

AO 440 (Rev. 06/12) Summons in a Civil Action

UNITED STATES DISTRICT COURT

for the

Eastern District of Pennsylvania

GEOFF L. STONE, an individual on behalf of himself and other individuals similarly situated

Plaintiff(s)

v.

CITY OF LANCASTER

Defendant(s)

Civil Action No. 23-cv-04187

SUMMONS IN A CIVIL ACTION

To: (Defendant's name and address)

CITY OF LANCASTER 120 North Duke Street Lancaster, Pennsylvania 17602

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

W. DANIEL FEEHAN, ESQUIRE HOLROYD GELMAN, P.C. 2005 Market Street, Suite 920 Philadelphia, PA 19103

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

CLERK OF COURT

Date: \_\_\_\_\_

Signature of Clerk or Deputy Clerk

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Civil Action No. \_\_\_\_\_

**PROOF OF SERVICE**

*(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))*

This summons for *(name of individual and title, if any)* \_\_\_\_\_  
was received by me on *(date)* \_\_\_\_\_.

I personally served the summons on the individual at *(place)* \_\_\_\_\_  
\_\_\_\_\_ on *(date)* \_\_\_\_\_; or

I left the summons at the individual's residence or usual place of abode with *(name)* \_\_\_\_\_  
\_\_\_\_\_, a person of suitable age and discretion who resides there,  
on *(date)* \_\_\_\_\_, and mailed a copy to the individual's last known address; or

I served the summons on *(name of individual)* \_\_\_\_\_, who is  
designated by law to accept service of process on behalf of *(name of organization)* \_\_\_\_\_  
\_\_\_\_\_ on *(date)* \_\_\_\_\_; or

I returned the summons unexecuted because \_\_\_\_\_; or

Other *(specify)*:

My fees are \$ \_\_\_\_\_ for travel and \$ \_\_\_\_\_ for services, for a total of \$ \_\_\_\_\_ 0.00.

I declare under penalty of perjury that this information is true.

Date: \_\_\_\_\_

\_\_\_\_\_  
*Server's signature*

\_\_\_\_\_  
*Printed name and title*

\_\_\_\_\_  
*Server's address*

Additional information regarding attempted service, etc:

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

<p><b>GEOFF L. STONE</b>, an individual on behalf of himself and other individuals similarly situated,</p> <p style="text-align: right;"><i>Plaintiffs</i></p> <p style="text-align: center;">v.</p> <p><b>CITY OF LANCASTER</b></p> <p style="text-align: right;"><i>Defendant</i></p>	: : : : : : : : : : : : : :	<p>Civil Action No.:</p> <p><b>COMPLAINT</b></p>
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And now, comes the Plaintiff, Geoff L. Stone, by his attorney, W. Daniel Feehan, Esquire, and files the within Complaint on behalf of himself and all other employees similarly situated and in support thereof avers as follows:

1. Plaintiff, Geoff L. Stone, is an adult individual residing in Lancaster, Lancaster County, Pennsylvania.
  
2. The City of Lancaster ("City"), is a political subdivision organized and existing under the laws of the Commonwealth of Pennsylvania. The City's main office is located at 120 North Duke Street, Lancaster, Lancaster County, Pennsylvania.
  
3. The City is an employer within the meaning of Section 203(d) of the Fair Labor Standards Act ("Act"), 29 U.S.C. §203(d).

**JURISDICTION AND VENUE**

4. Jurisdiction of this action is conferred on the Court by Sections 3(s)(1)(c) and 16(b) of the Act, 29 U.S.C. §§203(s)(1)(c) and 216(b), and by the provisions of 28 U.S.C. §1337(a), relating to "any civil action or proceeding arising under any act of Congress regulating commerce".

5. The Court is the proper venue for this action under Section §216(b) of the Act, 29 U.S.C. §216(b), and by the provisions of 28 U.S.C. §1391(b), because the City is located within this judicial district and because the actions of the City complained of herein either occurred within this judicial district and/or had their intended affects within this judicial district.

### INTRODUCTION

6. Plaintiff, Geoff L. Stone (“Plaintiff Stone”) is employed by the City as a full-time firefighter and brings this action to recover unpaid, improperly calculated overtime compensation, liquidated damages, attorney's fees and costs under the provisions of Sections 207, 215 and 216(b) of the Act. Plaintiff Stone also brings this action on behalf of other employees similarly situated.

7. Plaintiff Stone and other employees similarly situated are represented, for the purposes of collective bargaining by the Lancaster Professional Firefighters, International Association of Fire Fighters Local 319 (“Union”).

8. The City is party to a collective bargaining agreement (“CBA”) with the Union.

9. Plaintiff Stone is employed by the City as a fire fighter and is an “employee” within the meaning of Section 203(e)(2)(c) of the Act, 29 U.S.C. §203(e)(2)(c).

10. Pursuant to the CBA, Plaintiff Stone and other employees similarly situated, receive longevity pay (“Longevity Pay”) which is calculated as a percentage of their base pay and is paid at an hourly rate.

11. Pursuant to Article 12 of the parties’ CBA, Plaintiff Stone and other employees

similarly situated, are eligible for the Longevity Pay beginning on January 1<sup>st</sup> of the year following the completion of four (4) years of service with increases to the Longevity Pay each year thereafter.

12. The Longevity Pay is in addition to base pay.

13. Longevity pay is designated as "LONGFD" on the Plaintiffs' paystubs and is paid to the employees every two (2) weeks.

14. Pursuant to the CBA, Plaintiff Stone and other employees similarly, are paid two sets of overtime each pay period.

15. Pursuant to the CBA, overtime designated as "PLUSHR" on the paystubs are overtime hours worked willingly by the Plaintiffs and is calculated as time and a half.

16. Pursuant to the CBA, overtime designated as "OT" on the paystubs is overtime hours mandated at a fixed amount and is calculated as time and a half.

17. At all relevant times, the City has improperly calculated the aforementioned hourly overtime rates of pay by not including Longevity Pay into the aforementioned overtime rates.

### **STATEMENT OF CLAIMS**

18. Plaintiff hereby incorporated by reference the averments contained in Paragraphs 1 through 17 as though fully set forth herein.

19. The City has failed to factor in the Longevity Pay when calculating the aforementioned overtime hours, thus depriving the Plaintiffs of their full compensation.

20. The City has failed to apply a properly calculated overtime rate to hours of work that qualified for an overtime rate of pay, as required by Section 207(a), 29 U.S.C. §207(a).

21. Said violations have continued from, at least, September 2020 to the present.

22. At present, there is a yet-to-be determined sum due and owing from the City to Plaintiffs for each violation, at least, since September 2020.

23. A consent form has been signed by Plaintiff Stone to be included in this action.

Wherefore, Plaintiffs seek judgment in his favor against the City on the following basis:

- a) For those sums that are due and owing to Plaintiff Stone and those other employees of the City similarly situated who may consent to be part of this action;
- b) For an equal amount as liquidated damages;
- c) For interest thereon;
- d) For reasonable attorney's fees and costs.

Dated:

10/30/23

**HOLROYD GELMAN, P.C.**

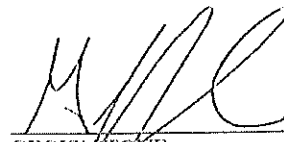


W. DANIEL FEEHAN, ESQUIRE  
STEPHEN J. HOLROYD, ESQUIRE  
2005 Market Street  
Suite 920  
Philadelphia, PA 19103  
(215) 351-06577

CONSENT

I, Geoff Stone, hereby give my consent to Holroyd Gelman, P.C. to pursue my claims for overtime compensation under the Fair Labor Standards Act of 1938 against the City of Lancaster. It is my desire to be a party to the civil action brought to pursue these claims.

1 Sept 2023  
Dated

  
\_\_\_\_\_  
GEOFF STONE

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

CASE MANAGEMENT TRACK DESIGNATION FORM

GEOFF L. STONE, et al  
:  
:  
v.  
:  
:  
CITY OF LANCASTER, PA:

CIVIL ACTION

NO. 2:23-cv-04187

In accordance with the Civil Justice Expense and Delay Reduction Plan of this court, counsel for plaintiff shall complete a Case Management Track Designation Form in all civil cases at the time of filing the complaint and serve a copy on all defendants. (See § 1:03 of the plan set forth on the reverse side of this form.) In the event that a defendant does not agree with the plaintiff regarding said designation, that defendant shall, with its first appearance, submit to the clerk of court and serve on the plaintiff and all other parties, a Case Management Track Designation Form specifying the track to which that defendant believes the case should be assigned.

**SELECT ONE OF THE FOLLOWING CASE MANAGEMENT TRACKS:**

- (a) Habeas Corpus – Cases brought under 28 U.S.C. § 2241 through § 2255. ( )
- (b) Social Security – Cases requesting review of a decision of the Secretary of Health and Human Services denying plaintiff Social Security Benefits. ( )
- (c) Arbitration – Cases required to be designated for arbitration under Local Civil Rule 53.2. ( )
- (d) Asbestos – Cases involving claims for personal injury or property damage from exposure to asbestos. ( )
- (e) Special Management – Cases that do not fall into tracks (a) through (d) that are commonly referred to as complex and that need special or intense management by the court. (See reverse side of this form for a detailed explanation of special management cases.) ( )
- (f) Standard Management – Cases that do not fall into any one of the other tracks. (X)

<u>10/30/23</u> Date	<u>W. Daniel Feehan</u> Attorney-at-law	<u>Plaintiffs</u> Attorney for
<u>215-351-0657</u> Telephone	<u>215-600-0111</u> FAX Number	<u>dfeehan@hg.labor.law.com</u> E-Mail Address



JS 44 (Rev. 10/20)

### 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**

GEOFF L. STONE, an individual on behalf of himself and other individuals similarly situated

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

(c) Attorneys (Firm Name, Address, and Telephone Number)

W. DANIEL FEEHAN, ESQ., HOLROYD GELMAN, P.C.  
2005 MARKET ST, STE 920, PHILA, PA 215-351-0657

**DEFENDANTS**

CITY OF LANCASTER

County of Residence of First Listed Defendant \_\_\_\_\_

(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
- 3 Federal Question (U.S. Government Not a Party)
- 2 U.S. Government Defendant
- 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)

	PTF	DEF		PTF	DEF
Citizen of This State	<input type="checkbox"/> 1	<input type="checkbox"/> 1	Incorporated or Principal Place of Business In This State	<input type="checkbox"/> 4	<input type="checkbox"/> 4
Citizen of Another State	<input type="checkbox"/> 2	<input type="checkbox"/> 2	Incorporated and Principal Place of Business In Another State	<input type="checkbox"/> 5	<input type="checkbox"/> 5
Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6

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

Click here for: Nature of Suit Code Descriptions.

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES	
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	<b>PERSONAL INJURY</b> <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice	<input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability <b>PERSONAL PROPERTY</b> <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other <b>LABOR</b> <input checked="" type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act <b>IMMIGRATION</b> <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 <b>PROPERTY RIGHTS</b> <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 835 Patent - Abbreviated New Drug Application <input type="checkbox"/> 840 Trademark <input type="checkbox"/> 880 Defend Trade Secrets Act of 2016 <b>SOCIAL SECURITY</b> <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) <b>FEDERAL TAX SUITS</b> <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 376 Qui Tam (31 USC 3729(a)) <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit (15 USC 1681 or 1692) <input type="checkbox"/> 485 Telephone Consumer Protection Act <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes
<b>REAL PROPERTY</b> <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	<b>CIVIL RIGHTS</b> <input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education	<b>PRISONER PETITIONS</b> <b>Habeas Corpus:</b> <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <b>Other:</b> <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement			

**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 (specify)
- 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):

29 U.S.C. §207(a)

Brief description of cause:  
overtime pay should include longevity pay

**VII. REQUESTED IN COMPLAINT:**

CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.

DEMAND \$

CHECK YES only if demanded in complaint:

JURY DEMAND:  Yes  No

**VIII. RELATED CASE(S) IF ANY**

(See Instructions):

JUDGE \_\_\_\_\_

DOCKET NUMBER \_\_\_\_\_

DATE 10/27/23 SIGNATURE OF ATTORNEY OF RECORD [Signature]

FOR OFFICE USE ONLY

RECEIPT # \_\_\_\_\_ AMOUNT \_\_\_\_\_ APPLYING IFP \_\_\_\_\_ JUDGE \_\_\_\_\_ MAG. JUDGE \_\_\_\_\_