, KRS 337.010(1)(e).

9. Gulley, at all times pertinent hereto, was an "employee" of CorrectCare within the meaning of KRS Chapter 337 and, more specifically, KRS 337.010(1)(e).

10. CorrectCare, at all times pertinent hereto, was the "employer" of plaintiffs in the meaning of KRS Chapter 337 and, more specifically, KRS 337.010(1)(d).

11. At no time during her employment by CorrectCare was Hisle exempt from the requirements in KRS Chapter 337 that she be paid at an overtime rate for all hours greater than 40 that she worked in a work week.

12. At no time during her employment by CorrectCare was Goff exempt from the requirements in KRS Chapter 337 that she be paid at an overtime rate for all hours greater than 40 that she worked in a work week.

13. At no time during her employment by CorrectCare was Gulley exempt from the requirements in KRS Chapter 337 that she be paid at an overtime rate for all hours greater than 40 that she worked in a work week.

14. Plaintiffs worked for defendant at Blackburn Correctional Facility in Fayette County, Kentucky.

15. Plaintiffs were forbidden and prohibited by defendant from leaving the grounds at Blackburn Correctional Facility during their lunch and rest breaks.

16. Plaintiffs performed daily compensable work during what was supposed to be their lunch and/or rest breaks.

17. Although plaintiffs performed daily compensable work during what was supposed to be their lunch and/or rest breaks, defendant failed and refused to compensate plaintiffs for this time worked.

18. CorrectCare's failure to pay each of the plaintiffs their earned wages and/or overtime compensation is not in good faith and is without any reasonable basis to believe that the failure does not constitute a violation of KRS 337.020 to 337.285.

## V

### Causes of Action

#### **Count 1 – For Unpaid Wages, Overtime Compensation and Liquidated Damages Pursuant to KRS 337.385 (1) by Plaintiff Velma Hisle**

19. Hisle incorporates herein paragraphs 1 through 18 of this complaint as if fully set forth.

20. KRS 337.365 requires that employees be given a rest break of 10 minutes for every four hours worked. This rest break is in addition to the lunch or meal break also required by KRS Chapter 337.

21. KRS 337.355 requires that employees be allowed a reasonable time period for a lunch or meal break.

22. Hisle daily performed compensable work during what was supposed to be her lunch/meal break and during what was supposed to be her rest breaks.

23. Although Hisle daily performed compensable work during what was supposed to be her lunch/meal break and during what was supposed to be her rest breaks, defendant did not pay her for this work performed.

24. Defendant has failed to timely and fully pay Hisle her earned wages and overtime compensation within the meaning of KRS Chapter 337.

25. Defendant's failure to timely and fully pay Hisle her earned wages and overtime compensation is not in good faith and is without any reasonable basis to believe that the failure does not constitute a violation of KRS 337.020 to 337.285.

26. As a result of the foregoing, Hisle is entitled to relief against defendant as set forth by KRS 337.385, including payment of the wages and overtime compensation due her, liquidated damages, attorney's fees, costs and litigation expenses.

**Count 2 – For Unpaid Wages, Overtime Compensation and Liquidated Damages Pursuant to KRS 337.385 (1) by Plaintiff Kelly Goff**

27. Goff incorporates herein paragraphs 1 through 26 of this complaint as if fully set forth.

28. KRS 337.365 requires that employees be given a rest break of 10 minutes for every four hours worked. This rest break is in addition to the lunch or meal break also required by KRS Chapter 337.

29. KRS 337.355 requires that employees be allowed a reasonable time period for a lunch or meal break.

30. Goff daily performed compensable work during what was supposed to be her lunch/meal break and during what was supposed to be her rest breaks.

31. Although Goff daily performed compensable work during what was supposed to be her lunch/meal break in during what was supposed to be her rest breaks, defendant did not pay her for this work performed.

32. Defendant has failed to timely and fully pay Goff her earned wages and overtime compensation within the meaning of KRS Chapter 337.

33. Defendant's failure to timely and fully pay Goff her earned wages and overtime compensation is not in good faith and is without any reasonable basis to believe that the failure does not constitute a violation of KRS 337.020 to 337.285.

34. As a result of the foregoing, Goff is entitled to relief against defendant as set forth by KRS 337.385, including payment of the wages and overtime compensation due her, liquidated damages, attorney's fees, costs and litigation expenses.

**Count 3 – For Unpaid Wages, Overtime Compensation and Liquidated Damages Pursuant to KRS 337.385 (1) by Plaintiff Elizabeth Gulley**

35. Gulley incorporates herein paragraphs 1 through 34 of this complaint as if fully set forth.

36. KRS 337.365 requires that employees be given a rest break of 10 minutes for every four hours worked. This rest break is in addition to the lunch or meal break also required by KRS Chapter 337.

37. KRS 337.355 requires that employees be allowed a reasonable time period for a lunch or meal break.

38. Gulley daily performed compensable work during what was supposed to be her lunch/meal break and during what was supposed to be her rest breaks.

39. Although Gulley daily performed compensable work during what was supposed to be her lunch/meal break in during what was supposed to be her rest breaks, defendant did not pay her for this work performed.

40. Defendant has failed to timely and fully pay Gulley her earned wages and overtime compensation within the meaning of KRS Chapter 337.

41. Defendant's failure to timely and fully pay Gulley her earned wages and overtime compensation is not in good faith and is without any

reasonable basis to believe that the failure does not constitute a violation of KRS 337.020 to 337.285.

42. As a result of the foregoing, Gulley is entitled to relief against defendant as set forth by KRS 337.385, including payment of the wages and overtime compensation due her, liquidated damages, attorney's fees, costs and litigation expenses.

## VI

### Demand for Relief

WHEREFORE, plaintiffs Velma Hisle, Kelly Goff and Elizabeth Gulley demand judgment against defendant CorrectCare – Integrated Health Services, Inc. as follows:

(1) entry of a judgment in their favor and against defendant requiring defendant to pay each of them the wages and/or overtime compensation due and owing each of them along with an additional equal amount as liquidated damages as shown by the evidence at trial;

(2) entry of a judgment awarding each of them prejudgment interest on her unpaid wages and/or overtime compensation along with the costs, litigation expenses and reasonable attorneys fees pursuant to KRS 337.385 and CR 54; and,

(3) the grant of all other relief to which each of them is shown to be entitled.





