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DANIEL DEICHERT, and DONNA MCKENDRY, individually and on behalf of all others similarly situated, Plaintiffs, *vs.* INSPIRA HEALTH NETWORK, INC. d/b/a INSPIRA HEALTH CARE ORGANIZATION, Defendant.	SUPERIOR COURT OF NEW JERSEY LAW DIVISION: CUMBERLAND COUNTY Docket No.: CUM-L-000269-25 Civil Action **SECOND AMENDED CLASS ACTION COMPLAINT AND JURY DEMAND**

NATURE OF THE ACTION

1. Plaintiffs bring this action under R. 4:32 on behalf of themselves and a class of similarly situated individuals ("Class Members" or "the Class") to redress violations of the New Jersey Wage and Hour Law ("NJWHL") and the New Jersey Wage Payment Law ("NJWPL") by Defendant Inspira Health Network, Inc. ("Inspira Health" or "Defendant").

2. Defendant employed Plaintiffs and Class Members as hourly workers and, despite legal requirements to properly compensate them for all hours worked, has engaged in systematic wage theft through various illegal practices including: (a) failing to properly pay employees for overtime work; (b) manipulating time clock systems to round employee time that upon information and belief in the aggregate was in Defendant's favor; (c) automatically

deducting meal breaks from employee pay regardless of whether such breaks were actually taken; and (d) failing to include non-discretionary bonuses and other compensation in the regular rate of pay, thereby underpaying overtime compensation.

3. In addition to compensatory damages, Plaintiffs seek attorneys' fees, costs, prejudgment interest, liquidated damages, and injunctive and declaratory relief on behalf of themselves and the Class.

JURISDICTION AND VENUE

4. The Court has subject matter jurisdiction over this action pursuant to N.J. Const., Art. VI, Sec. 3, Par. 2.

5. Venue is proper in Cumberland County pursuant to R. 4:3-1(a)(5) and 4:3-2(a)(3) because Defendant's principal place of business is in Vineland, Cumberland County, New Jersey, and because Plaintiffs and Class Members seek monetary damages exceeding $20,000.00.

PARTIES

6. Defendant Inspira Health Network, Inc. d/b/a Inspira Health Network ("Defendant") is a New Jersey nonprofit healthcare network headquartered at 1505 W. Sherman Avenue, Vineland, New Jersey 08360. Inspira Health operates multiple healthcare facilities throughout New Jersey related by common ownership and membership.

7. Defendant employs thousands of healthcare workers and support staff in New Jersey.

8. Plaintiff Daniel Deichert is an adult individual residing in Runnemede, New Jersey. He worked for Defendant's Inspira Mullica Hill Medical Center in Mullica Hill, New Jersey; and Inspira Health Center Woodbury in Woodbury, New Jersey. He was employed as

an Emergency Room Nurse. Mr. Deichert was an hourly, non-exempt employee of Defendant in New Jersey within six (6) years of the date of this Complaint. He brings this Complaint on his own behalf and on behalf of other hourly employees.

9. Plaintiff Donna McKendry is an adult individual residing in Laurel Spring, New Jersey. She worked for Defendant's Outpatient Imaging at Inspira Health Center Tomlin Station in Mullica Hill, New Jersey. She was employed as a Mammographer. Ms. McKendry was an hourly, non-exempt employee of Defendant in New Jersey within six (6) years of the date of this Complaint. She brings this Complaint on her own behalf and on behalf of other hourly employees.

FACTS

10. Defendant operates multiple healthcare facilities throughout New Jersey. It employs thousands of healthcare workers and support staff in New Jersey.

Facts Relating to Unlawful Time Clock Rounding

11. Under New Jersey law, Defendant is required to (1) track the number of hours its hourly employees work; (2) pay its hourly employees for the number of hours they work; and (3) keep accurate records thereof. Defendant tracks the number of work hours of its non-exempt employees ("hourly employees"), including Plaintiffs, with an electronic time-keeping system.

12. Defendant pays its hourly employees, including Plaintiffs, according to time-keeping system data. Defendant requires its hourly employees to use the time-keeping system to: (1) punch in at the start of their shift; and (2) punch out at the end of their shift. Defendant's time-keeping system records and stores the times hourly employees, including Plaintiffs, actually punch in and out ("actual punch times").

13. Defendant could pay its Employees for all compensable hours using those actual punch times. Instead, Defendant pays its hourly employees, including Plaintiffs, in accordance with Defendant's rounding policy, which is applicable to all hourly employees.

14. Upon information and belief, under the policy, Defendant systematically rounds employee time entries in a manner that in the aggregate favors the employer. For example, when an employee clocks in early for a scheduled shift, the timekeeping system rounds the start time forward to the scheduled start time—effectively erasing compensable work time at the beginning of the shift. Similarly, when that same employee clocks out after their scheduled end time, the system rounds the end time backward to the scheduled end time—again eliminating compensable work time at the end of the shift. This rounding pattern results in Defendant regularly failing to pay employees for actual time worked.

15. Upon information and belief, while the time keeping system, in theory, can also round employee time in favor of the employee, the overall effect of the rounding policy, when applied in conjunction with other Defendant policies and practices, is to deny hourly employees pay for all compensable hours.

Facts Relating to Missed Meal Periods

16. Defendant maintains a policy of systematically deducting meal periods from hourly employees' compensable time, including Plaintiffs. Hourly employees do not clock in or out for these meal periods. Instead, Defendant requires employees to self-report if they worked through a meal period, but actively discourages such reporting through its workplace practices and culture.

17. This system results in a *de facto* deduction of meal periods regardless of whether employees actually take uninterrupted meal breaks.

18. Because Defendant fails to track the actual start and end times of meal periods, there is no accurate record of whether employees receive full, uninterrupted meal periods as required by law. Employees frequently work through meal periods or have their meal periods interrupted by work duties, yet these worked meal periods go unreported and uncompensated due to Defendant's inadequate timekeeping system and workplace pressures that discourage accurate reporting.

Pre-Shift and Post-Shift Work for Emergency Room Nurses

19. In addition to the violations described above that affected all Class Members, the ER Nurse Subclass, including Mr. Deichert, was required to arrive, fifteen (15) minutes before their scheduled shifts to receive patient information from the outgoing nurse and stay fifteen (15) minutes after their shifts to provide similar information to the incoming nurse.

20. These pre-shift and post-shift activities were integral and indispensable to the principal activities of ER nurses but were not compensated.

21. Although Defendant's timekeeping system theoretically allowed employees to adjust their time records to account for missed meal breaks or pre/post-shift work, in practice, ER nurses like Mr. Deichert were too exhausted after their shifts to complete the paperwork necessary to make such adjustments.

22. Mr. Deichert and other ER nurses raised complaints about these practices to their union (HPAE), but no corrective action was taken by Defendant.

Unpaid Work Hours and Overtime Violations

23. As a result of Defendant's timeclock rounding, meal period, and ER pre and post shift policies and practices described above, Defendant failed to pay Plaintiffs and hourly employees for all work hours and failed to pay them for all overtime hours they worked over forty (40) in one or more weeks at time and one half their regular rate of pay.

24. Plaintiffs and hourly employees regularly worked over forty (40) hours a week, for example:

a. Plaintiff Daniel Deichert worked for Defendant as an Emergency Room Nurse, 12-hour shifts up to four (4) times per week, with a thirty (30) minute meal break period. As a result of regularly working through lunch, and up to four (4) days a week, he consistently worked over forty (40) hours and up to forty-eight (48) hours a week.

b. Plaintiff Donna McKendry worked for Defendant as a Mammographer eight (8) hour shifts, at times worked beyond the eight (8) scheduled work hours, up to six (6) days a week, with a thirty (30) minute meal break period. As a result of regularly working through lunch, working more than eight (8) hours a day, and up to six (6) days a week, she consistently worked over forty (40) hours and up to forty-eight (48) hours a week.

25. Defendant's Time Clock Rounding policies and practices as applied to Plaintiffs and hourly employees effectively resulted in unpaid work hours including unpaid overtime premiums.

26. Plaintiffs and hourly employees rarely, if ever, were able to take uninterrupted meal breaks. Despite this, Defendant deducted meal breaks from their pay regardless of whether the meal break was taken.

27. Defendant's meal period policies and practices impacted Plaintiffs and hourly employees and resulted in unpaid work hours, including unpaid overtime premiums.

28. Defendant's pre and post shift policies and practices impacted ER nurses and resulted in unpaid work hours, including unpaid overtime premiums.

Failure to Include All Compensation in the Overtime Rate Calculation

29. In addition to their base hourly wages, Defendant paid Plaintiffs and hourly employees non-discretionary annual bonuses and other compensation.

30. Under New Jersey law, an employee's overtime compensation must be paid on the basis of the regular hourly rate derived from all the remuneration an employee receives, including earnings determined on a bonus or other basis.

31. When Plaintiffs and hourly employees worked more than forty (40) hours in a workweek, Defendant calculated their overtime pay using a regular rate that excluded the non-discretionary bonuses and other compensation Defendant paid them.

32. By excluding bonuses and other compensation from the regular rate, Defendant understated the regular rate and underpaid the overtime premium owed to Plaintiffs and hourly employees for hours worked in excess of forty (40) in a workweek.

33. Upon information and belief, Defendant applied this practice uniformly to all hourly employees who received bonuses or other compensation and worked overtime during the Class Period.

CLASS ALLEGATIONS

34. Plaintiffs bring NJWHL and NJWPL claims on behalf of themselves and a Class of persons under R. 4:32 consisting of all hourly employees who performed work for Defendant in the State of New Jersey and who are citizens of New Jersey, from April 10, 2019 (six [6] years prior to the filing of this Complaint) until Defendant ceases its unlawful acts (the "Class Period").

35. Plaintiffs' proposed classes are defined as follows:

New Jersey Employee Class:

> All hourly, non-exempt Inspira Health employees who are citizens of New Jersey and worked in the State of New Jersey and who used Inspira Health's electronic timekeeping system to track their hours at any time within the period beginning six (6) years prior to the filing of this Complaint to the date of certification of the class.

36. Plaintiff Deichert also brings NJWHL and NJWPL claims on behalf of a Subclass of Emergency Room hourly nurses:

ER Nurse Subclass:

> All hourly, non-exempt Emergency Room nurses employed by Inspira Health who are citizens of New Jersey and worked in the State of New Jersey and who used Inspira Health's electronic timekeeping system to track their hours at any time within the period beginning six (6) years prior to the filing of this Complaint to the date of certification of the class.

37. The Class and Subclass as defined above specifically exclude any claims for training time violations asserted on behalf of Ground Transport personnel that are currently being litigated in *Christina Oatman and Denise Richman v. Inspira Medical Centers, Inc.*, Case No. 1:25-cv-1695, in the United States District Court for the District of New Jersey. The claims

in this action are based on Defendants' separate and distinct wage practices affecting all hourly employees across Defendant's various facilities throughout New Jersey involving time clock rounding, automatic meal break deductions regardless of whether breaks were taken, the failure to include non-discretionary bonuses and other compensation in the regular rate used to calculate overtime pay, and uncompensated pre-shift and post-shift work for Emergency Room Nurses.

38. Plaintiffs' claims are typical of the claims of the Class and Plaintiff Deichert's claims are typical of the claims of the ER Nurse Subclass because:

a. Plaintiffs and Class Members were all subjected to the same electronic timekeeping system that rounded their clock-in and clock-out times in a manner that systematically favored Defendant;

b. Plaintiffs and Class Members all had meal breaks systematically deducted from their pay regardless of whether such breaks were actually taken;

c. Plaintiffs and Class Members all received non-discretionary bonuses or other compensation that Defendant excluded from the regular rate when calculating their overtime pay;

d. The damages suffered by Plaintiffs and Class Members resulted from the same unlawful policies and practices implemented by Defendant across all of its facilities;

e. Plaintiff Deichert, like all members of the ER Nurse Subclass, was required to perform pre-shift and post-shift work without compensation;

f. The legal theories under which Plaintiffs seek relief are identical to those that would be asserted by Class Members and ER Nurse Subclass Members;

g. Plaintiffs' interest in pursuing this action aligns with the interests of absent Class Members, as all seek to recover unpaid wages resulting from Defendant's unlawful policies; and

h. There is no conflict between Plaintiffs' claims and those of other Class Members, as they all stem from the same course of conduct by Defendant and seek remedies under the same legal theories.

39. Plaintiffs will fairly and adequately protect the interests of the Class and Subclass because:

a. Plaintiffs have no conflicts of interest with other Class Members or Subclass Members and share the common goal of recovering unpaid wages resulting from Defendant's unlawful policies and practices;

b. Plaintiffs understand their responsibilities as class representatives and are committed to actively participating in this litigation to vindicate not only their own rights but those of similarly situated employees;

c. Plaintiffs have retained counsel who are experienced in wage and hour class action litigation and who have successfully prosecuted similar claims;

d. Plaintiffs' counsel have devoted substantial resources to investigating the claims alleged in this Complaint and are prepared to vigorously litigate this case through trial and any appeals;

e. Plaintiffs have provided information and documentation supporting their claims and have expressed willingness to testify at deposition and trial if necessary;

f. Plaintiffs represent diverse job positions within Defendant's organization, providing a comprehensive understanding of how Defendant's policies affected different categories of hourly employees; and

g. Plaintiffs have demonstrated their commitment to class-wide relief by seeking not only monetary damages but also injunctive relief to prevent Defendant from continuing to engage in the unlawful practices alleged herein.

40. 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 may lack the financial resources to vigorously prosecute a lawsuit against a corporate defendant. The members of the Class and Subclass have been damaged and are entitled to recovery as a result of Defendant's common and uniform policies, practices, and procedures. Although the relative damages suffered by individual class members may not be *de minimis,* such damages 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 practices.

41. Defendant has acted on grounds generally applicable to the Class and Subclass, thereby making declaratory relief appropriate for the Class and Subclass, to wit, by failing to pay employees for all hours worked including overtime, manipulating time clock systems to round time in Defendant's favor, deducting meal breaks from employee pay regardless of

whether such breaks were actually taken, and failing to include non-discretionary bonuses and other compensation in the regular rate used to calculate overtime pay.

42. There are questions of law and fact common to the Class which predominate over any questions solely affecting individual members of the Class, including, *inter alia*:

a. Whether Defendant failed to pay Class Members for all hours worked;

b. Whether Defendant failed to pay Class Members overtime wages at a rate of one and one-half times their regular rate of pay for all hours worked in excess of forty (40) in a workweek;

c. Whether Defendant manipulated time clock systems to round employee time in Defendant's favor;

d. Whether Defendant unlawfully deducted time for meal breaks that were not actually taken by Class Members;

e. Whether Defendant kept accurate time and pay records for Class Members as required by state law; and

f. Whether Defendant's conduct was willful or whether Defendant had reasonable grounds for believing that the acts and omissions alleged herein were in compliance with the law.

g. Whether Defendant failed to include non-discretionary bonuses and other compensation in the regular rate used to calculate Class Members' overtime pay.

43. There are questions of law and fact common to the ER Nurse Subclass which predominate over any questions solely affecting individual members of the Subclass, including whether Defendant failed to pay ER Nurse Subclass Members for pre-shift and post-shift work.

FIRST CAUSE OF ACTION
Failure to Pay Overtime
New Jersey Employee Class and ER Nurse Subclass
New Jersey Wage and Hour Law, N.J.S.A. 34:11-56a(4)

44. Plaintiffs repeat and incorporate by reference all preceding paragraphs as though fully set forth herein.

45. At all times relevant to this action, Plaintiffs, New Jersey Employee Class Members, and ER Nurse Subclass Members were employees of Defendant, which controlled the terms and conditions of their employment.

46. Defendant failed to pay Plaintiffs, New Jersey Employee Class Members, and ER Nurse Subclass Members overtime wages at a rate of one and one-half times their regular rate of pay for all hours worked in excess of forty (40) in a workweek, in violation of the NJWHL.

47. Defendant's conduct was not an inadvertent error made in good faith, nor did Defendant have reasonable grounds for believing that the acts and omissions alleged herein were in compliance with the law.

48. Pursuant to N.J.S.A. 34:11-4.10, Plaintiffs seek to recover compensatory damages, liquidated damages, and attorneys' fees and costs.

SECOND CAUSE OF ACTION
Failure to Pay Wages for All Hours Worked
New Jersey Employee Class and ER Nurse Subclass
New Jersey Wage and Hour Law, N.J.S.A. 34:11-4.2

49. Plaintiffs repeat and incorporate by reference all preceding paragraphs as though fully set forth herein.

50. At all times relevant to this action, Plaintiffs, New Jersey Employee Class Members, and ER Nurse Subclass Members were employees of Defendant Inspira Health, which controlled the terms and conditions of their employment.

51. Defendant failed to pay Plaintiffs and New Jersey Employee Class Members for all hours worked by: (a) automatically deducting meal breaks from employees' pay regardless of whether such breaks were actually taken; and (b) implementing a time-rounding system that consistently favored Defendant.

52. Defendant additionally failed to pay ER Nurse Subclass Members for all hours worked by requiring them to perform work before clocking in and after clocking out.

53. Defendant's conduct was not an inadvertent error made in good faith, nor did Defendant have reasonable grounds for believing that the acts and omissions alleged herein were in compliance with the law.

54. Pursuant to N.J.S.A. 34:11-4.10, Plaintiffs seek to recover compensatory damages, liquidated damages, attorneys' fees and costs.

THIRD CAUSE OF ACTION
Failure to Pay Overtime at the Correct Regular Rate
New Jersey Employee Class
New Jersey Wage and Hour Law, N.J.S.A. 34:11-56a4; N.J.A.C. 12:56-6.5

55. Plaintiffs repeat and incorporate by reference all preceding paragraphs as though fully set forth herein.

56. At all times relevant to this action, Plaintiffs and New Jersey Employee Class Members were employees of Defendant, which controlled the terms and conditions of their employment.

57. Defendant paid Plaintiffs and New Jersey Employee Class Members non-discretionary bonuses and other compensation in addition to their base hourly wages.

58. Under the NJWHL and N.J.A.C. 12:56-6.5(b), Defendant was required to calculate the overtime owed to Plaintiffs and New Jersey Employee Class Members on the basis of the regular hourly rate derived from all of their earnings, including their non-discretionary bonuses and other compensation.

59. Defendant failed to include the non-discretionary bonuses and other compensation it paid to Plaintiffs and New Jersey Employee Class Members in the regular rate used to calculate their overtime pay, and thereby failed to pay them overtime at one and one-half times their correct regular rate of pay for all hours worked in excess of forty (40) in a workweek, in violation of the NJWHL.

60. Defendant's conduct was not an inadvertent error made in good faith, nor did Defendant have reasonable grounds for believing that the acts and omissions alleged herein were in compliance with the law.

61. Pursuant to N.J.S.A. 34:11-4.10, Plaintiffs seek to recover compensatory damages, liquidated damages, and attorneys' fees and costs.

FOURTH CAUSE OF ACTION
Unlawful Deductions
New Jersey Employee Class and ER Nurse Subclass
New Jersey Wage Payment Law, N.J.S.A. 34:11-4.4

62. Plaintiffs repeat and incorporate by reference all preceding paragraphs as though fully set forth herein.

63. At all times relevant to this action, Plaintiffs, New Jersey Employee Class Members, and ER Nurse Subclass Members were employees of Defendant Inspira Health, which controlled the terms and conditions of their employment.

64. Defendant unlawfully deducted from Plaintiffs', New Jersey Employee Class Members' and ER Nurse Subclass Members' wages in violation of N.J.S.A. 34:11-4.4 by automatically deducting time for meal breaks that were not actually taken.

65. Defendant's conduct was not an inadvertent error made in good faith, nor did Defendant have reasonable grounds for believing that the acts and omissions alleged herein were in compliance with the law.

66. Pursuant to N.J.S.A. 34:11-4.10, Plaintiffs seek to recover compensatory damages, liquidated damages, attorneys' fees and costs.

WHEREFORE, Plaintiffs, individually and on behalf of all others similarly situated, pray for the following relief:

a. Compensatory damages, liquidated damages, and attorneys' fees and costs pursuant to N.J.S.A. 34:11-4.10;

b. Certification of this case as a class action pursuant to R. 4:32;

c. Certification of the ER Nurse Subclass;

d. Designation of Plaintiffs as representatives of the New Jersey Employee Class, Plaintiff Deichert as representative of the ER Nurse Subclass, and counsel of record as Class Counsel;

e. Issuance of a declaratory judgment that the practices complained of herein are unlawful under the New Jersey Wage and Hour Law and New Jersey Wage Payment Law;

f. An injunction enjoining Defendant's unlawful conduct; and

g. Such additional and further relief as the Court finds just and proper.

LAW OFFICES OF CHARLES A. GRUEN
Attorneys for Plaintiffs

By: _____
Charles A. Gruen

Dated: August 4, 2026

DESIGNATION OF TRIAL COUNSEL

Subject to his admission to the Court, *pro hac vice*, Artemio Guerra, Esq., is hereby designated as trial counsel for the Plaintiffs in this matter.

CERTIFICATION

Pursuant to R. 4:5-1, I hereby certify that the matter in controversy is not the subject of any other action pending in any Court or of a pending arbitration proceeding other than as briefly described in Paragraph 33 of this Complaint. I further certify that no such action or proceeding is contemplated. Counsel is aware of no other party who should be joined in this action.

I hereby certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.

LAW OFFICES OF CHARLES A. GRUEN
Attorneys for Plaintiffs

By:_____
Charles A. Gruen

Dated: August 4, 2026

CERTIFICATION PURSUANT TO R. 4:5-1(b)(3)

Pursuant to R.4:5-1(b)(3), I hereby certify that confidential personal identifiers have been redacted from documents now submitted to the Court and will be redacted from all documents submitted in the future in accordance with R. 1:38-7(b).

LAW OFFICES OF CHARLES A. GRUEN
Attorneys for Plaintiffs

By:_____
Charles A. Gruen

Dated: August 4, 2026