

JURISDICTION AND VENUE

2. This action alleges that Defendant unlawfully failed to pay overtime wages to Plaintiff and putative class members, in violation of Mo. Rev. Stat. § 290.505.

3. Plaintiff Laura Scott is an adult resident of Kansas City, Missouri. Plaintiff was, within the five years preceding the filing of this lawsuit, employed as a Delivery Consultant Analyst for Cerner.

4. Defendant Cerner Corporation is a domestic corporation incorporated in Delaware. Its principal office is at 2800 Rock Creek Parkway, Kansas City, Missouri. Cerner's registered agent for process in Missouri is C T Corporation System, located at 120 South Central Avenue in Clayton, Missouri.

5. Venue is proper in the Circuit Court of Jackson County, Missouri pursuant to Mo. Rev. Stat. § 508.010 because Plaintiff resides in Jackson County, Missouri.

FACTUAL ALLEGATIONS

6. Cerner supplies health care information technology solutions, services, devices, and hardware to hospitals and clinics throughout the United States and abroad.

7. Cerner is an "employer" within the meaning of Mo. Rev. Stat. § 290.500(4).

8. Throughout the five year period preceding the filing of this Petition, the Named Plaintiff and putative class members are or were employed by Defendant as Delivery Consultant Analysts in the U.S. Consulting Group.

9. The U.S. Consulting Group within Cerner is responsible for the implementation of Cerner's software products ("Solutions") at hospitals and physician practices. The U.S. Consulting Group employs Client Relations Executives, Engagement Leaders, Integration Architects, Solution Architects, Delivery Consultant Senior Analysts, and Delivery Consultant Analysts.

10. Delivery Consultant Analyst is an entry-level position at Cerner.

11. Throughout the five year period preceding the filing of this Petition, the Named Plaintiff and the putative class members were classified by Defendant as exempt from overtime wages.

12. Throughout the five year period preceding the filing of this Petition, the Named Plaintiff and the putative class members were not paid an overtime premium for hours worked in excess of forty per week.

13. Throughout the five year period preceding the filing of this Petition, the job duties performed by the Named Plaintiff and putative class members were those of non-exempt employees.

14. The Named Plaintiff and putative class members performed software configurations that required little or no training or education in systems analysis, software engineering, or computer programming.

15. The Named Plaintiff and putative class members did not perform work related to systems analysis, software engineering, or computer programming.

16. The Named Plaintiff and putative class members did not perform work directly related to the management of Cerner or Cerner's clients, and they did not exercise discretion or independent judgment with respect to matters of significance.

17. The Named Plaintiff brings this action on behalf of herself and on behalf of all other similarly-situated employees, pursuant to Mo. Rev. Stat. 52.08. The **Missouri Overtime Wage Class** is defined as:

All persons who have been or are currently employed by Cerner as Delivery Consultant Analysts in the U.S. Consulting Group who were not compensated at a rate of one and one half times their regular rate of pay for hours worked over forty (40) a week at any time from two years prior to the commencement of this lawsuit to the present.

18. The Named Plaintiff brings this action on behalf of herself and on behalf of all other similarly-situated employees, pursuant to Mo. Rev. Stat. 52.08. The **Quantum Meruit Class** is defined as:

All persons who have been or are currently employed by Cerner as Delivery Consultant Analysts in the U.S. Consulting Group who were not compensated at a rate of one and one half times their regular rate of pay for hours worked over forty (40) a week at any time from five years prior to the commencement of this lawsuit to the present.

CLASS ALLEGATIONS

19. The Named Plaintiff brings Claims for Relief on her own behalf and on behalf of the Missouri Overtime Wage and Quantum Meruit Classes, as defined in paragraphs 20 and 21, *supra*, pursuant to Mo. Rev. Stat. 52.08(a) and (b).

20. The persons in the classes identified above are so numerous that joinder of all members is impracticable. Although the precise number of such persons is unknown, upon information and belief, Defendant has employed more than 3,000 people who satisfy the definition of the class.

21. There are questions of law and fact common to the Missouri Overtime Wage and Quantum Meruit Classes that predominate over any questions solely affecting individual members of the class, including but not limited to:

- (a) Whether Cerner maintained a common practice of unlawfully failing to pay overtime compensation to the Named Plaintiff and members of the putative classes in violation of and within the meaning of Mo. Rev. Stat. § 290.505;
- (b) Whether the Named Plaintiff and members of the putative classes performed work for Cerner in excess of forty hours per work week;
- (c) Whether the Named Plaintiff and members of the putative classes are exempt from overtime compensation under Missouri Law;
- (d) The nature and amount of compensable work performed by the Named Plaintiff and members of the putative classes;
- (e) Whether Cerner employed the Named Plaintiff and members of the putative classes within the meaning of Missouri law; and

- (f) The proper measure of damages sustained by the Named Plaintiff and members of the putative classes.

22. The Named Plaintiff's claims are typical of those of the Missouri Overtime Wage and Quantum Meruit Classes. The Named Plaintiff, like other members of the Missouri Overtime Wage and Quantum Meruit Classes, was subjected to Cerner's illegal pay policy of refusing to pay overtime wages, in violation of Missouri law.

23. The Named Plaintiff will fairly and adequately protect the interests of the Missouri Overtime Wage and Quantum Meruit Classes and has retained counsel experienced in complex wage and hour litigation.

24. A class action is superior to other available methods for the fair and efficient adjudication of the controversy, particularly in the context of wage and hour litigation where individual plaintiffs with relatively small claims lack the financial resources to vigorously prosecute separate lawsuits against a large and wealthy corporate defendant.

25. Class certification of Plaintiff's claims is appropriate under Mo. Rev. Stat. 52.08(b)(3) because questions of law and fact common to the Missouri Overtime Wage and Quantum Meruit Classes predominate over any questions affecting only individual members of these classes, and because a class action is superior to other available methods for the fair and efficient adjudication of this litigation. Defendant's common and uniform policies and practices denied these classes the wages for work performed to which they are entitled. The damages suffered by the individual class members are small compared to the expense and burden of individual prosecution of

this litigation. In addition, class certification is superior because it will obviate the need for unduly duplicative litigation that might result in inconsistent judgments about Defendant's pay practices.

26. The Named Plaintiff intends to send notice to all members of the Missouri Overtime Wage and Quantum Meruit Classes to the extent required by Mo. Rev. Stat. 52.08.

FIRST CLAIM FOR RELIEF
FAILURE TO PAY OVERTIME WAGES
IN VIOLATION OF MISSOURI LAW

27. The Named Plaintiff, individually and on behalf of the Missouri Overtime Wage Class, re-alleges and incorporates by reference the allegations in the preceding paragraphs.

28. The foregoing conduct, as alleged, violates Mo. Rev. Stat. § 290.505.

29. At all relevant times, Cerner has been and continues to be an "employer" within the meaning of Mo. Rev. Stat. § 290.500(4).

30. At all relevant times, the Named Plaintiff and the putative Missouri Overtime Wage Class members were Cerner employees within the meaning of Mo. Rev. Stat. § 290.500(3).

31. Mo. Rev. Stat. § 290.505 requires an employer to pay overtime compensation to all non-exempt employees.

32. The Named Plaintiff and members of the Missouri Overtime Wage Class are not and were not exempt from overtime pay requirements under Missouri law.

33. During the applicable statute of limitations, Cerner had a policy and practice of failing and refusing to pay overtime wages to the Named Plaintiff and members of the putative Missouri Overtime Wage Class for their hours worked in excess of forty (40) hours per workweek.

34. As a result of Cerner's willful failure to pay overtime wages earned and due to the Named Plaintiff and members of the putative Missouri Overtime Wage Class, Defendants have violated and continue to violate Mo. Rev. Stat. § 290.500.

SECOND CLAIM FOR RELIEF
QUANTUM MERUIT

35. The Named Plaintiff, individually and on behalf of the Quantum Meruit Class, re-alleges and incorporates by reference the allegations in the preceding paragraphs.

36. Defendant, at all times material to this Petition, was aware that the Named Plaintiff and members of the putative class were performing work in excess of forty hours per work week without overtime compensation.

37. The hours that the Named Plaintiff and the members of the putative class worked over forty were at the direction and behest of Defendant. The Named Plaintiff and the members of the putative class did not perform this work voluntarily. Further, the benefits they conferred on Defendant through their work were accepted and appreciated by Cerner.

38. Defendant, in failing to pay Named Plaintiff and the putative Class back wages for overtime hours worked prior to Defendant's re-classification, has failed to pay Named Plaintiff and the putative Class for their services rendered.

39. Defendant is liable to the Named Plaintiff and members of the putative class under *quantum meruit* for all hours in excess of forty per work week for which they were not compensated prior to Defendant's reclassification of their position.

REQUEST FOR RELIEF

WHEREFORE, the Named Plaintiff, on her behalf and on behalf of all members of the Missouri Overtime Wage Class and the Quantum Meruit Class requests the following relief:

A. An order certifying this action as a class action on behalf of the proposed Missouri Overtime Wage and Quantum Meruit Classes pursuant to Mo. Rev. Stat. 52.08;

B. An order designating Laura Scott as Named Plaintiff and as representative of the Missouri Overtime Wage and Quantum Meruit Classes set forth herein;

C. An order finding that Defendant Cerner violated Missouri wage and hour law;

D. An order finding that these violations were willful;

E. Judgment against Cerner in the amount equal to the Plaintiff's and the Class's unpaid back wages at the applicable overtime rate;

F. An award in the amount of all liquidated damages and penalties as provided under Mo. Rev. Stat. § 290.527;

G. An award in the amount of all costs and attorneys' fees incurred in prosecuting these claims pursuant to Mo. Rev. Stat. § 290.527;

H. Such further relief as the Court deems just and equitable.

DEMAND FOR JURY TRIAL

Pursuant to Mo. Rev. Stat. § 510.190, Plaintiff demands a trial by jury.

Respectfully submitted this 25th day of March, 2015.

Attorneys for the Plaintiff

By: /s/ Eric L. Dirks

WILLIAMS DIRKS DAMERON LLC

Eric L. Dirks, MO State Bar No. 54921

Email: dirks@williamsdirks.com

1100 Main Street, Suite 2600

Kansas City, Missouri 64105

Telephone: 816/876-2600

Facsimile: 816/221-8763

HAWKS QUINDEL, S.C.

William E. Parsons, State Bar No. 1048594

Pro Hac Vice Application Pending

Email: wparsons@hq-law.com

David C. Zoeller, State Bar No. 1052017

Pro Hac Vice Application Pending

Email: dzoeller@hq-law.com

Caitlin M. Madden, State Bar No. 1089238

Pro Hac Vice Application Pending

Email: cmadden@hq-law.com

Post Office Box 2155

Madison, Wisconsin 53701-2155

Telephone: 608/257-0040

Facsimile: 608/256-0236

HABUSH HABUSH & ROTTIER, S.C.

Daniel A. Rottier, State Bar No. 1016998

Pro Hac Vice Application Pending

Email: rottier@habush.com

Jason Knutson, State Bar No. 1035801

Pro Hac Vice Application Pending

Email: jknutson@habush.com
Breanne L. Snapp, State Bar No. 1091474
Pro Hac Vice Application Pending
Email: bsnapp@habush.com
150 East Gilman St., Suite 2000
Madison, WI 53703
Telephone: 608/255-6663
Facsimile: 608/255-0745



IN THE 16TH JUDICIAL CIRCUIT COURT, JACKSON COUNTY, MISSOURI

Table with 2 columns: Case details (Judge, Plaintiff, Defendant, Nature of Suit) and Case Number/Address. Includes 'vs.' separator and a date stamp field.

Summons in Civil Case

Summons body: The State of Missouri to: CERNER CORPORATION. Alias: SERVE C T CORPORATION SYSTEM. Includes court seal of Jackson County, summons text, date (25-MAR-2015), and signature of Clerk.

Sheriff's or Server's Return section: Note to serving officer, certification checkboxes, service location and time, and notary public information.

Sheriff's Fees section: Table listing fees for Summons, Non Est, Sheriff's Deputy Salary, Supplemental Surcharge, Mileage, and Total. Includes a note about service methods.

SUMMONS/GARNISHMENT SERVICE PACKETS ATTORNEY INFORMATION

Under the Missouri e-filing system now utilized by the 16th Judicial Circuit Court, once a case has been accepted for filing, a clerk prepares the necessary documents for service. The summons/garnishment is sent to the attorney by an e-mail containing a link so that the filer may print and deliver the summons/garnishment, pleadings and any other necessary documents to the person designated to serve the documents.

Pursuant to State statutes, Supreme Court Rules and Local Court Rules, attorneys are required to print, attach and serve specific documents with certain types of Petitions and other filings.

Please refer to the Court's website for instructions on how to assemble the service packets at:

16thcircuit.org → Electronic Filing Information → Required Documents for Service – eFiled cases → Summons/Garnishment Service Packet Information.

Please review this information periodically, as revisions are frequently made. Thank you.

Circuit Court of Jackson County

**IN THE CIRCUIT COURT OF JACKSON COUNTY, MISSOURI
AT KANSAS CITY**

LAURA SCOTT,

PLAINTIFF(S),

CASE NO. 1516-CV06418

VS.

DIVISION 11

CERNER CORPORATION,

DEFENDANT(S).

**NOTICE OF CASE MANAGEMENT CONFERENCE FOR CIVIL CASE
AND ORDER FOR MEDIATION**

NOTICE IS HEREBY GIVEN that a Case Management Conference will be held with the Honorable **W BRENT POWELL** on **13-JUL-2015** in **DIVISION 11** at **09:00 AM**. All Applications for Continuance of a Case Management Conference should be filed on or before Wednesday of the week prior to the case management setting. Applications for Continuance of a Case Management Conference shall comply with Supreme Court Rule and 16th Cir. R. 34.1. Continuance of a Case Management Conference will only be granted for good cause shown because it is the desire of the Court to meet with counsel and parties in all cases within the first 4 months that a case has been on file. All counsel and parties are directed to check Case.NET on the 16th Judicial Circuit web site at www.16thcircuit.org after filing an application for continuance to determine whether or not it has been granted.

A lead attorney of record must be designated for each party as required by Local Rule 3.5.1. A separate pleading designating the lead attorney of record shall be filed by each party as described in Local Rule 3.5.2. The parties are advised that if they do not file a separate pleading designating lead counsel, even in situations where there is only one attorney representing the party, JIS will not be updated by civil records department, and copies of orders will be sent to the address currently shown in JIS. Civil Records does not update attorney information from answers or other pleadings. The Designation of Lead Attorney pleading shall contain the name of lead counsel, firm name, mailing address, phone number, FAX number and E-mail address of the attorney who is lead counsel.

At the Case Management Conference, counsel should be prepared to address at least the following:

- a. A trial setting;
- b. Expert Witness Disclosure Cutoff Date;
- c. A schedule for the orderly preparation of the case for trial;
- d. Any issues which require input or action by the Court;
- e. The status of settlement negotiations.

MEDIATION

The parties are ordered to participate in mediation pursuant to Supreme Court Rule 17. Mediation shall be completed within 10 months after the date the case is filed for complex cases, and 6 months after the date the case is filed for other circuit cases, unless otherwise ordered by the Court. Each party shall personally appear at the mediation and participate in the process. In the event a party does not have the authority to enter into a settlement, then a representative of the entity that does have actual authority to enter into a settlement on behalf of the party shall also personally attend the mediations with the party.

The parties shall confer and select a mutually agreeable person to act as mediator in this case. If the parties are unable to agree on a mediator the court will appoint a mediator at the Case Management Conference.

Each party shall pay their respective pro-rata cost of the mediation directly to the mediator.

POLICIES/PROCEDURES

Please refer to the Court's web page www.16thcircuit.org for division policies and procedural information listed by each judge.

/S/ W BRENT POWELL

W BRENT POWELL, Circuit Judge

Certificate of Service

This is to certify that a copy of the foregoing was mailed postage pre-paid or hand delivered to the plaintiff with the delivery of the file-stamped copy of the petition. It is further certified that a copy of the foregoing will be served with the summons on each defendant named in this action.

Attorney for Plaintiff(s):

ERIC LANDON DIRKS, 1100 MAIN ST, SUITE 2600, KANSAS CITY, MO 64105

WILLIAM E PARSONS, HAWKS QUINDEL, S.C., PO BOX 2155, MADISON, WI 53701-2155

DAVID C ZOELLER, HAWKS QUINDEL, S.C., MADISON, WI 53701-2155

CAITLIN M MADDEN, HAWKS QUINDEL, S.C, PO BOX 2155, MADISON, WI 53701-2155

DANIEL Z ROTTIER, HABUSH HABUSH & ROTTIER, S.C, 150 EAST GILMAN ST., STE 200, MADISON, WI 53703

JASON KNUTSON, HABUSH HABUSH & ROTTIER, S.C, 150 EAST GILMAN ST., STE 2000, MADISON, WI 53703

BREANNE L SNAPP, HABUSH HABUSH & ROTTIER, S.C, 150 EAST GILMAN ST., STE
2000, MADISON, WI 53703

Defendant(s):

CERNER CORPORATION

Dated: 25-MAR-2015

Jeffrey A. Eisenbeis
Court Administrator



CIRCUIT COURT OF JACKSON COUNTY, MISSOURI

415 EAST 12TH STREET
KANSAS CITY, MISSOURI 64106

JEFFREY A. EISENBEIS
Court Administrator

VERNA PROCTOR
Director of Civil Records

25-MAR-2015

**Chris Koster, Attorney General
Supreme Court Building
PO Box 899
Jefferson City, Missouri 65102**

RE : LAURA SCOTT V CERNER CORPORATION

Case No: 1516-CV06418

Enclosed is a copy of the petition filed in the above case. You are being notified of this action in accordance with Section 407.25 R.S.Mo.

**COURT ADMINISTRATOR'S OFFICE
DEPARTMENT OF CIVIL RECORDS
CIRCUIT COURT OF JACKSON COUNTY, MISSOURI**

Patricia A. McIntosh

_____, Clerk

Enclosure

Mc: Case File Folder

**Receipt of Filing - New Case - LAURA SCOTT V. CERNER CORPORATION,
54921, Jackson County - Kansas City - Civil**

1 message

Missouri Courts eFiling System <mocourts.efiling@courts.mo.gov>

Wed, Mar 25, 2015 at 10:14 AM

To: Missouri Courts eFiling Subscriber <mocourts.efiling@courts.mo.gov>

Cc: dirks@williamsdirks.com, "16th Judicial Circuit (Jackson County)" <jak.efiling@courts.mo.gov>

The filing **EF3292389** on **3/25/15** at **10:13 AM** was **RECEIVED** by **Jackson County - Kansas City - Civil** on **3/25/15** at **10:13 AM**.

You will receive notice from the court when the filing is either accepted, on hold or returned with the reason for the hold or return.

Below is important information regarding this filing:

eFiling Confirmation Number	EF3292389
Filer Reference Number	54921
Payment Confirmation Number	10293720
Case Number	UNASSIGNED
Case Description	LAURA SCOTT V. CERNER CORPORATION
Case Type	Other Miscellaneous Actions

Notes to Clerk: **Please issue a summons for Cerner Corporation to be served by the Clay County Sheriff**

Document(s):

Document Category and Type	Petition/Initial Pleading/Criminal to/for/filed in - Circuit Court
Document Title	Class Action Petition
Attachment(s)	Civil Cover Sheet
File On Behalf Of	LAURA SCOTT

To view or save a document, click one of the hyperlinks above. The document title hyperlink will open the document directly until the court accepts the document. At that time, you will have to use the case number link to view the document. The case number hyperlink will go to the docket tab in Case.net.

Party Information:

Name	CERNER CORPORATION
Type	Defendant
Represented By	
Address	2800 ROCK CREEK PARKWAY KANSAS CITY, MO 64117
SSN/EIN	None Entered by Filer
Phone Number	None Entered by Filer

E-mail	None Entered by Filer
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Name	LAURA SCOTT
Type	Plaintiff
Represented By	Eric Landon Dirks
Address	1100 MAIN, SUITE 2600 KANSAS CITY, MO 64105
SSN/EIN	None Entered by Filer
Year of Birth	1988
Gender	None Entered by Filer
Phone Number	None Entered by Filer
E-mail	None Entered by Filer

Filing Fee Receipt Information:

Court Location	Item Description	Amount
Jackson County - Kansas City - Civil	Filing fee	\$112.00
	Processing Fee	\$2.63
	Total:	\$114.63

Cardholder Name: ERIC DIRKS
 Billing Address:
 1100 Main Street, Suite 2600
 Kansas City, MO 64105
 VISA: ****8096

Click to access the [Missouri eFiling System](#).

This e-mail is auto generated. Please do not respond. **If you have a concern with your filing, please contact the court.** If you need technical assistance, please contact the Office of State Courts Administrator Help Desk at osca.help.desk@courts.mo.gov or toll-free by phone at 1(888)541-4894. The Help Desk is available 7:30 a.m. to 5:00 p.m. Monday through Friday, excluding state holidays.