

IN THE CIRCUIT COURT OF THE CITY OF ST. LOUIS
STATE OF MISSOURI

TERREE WOLFERT, on behalf of
herself and a putative class comprised
of similarly situated employees of
Defendants,

Plaintiff,

vs.

UNITEDHEALTH GROUP,
INCORPORATED and UNITED
HEALTHCARE SERVICES, INC.,

Defendants.

Serve: UnitedHealth Group, Incorporated
c/o CT Corporation System,
Registered Agent
401 2nd Avenue South #454
Minneapolis, Minnesota 55401

United Healthcare Services, Inc.
c/o CT Corporation System,
Registered Agent
120 South Central Avenue
Clayton, Missouri, 63105

Case No. 0822-CL08195

Div. No. 1

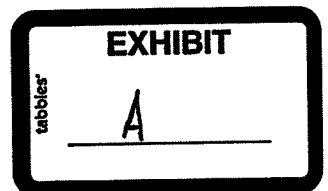
JURY TRIAL DEMANDED

PETITION

Comes now Plaintiff, on behalf of herself and all others similarly situated, by and through counsel, and states the following for her Petition against Defendants:

1. This Court maintains jurisdiction over the claims brought herein pursuant to 29 U.S.C. § 216(b) (Fair Labor Standards Act (hereinafter "FLSA")) and maintains venue pursuant to R.S. Mo. § 508.010.2(4).

2. This lawsuit is brought as a collective action under 29 U.S.C. § 216(b) to recover unpaid wages owed to Plaintiff and all other similarly-situated employees of Defendants who



have been assigned by Defendants to work from home from the date two (2) years prior to filing of this suit through the date of judgment.

3. Plaintiff Terree Wolfert is an adult citizen of the United States.

4. Defendant UnitedHealth Group, Incorporated is a corporation conducting business within the City of St. Louis, State of Missouri.

5. Defendant United Healthcare Services, Inc. is a corporation conducting business within the City of St. Louis, State of Missouri.

6. Plaintiff has been employed by Defendants from approximately August, 2005 through the present as a customer service representative.

7. Defendants assigned Plaintiff and other similarly-situated employees to work from home.

8. Defendants compensate Plaintiff and other similarly-situated employees on an hourly basis.

9. Defendants accurately classify Plaintiff and other similarly-situated employees as "non-exempt" under the FLSA.

10. Per Defendants' policy and practice, Plaintiff and other similarly-situated employees must start working at the beginning of their scheduled shifts.

11. Per Defendants' policy and practice, Defendants have instructed and required Plaintiff and other similarly-situated employees to perform work "off the clock" before their scheduled shifts without compensation including (1) turning on and "booting up" their computers; (2) starting up various programs, (3) logging onto various computer systems and programs.

12. To be able to start work at the beginning of their scheduled shifts, Plaintiff and

others similarly situated must complete such tasks prior to their scheduled shifts.

13. Such tasks are substantial and time consuming.

14. Such tasks are preparatory, integral and indispensable to performance of the assigned job duties of Plaintiff and others similarly situated.

15. Under Defendants' electronic time-keeping system, Plaintiff and other similarly-situated are not clocked in while performing such preparatory tasks and thus they are not compensated for performing such tasks.

16. Defendants do not compensate Plaintiff and others similarly situated for performing such tasks at a rate of at least one and one-half (1 1/2) times their regular rate when Plaintiff and others similarly situated perform such tasks in excess of forty (40) hours working time per week.

17. Defendants require Plaintiff and other similarly situated employees to complete customer service calls which begin prior to their scheduled shift ending times, regardless of whether those calls continue beyond their scheduled shift ending times.

18. Such required work beyond the scheduled shifts is substantial and time consuming.

19. Under Defendants' time-keeping system, Plaintiff and other similarly-situated employees have not been paid for such time worked beyond their scheduled shifts and Defendants have not compensated Plaintiff and other similarly situated employees for such work at a rate of at least one and one-half (1 1/2) times their regular rate when they have performed such tasks in excess of forty (40) hours working time per week.

20. Defendants' conduct violates the minimum wage requirements of 29 U.S.C. § 206.

21. Defendants' conduct violates the overtime pay requirements of 29 U.S.C. § 207.

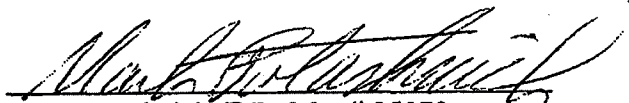
22. Plaintiff's written consent to be a party plaintiff to this action is attached hereto as "Exhibit 1" and filed herewith.

WHEREFORE, Plaintiff and all similarly-situated employees pray this Court to enter judgment in their favor, awarding them:

- a. All unpaid wages due for all compensable work performed;
- b. All unpaid overtime wages due for all compensable work performed in excess of forty (40) hours per week;
- c. Statutory liquidated damages pursuant to 29 U.S.C. § 216(b);
- d. Attorney's fees and costs of litigation;
- e. Prejudgment and post-judgment interest on all sums awarded;
- f. Injunctive relief; and
- g. Such other and further relief as this Court deems appropriate.

Respectfully submitted,

WEINHAUS & POTASHNICK



Mark Potashnick, E.D. Mo. # 35970
11500 Olive Blvd., Suite 133
St. Louis, Missouri 63141
Telephone: (314) 997-9150
Facsimile: (314) 997-9170

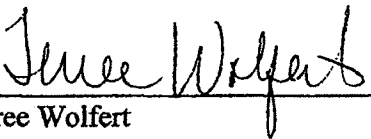
LAW OFFICE OF KRISTIN F. WHITTLE
Kristin Whittle-Parke, E.D. Mo. # 36549
11901 Olive Blvd., Suite 200
St. Louis, Missouri 63141
Telephone: (314) 539-5291
Facsimile: (314) 539-5290

Attorneys for Plaintiff Terree Wolfert
and all those similarly situated

EXHIBIT 1

PLAINTIFF'S CONSENT PURSUANT TO 29 U.S.C. § 216(b)

Pursuant to 29 U.S.C. § 216(b), I hereby provide my written consent to be a party plaintiff in the attached lawsuit against UnitedHealth Group, Incorporated and United Healthcare Services, Inc. alleging violations of the Fair Labor Standards Act, 29 U.S.C. § 201 et seq.



Terree Wolfert