

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

**CHELSEA DYER, ASHLEY HAMILTON,
ANTWAN HENDRY and BETTY FULLER,
Each Individually and on Behalf of All
Others Similarly Situated**

Plaintiffs,

v.

No. 1:18-cv-_____

ALORICA, INC.

Defendant.

COMPLAINT—COLLECTIVE ACTION

COME NOW Plaintiffs Chelsea Dyer, Ashley Hamilton, Antwan Hendry and Betty Fuller, each individually and on behalf of all others similarly situated (“Plaintiffs”), by and through their undersigned attorneys, and for their Original Complaint—Collective Action against Defendant Alorica, Inc. (“Defendant”), they do hereby state and allege as follows:

I. PRELIMINARY STATEMENTS

1. This is a collective action brought by Plaintiffs, individually and on behalf of other hourly-paid customer service representatives, employed by Defendant at any time within a three-year period preceding the filing of this Complaint.

2. Plaintiffs, each individually and on behalf of all others similarly situated, bring this action under the Fair Labor Standards Act, 29 U.S.C. § 201, *et seq.* (“FLSA”) for declaratory judgment, monetary damages, liquidated damages, prejudgment interest, civil penalties and costs, including reasonable attorneys’ fees, as a result of Defendant’s failure to pay Plaintiffs and all others similarly situated overtime compensation for all hours that Plaintiffs and all others similarly situated worked in excess of forty (40) per workweek.

II. JURISDICTION AND VENUE

3. This Court has subject matter jurisdiction over this suit under the provisions of 28 U.S.C. § 1331 because this suit raises federal questions under the FLSA.

4. The acts complained of herein were committed and had their principal effect against Plaintiffs within the Atlanta Division of the Northern District of Georgia, who reside (and resided during their employment with Defendant) within this District, performed services for and were employed by Defendant within this District during the period relevant to this Complaint, and received their paychecks from Defendant in this District; therefore, venue is proper within this District pursuant to 28 U.S.C. § 1391.

5. Defendant is registered with the Georgia Secretary of State to transact business in Georgia, Defendant does business in this District, and a substantial part of the events alleged herein occurred in this District.

6. One or more witnesses to the overtime violations alleged in this Complaint reside in this District.

7. On information and belief, some or all of the payroll records and other documents related to the payroll practices that Plaintiffs challenge are located in this District.

III. THE PARTIES

8. Plaintiffs repeat and re-allege all the preceding paragraphs of this Complaint as if fully set forth in this section.

9. Plaintiff Chelsea Dyer is an individual and resident and domiciliary of the State of Georgia. She was employed by Defendant as an hourly-paid customer service representative.

10. Plaintiff Ashley Hamilton is an individual and resident and domiciliary of the State of Georgia. She was employed by Defendant as an hourly-paid customer service representative.

11. Plaintiff Antwan Hendry is an individual and resident and domiciliary of the State of Georgia. He was employed by Defendant as an hourly-paid customer service representative.

12. Plaintiff Betty Fuller is an individual and resident and domiciliary of the State of Georgia. She was employed by Defendant as an hourly-paid customer service representative.

13. At all times material herein, Plaintiffs and those similarly situated have been entitled to the rights, protections and benefits provided under the FLSA.

14. Defendant is a Delaware corporation with a principal address of 5 Park Plaza, Suite 1100, Irvine, California 92614, providing its clients with customer contact management services and operating a customer service call center located in Kennesaw, Georgia.

15. Defendant employs no fewer than three hundred (300) hourly-paid employees at its Kennesaw location.

16. Defendant has employees that handle, sell, or otherwise work on goods or materials that have been moved in or produced for commerce.

17. Defendant's annual gross volume of sales is not less than \$500,000.00.

18. Defendant's registered agent for service of process for the state of Georgia is Corporation Service Company, 40 Technology Parkway South, #300, Norcross, Georgia 30092.

IV. FACTUAL ALLEGATIONS

19. Plaintiffs repeat and re-allege all previous paragraphs of this Complaint as though fully incorporated in this section.

20. At all relevant times herein, Defendant was/is the "employer" of Plaintiffs and similarly situated employees within the meaning of the FLSA.

21. During the period relevant to this lawsuit, Plaintiffs worked at Defendant's call center in Kennesaw, and/or Defendant's other locations throughout the United States (not within the scope of any other collective action), as hourly-paid customer service representatives.

22. At all relevant times herein, Defendant directly hired Plaintiffs and similarly situated employees to work in its customer service call center(s), paid them wages and benefits, controlled their work schedules, duties, protocols, applications, assignments and employment conditions, and kept at least some records regarding their employment.

23. At all relevant times herein, Plaintiffs were employed by Defendant as customer service representatives.

24. Plaintiffs and similarly situated employees were/are classified by Defendant as non-exempt under the FLSA and were/are paid an hourly rate.

25. At all relevant times herein, Defendant failed to accurately record all of the time worked off-the-clock by Plaintiffs and similarly situated employees and failed to properly compensate all of the off-the-clock hours.

26. At all relevant times herein, pursuant to Defendant's common practice, Plaintiffs and similarly situated employees were/are required to work off-the-clock, including but not limited to, reporting to work and preparing to take customer calls, as well as often remaining at work to take final customer calls beyond the time for which they were compensated.

27. Taking the remaining customer calls sometimes took up to thirty (30) minutes.

28. Defendant's computer system recorded Plaintiffs' working period from the time Plaintiffs logged in until they logged out of the system. However, Plaintiffs were required to manually record eight hours and turn only that time in to prevent Defendant from being liable for overtime pay.

29. As such, there was/is a disparity between Defendant's electronic records and Plaintiffs' own manual records. The electronic records will show that

Plaintiffs were/are working more than forty (40) hours each week, while the time submitted by Plaintiffs was/is typically only forty (40) hours per week.

30. Work performed by Plaintiffs and similarly situated employees prior to receiving pay included presenting themselves for work approximately fifteen (15) to thirty (30) minutes prior to their scheduled shift start times in order to have sufficient time to log in to Defendant's computer system and open all operating systems and programs necessary to take the first customer call when the designated shift time began, as well as spending time asking and answering questions with agents.

31. This required, pre-shift off-the-clock work occurred on a daily basis.

32. Even though the process of logging in and starting up Defendant's systems took as much as fifteen (15) minutes, Defendant specifically instructed Plaintiffs not to submit that time for payment.

33. In addition, at least two to three times each week, Plaintiffs and similarly situated employees were on customer service phone calls at the time their shifts ended. Plaintiffs and similarly situated employees were/are not compensated for their time spent on the phone after their shifts ended. Following the final calls, Plaintiffs would have to complete administrative tasks related to the calls such as notating the calls and sending messages regarding the calls, in addition to the daily

shutting down process described above. This entire process could take as much as fifteen (15) minutes.

34. The pre-shift and post-shift work described above was in addition to the recorded hours of work performed by Plaintiffs and similarly situated employees during their regularly-scheduled shifts.

35. At all relevant times herein, Defendant has deprived Plaintiffs and similarly situated employees of overtime compensation for all of the hours they worked over forty (40) per week.

36. In all, Plaintiffs and similarly situated employees worked five to ten hours, some of which were overtime hours, each week for Defendant for which they were not compensated.

37. Plaintiffs and other call center employees were also paid non-discretionary incentive payments.

38. Defendant paid Plaintiffs and other call center employees one-and-one-half (1.5) of their base hourly rate for some hours they worked over forty (40) in a workweek, but Defendant did not include the incentive payments of Plaintiffs and other call center employees into their regular rate when calculating their overtime pay.

39. Section 778.208 of Title 29 of the Code of Federal Regulations requires that non-discretionary bonuses, such as shift and hour-based premiums, “must be totaled in with other earnings to determine the regular rate on which overtime pay must be based.”

40. Defendant violated the FLSA by not including incentive payments of Plaintiffs and other call center employees in their regular rate when calculating their overtime pay.

41. Defendant knew, or showed reckless disregard for whether, the way it paid Plaintiffs and other customer service representatives violated the FLSA.

V. REPRESENTATIVE ACTION ALLEGATIONS

42. Plaintiffs repeat and re-allege all previous paragraphs of this Complaint as though fully incorporated in this section.

43. Plaintiffs bring their claims for relief for violation of the FLSA as a collective action pursuant to Section 16(b) of the FLSA, 29 U.S.C. § 216(b), on behalf of all persons who were, are, or will be employed by Defendant as similarly situated hourly employees at any time within the applicable statute of limitations period, who are entitled to payment of the following types of damages:

- A. Lawful overtime premiums for all hours worked for Defendant in excess of forty (40) hours in any week;

B. Liquidated damages; and

C. The costs of this action, including attorney's fees.

45. In conformity with the requirements of FLSA Section 16(b), Plaintiffs have or will file shortly Consents to Join this lawsuit.

46. The relevant time period dates back three years from the date on which Plaintiffs' Original Complaint—Collective Action was filed herein and continues forward through the date of judgment pursuant to 29 U.S.C. § 255(a), except as set forth herein below.

47. The proposed class of opt-in plaintiffs in this case is defined as all persons who meet the following requirements:

A. They were employed by Defendant as hourly-paid customer service representatives or equivalent positions, at all of Defendant's locations nationwide.

B. They were required to perform work outside of their scheduled working hours.

48. The proposed FLSA class members are similarly situated in that they share these traits:

A. They were classified by Defendant as non-exempt from the minimum wage and overtime requirements of the FLSA;

- B. They performed the same or similar job duties;
- C. They were subject to Defendant's common practice requiring hourly-paid customer service representatives to perform pre-shift and post-shift work for which they were not paid;
- D. They were subject to Defendant's common practice of paying hourly workers for their working hours recorded by Defendant's time clock and/or allowed by Defendant rather than their hours actually worked; and
- E. They were subject to Defendant's common practice of not including incentives when calculating overtime pay.

49. Plaintiffs are unable to state the exact number of the class but believe that the class is not less than three hundred (300) persons.

50. Defendant can readily identify the members of the Section 16(b) class, which encompasses all hourly-paid customer service representatives.

51. The names and physical and mailing addresses of the FLSA collective action plaintiffs are available from Defendant, and a Court-approved Notice should be provided to the FLSA collective action plaintiffs via first class mail and email and text message to their last known physical and electronic mailing addresses and cell

phone numbers as soon as possible, together with other documents and information descriptive of Plaintiffs' FLSA claim.

VI. FIRST CLAIM FOR RELIEF

(Individual Claims for Violation of the FLSA)

52. Plaintiffs repeat and re-allege all previous paragraphs of this Complaint as though fully incorporated in this section.

53. Plaintiffs assert this claim for damages and declaratory relief pursuant to the FLSA.

54. At all relevant times, Defendant has been, and continues to be, Plaintiffs' "employer" within the meaning of the FLSA, 29 U.S.C. § 203.

55. At all relevant times, Defendant has been, and continues to be, an enterprise engaged in commerce within the meaning of the FLSA, 29 U.S.C. § 203.

56. 29 U.S.C. §§ 206 and 207 require any enterprise engaged in commerce to pay all employees a minimum wage for all hours worked up to forty (40) in one week and to pay one and one-half times (1.5) regular wages for all hours worked over forty (40) hours in a week, unless an employee meets certain exemption requirements of 29 U.S.C. § 213 and all accompanying Department of Labor regulations.

57. Defendant classified Plaintiffs as non-exempt from the overtime requirements of the FLSA.

58. Despite the entitlement of Plaintiffs to minimum wage and overtime payments under the FLSA, Defendant failed to pay Plaintiffs an overtime rate of one and one-half (1.5) times their regular rate of pay for all hours worked over forty (40) in each one-week period.

59. Defendant violated Section 778.208 of Title 29 of the Code of Federal Regulations by not including incentive payments of Plaintiffs into their regular rates when calculating their overtime pay.

60. Defendant's failure to pay Plaintiffs all overtime wages owed was willful.

61. By reason of the unlawful acts alleged herein, Defendant is liable to Plaintiffs for monetary damages, liquidated damages, and costs, including reasonable attorneys' fees, for all violations that occurred within the three (3) years prior to the filing of this Complaint.

VII. SECOND CLAIM FOR RELIEF

(Collective Action Claim for Violation of the FLSA)

62. Plaintiffs repeat and re-allege all previous paragraphs of this Complaint as though fully incorporated in this section.

63. Plaintiffs, each individually and on behalf of all others similarly situated, assert this claim for damages and declaratory relief pursuant to the FLSA.

64. At all relevant times, Defendant has been, and continues to be, an “employer” of Plaintiffs and all those similarly situated within the meaning of the FLSA, 29 U.S.C. § 203.

65. Defendant classified Plaintiffs and all others similarly situated as non-exempt from the overtime requirements of the FLSA.

66. Despite the entitlement of Plaintiffs and those similarly situated to overtime payments under the FLSA, Defendant failed to pay Plaintiffs and all those similarly situated an overtime rate of one and one-half (1.5) times their regular rates of pay for all hours worked over forty (40) in each one-week period.

67. Defendant violated Section 778.208 of Title 29 of the Code of Federal Regulations by not including incentive payments of Plaintiffs and those similarly situated into their regular rate when calculating their overtime pay.

68. Because these employees are similarly situated to Plaintiffs, and are owed overtime for the same reasons, the proposed collective is properly defined as follows:

All hourly-paid call center employees, including but not limited to, customer service representatives, employed by Defendant within the past three (3) years who worked more than forty (40) hours in any week.

69. Defendant willfully failed to pay overtime wages to Plaintiffs and to all others similarly situated.

70. By reason of the unlawful acts alleged herein, Defendant is liable to Plaintiffs and all those similarly situated for monetary damages, liquidated damages, and costs, including reasonable attorneys' fees, for all violations that occurred within the three (3) years prior to the filing of this Complaint.

VIII. PRAYER FOR RELIEF

WHEREFORE, premises considered, Plaintiffs Chelsea Dyer, Ashley Hamilton, Antwan Hendry and Betty Fuller, each individually and on behalf of all others similarly situated, respectfully pray that Defendant be summoned to appear and answer herein and for declaratory relief and damages as follows:

A. That Defendant be required to account to Plaintiffs, the class members, and the Court for all of the hours worked by Plaintiffs and the class members and all monies paid to them;

B. A declaratory judgment that Defendant's practices alleged herein violate the FLSA and attendant regulations at 29 C.F.R. § 516 *et seq.*;

C. Certification of, and proper notice to, together with an opportunity to participate in the litigation, all qualifying current and former employees;

D. Judgment for damages for all unpaid minimum wage and overtime compensation under the FLSA and attendant regulations at 29 C.F.R. §516 *et seq.*;

E. Judgment for liquidated damages pursuant to the FLSA and attendant regulations at 29 C.F.R. §516 *et seq.*, in an amount equal to all unpaid minimum wages and overtime compensation owed to Plaintiffs and members of the class during the applicable statutory period;

F. An order directing Defendant to pay Plaintiffs and members of the class pre-judgment interest, reasonable attorney's fees and all costs connected with this action; and

G. Such other and further relief as this Court may deem necessary, just and proper.

Respectfully submitted,

/s/ C. Andrew Head

C. Andrew Head
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Chris Burks (*pro hac vice* to be filed)
Josh Sanford (*pro hac vice* to be filed)
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Attorneys for Plaintiffs

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NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

**CHELSEA DYER, ASHLEY HAMILTON,
ANTWAN HENDRY and BETTY FULLER,
Each Individually and on Behalf of All
Others Similarly Situated**

Plaintiffs,

v.

No. 1:18-cv-_____

ALORICA, INC.

Defendant.

CONSENT TO JOIN COLLECTIVE ACTION

I was employed as an hourly employee for Alorica, Inc., during some of the three years prior to the signing of this document. I understand this lawsuit is being brought under the Fair Labor Standards Act for unpaid overtime and/or minimum wage compensation. I consent to becoming a party-plaintiff in this lawsuit, to be represented by Sanford Law Firm, PLLC, and to be bound by any settlement of this action or adjudication by the Court.

I declare under penalty of perjury that the foregoing is true and correct.



CHELSEA DYER
c/o Head Law Firm, LLC
1170 Howell Mill Road, Suite 305
Atlanta, Georgia 30318
TELEPHONE: (404) 924-4151
FACSIMILE: (404) 796-7338

Date: August 15, 2018

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

**CHELSEA DYER, ASHLEY HAMILTON,
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ASHLEY HAMILTON
c/o Head Law Firm, LLC
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Atlanta, Georgia 30318
TELEPHONE: (404) 924-4151
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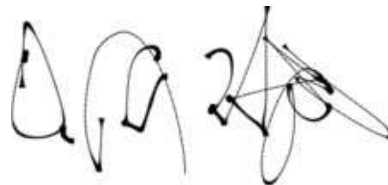
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ANTWAN HENDRY
c/o Head Law Firm, LLC
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Atlanta, Georgia 30318
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I declare under penalty of perjury that the foregoing is true and correct.



BETTY FULLER
c/o Head Law Firm, LLC
1170 Howell Mill Road, Suite 305
Atlanta, Georgia 30318
TELEPHONE: (404) 924-4151
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Date: August 15, 2018

JS44 (Rev. 6/2017 NDGA)

CIVIL COVER SHEET

The JS44 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 is required for the use of the Clerk of Court for the purpose of initiating the civil docket record. (SEE INSTRUCTIONS ATTACHED)

I. (a) PLAINTIFF(S)

CHELSEA DYER, ASHLEY HAMILTON, ANTWAN HENDRY,
and BETTY FULLER, each individually and on behalf of all
others similarly situated

DEFENDANT(S)

ALORICA, INC.

**(b) COUNTY OF RESIDENCE OF FIRST LISTED
PLAINTIFF** Paulding County
(EXCEPT IN U.S. PLAINTIFF CASES)

**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

(c) ATTORNEYS (FIRM NAME, ADDRESS, TELEPHONE NUMBER, AND E-MAIL ADDRESS)

HEAD LAW FIRM, LLC
1170 Howell Mill Rd. NW, Suite 305, Atlanta, GA 30318
(404) 924-4151
ahead@headlawfirm.com

ATTORNEYS (IF KNOWN)**II. BASIS OF JURISDICTION**

(PLACE AN "X" IN ONE BOX ONLY)

- ☐ 1 U.S. GOVERNMENT PLAINTIFF
☐ 2 U.S. GOVERNMENT DEFENDANT
☒ 3 FEDERAL QUESTION (U.S. GOVERNMENT NOT A PARTY)
☐ 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) (FOR DIVERSITY CASES ONLY)

- | PLF | DEF | PLF | DEF |
|----------------------------|----------------------------|----------------------------|---|
| <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| | | | INCORPORATED OR PRINCIPAL PLACE OF BUSINESS IN THIS STATE |
| <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| | | | INCORPORATED AND PRINCIPAL PLACE OF BUSINESS IN ANOTHER STATE |
| <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |
| | | | FOREIGN NATION |

IV. 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 District) _____
☐ 6 MULTIDISTRICT LITIGATION - TRANSFER
☐ 7 APPEAL TO DISTRICT JUDGE FROM MAGISTRATE JUDGE JUDGMENT
☐ 8 MULTIDISTRICT LITIGATION - DIRECT FILE

V. CAUSE OF ACTION

(CITE THE U.S. CIVIL STATUTE UNDER WHICH YOU ARE FILING AND WRITE A BRIEF STATEMENT OF CAUSE - DO NOT CITE JURISDICTIONAL STATUTES UNLESS DIVERSITY)

Plaintiffs bring this action individually and on behalf of all others similarly situated under the Fair Labor Standards Act, 29 U.S.C. Section 201, et seq., for failure to pay overtime compensation for all hours worked in excess of forty per workweek.

(IF COMPLEX, CHECK REASON BELOW)

- | | |
|---|---|
| <input type="checkbox"/> 1. Unusually large number of parties. | <input type="checkbox"/> 6. Problems locating or preserving evidence |
| <input type="checkbox"/> 2. Unusually large number of claims or defenses. | <input type="checkbox"/> 7. Pending parallel investigations or actions by government. |
| <input type="checkbox"/> 3. Factual issues are exceptionally complex | <input type="checkbox"/> 8. Multiple use of experts. |
| <input type="checkbox"/> 4. Greater than normal volume of evidence. | <input type="checkbox"/> 9. Need for discovery outside United States boundaries. |
| <input type="checkbox"/> 5. Extended discovery period is needed. | <input type="checkbox"/> 10. Existence of highly technical issues and proof. |

CONTINUED ON REVERSE**FOR OFFICE USE ONLY**

RECEIPT # _____	AMOUNT \$ _____	APPLYING IFP _____	MAG. JUDGE (IFP) _____
JUDGE _____	MAG. JUDGE _____ (Referral)	NATURE OF SUIT _____	CAUSE OF ACTION _____

VI. NATURE OF SUIT (PLACE AN "X" IN ONE BOX ONLY)CONTRACT - "0" MONTHS DISCOVERY TRACK

- ☐ 150 RECOVERY OF OVERPAYMENT & ENFORCEMENT OF JUDGMENT
- ☐ 152 RECOVERY OF DEFAULTED STUDENT LOANS (Excl. Veterans)
- ☐ 153 RECOVERY OF OVERPAYMENT OF VETERAN'S BENEFITS

CONTRACT - "4" MONTHS DISCOVERY TRACK

- ☐ 110 INSURANCE
- ☐ 120 MARINE
- ☐ 130 MILLER ACT
- ☐ 140 NEGOTIABLE INSTRUMENT
- ☐ 151 MEDICARE ACT
- ☐ 160 STOCKHOLDERS' SUITS
- ☐ 190 OTHER CONTRACT
- ☐ 195 CONTRACT PRODUCT LIABILITY
- ☐ 196 FRANCHISE

REAL PROPERTY - "4" MONTHS DISCOVERY TRACK

- ☐ 210 LAND CONDEMNATION
- ☐ 220 FORECLOSURE
- ☐ 230 RENT LEASE & EJECTMENT
- ☐ 240 TORTS TO LAND
- ☐ 245 TORT PRODUCT LIABILITY
- ☐ 290 ALL OTHER REAL PROPERTY

TORTS - PERSONAL INJURY - "4" MONTHS DISCOVERY TRACK

- ☐ 310 AIRPLANE
- ☐ 315 AIRPLANE PRODUCT LIABILITY
- ☐ 320 ASSAULT, LIBEL & SLANDER
- ☐ 330 FEDERAL EMPLOYERS' LIABILITY
- ☐ 340 MARINE
- ☐ 345 MARINE PRODUCT LIABILITY
- ☐ 350 MOTOR VEHICLE
- ☐ 355 MOTOR VEHICLE PRODUCT LIABILITY
- ☐ 360 OTHER PERSONAL INJURY
- ☐ 362 PERSONAL INJURY - MEDICAL MALPRACTICE
- ☐ 365 PERSONAL INJURY - PRODUCT LIABILITY
- ☐ 367 PERSONAL INJURY - HEALTH CARE/ PHARMACEUTICAL PRODUCT LIABILITY
- ☐ 368 ASBESTOS PERSONAL INJURY PRODUCT LIABILITY

TORTS - PERSONAL PROPERTY - "4" MONTHS DISCOVERY TRACK

- ☐ 370 OTHER FRAUD
- ☐ 371 TRUTH IN LENDING
- ☐ 380 OTHER PERSONAL PROPERTY DAMAGE
- ☐ 385 PROPERTY DAMAGE PRODUCT LIABILITY

BANKRUPTCY - "0" MONTHS DISCOVERY TRACK

- ☐ 422 APPEAL 28 USC 158
- ☐ 423 WITHDRAWAL 28 USC 157

CIVIL RIGHTS - "4" MONTHS DISCOVERY TRACK

- ☐ 440 OTHER CIVIL RIGHTS
- ☐ 441 VOTING
- ☐ 442 EMPLOYMENT
- ☐ 443 HOUSING/ ACCOMMODATIONS
- ☐ 445 AMERICANS with DISABILITIES - Employment
- ☐ 446 AMERICANS with DISABILITIES - Other
- ☐ 448 EDUCATION

IMMIGRATION - "0" MONTHS DISCOVERY TRACK

- ☐ 462 NATURALIZATION APPLICATION
- ☐ 465 OTHER IMMIGRATION ACTIONS

PRISONER PETITIONS - "0" MONTHS DISCOVERY TRACK

- ☐ 463 HABEAS CORPUS- Alien Detainee
- ☐ 510 MOTIONS TO VACATE SENTENCE
- ☐ 530 HABEAS CORPUS
- ☐ 535 HABEAS CORPUS DEATH PENALTY
- ☐ 540 MANDAMUS & OTHER
- ☐ 550 CIVIL RIGHTS - Filed Pro se
- ☐ 555 PRISON CONDITION(S) - Filed Pro se
- ☐ 560 CIVIL DETAINEE: CONDITIONS OF CONFINEMENT

PRISONER PETITIONS - "4" MONTHS DISCOVERY TRACK

- ☐ 550 CIVIL RIGHTS - Filed by Counsel
- ☐ 555 PRISON CONDITION(S) - Filed by Counsel

FORFEITURE/PENALTY - "4" MONTHS DISCOVERY TRACK

- ☐ 625 DRUG RELATED SEIZURE OF PROPERTY 21 USC 881
- ☐ 690 OTHER

LABOR - "4" MONTHS DISCOVERY TRACK

- ☒ 710 FAIR LABOR STANDARDS ACT
- ☐ 720 LABOR/MGMT. RELATIONS
- ☐ 740 RAILWAY LABOR ACT
- ☐ 751 FAMILY and MEDICAL LEAVE ACT
- ☐ 790 OTHER LABOR LITIGATION
- ☐ 791 EMPL. RET. INC. SECURITY ACT

PROPERTY RIGHTS - "4" MONTHS DISCOVERY TRACK

- ☐ 820 COPYRIGHTS
- ☐ 840 TRADEMARK

PROPERTY RIGHTS - "8" MONTHS DISCOVERY TRACK

- ☐ 830 PATENT
- ☐ 835 PATENT-ABBREVIATED NEW DRUG APPLICATIONS (ANDA) - a/k/a Hatch-Waxman cases

SOCIAL SECURITY - "0" MONTHS DISCOVERY TRACK

- ☐ 861 HIA (1395ff)
- ☐ 862 BLACK LUNG (923)
- ☐ 863 DIWC (405(g))
- ☐ 863 DIWW (405(g))
- ☐ 864 SSD TITLE XVI
- ☐ 865 RSI (405(g))

FEDERAL TAX SUITS - "4" MONTHS DISCOVERY TRACK

- ☐ 870 TAXES (U.S. Plaintiff or Defendant)
- ☐ 871 IRS - THIRD PARTY 26 USC 7609

OTHER STATUTES - "4" MONTHS DISCOVERY TRACK

- ☐ 375 FALSE CLAIMS ACT
- ☐ 376 Qui Tam 31 USC 3729(a)
- ☐ 400 STATE REAPPORTIONMENT
- ☐ 430 BANKS AND BANKING
- ☐ 450 COMMERCE/ICC RATES/ETC.
- ☐ 460 DEPORTATION
- ☐ 470 RACKETEER INFLUENCED AND CORRUPT ORGANIZATIONS
- ☐ 480 CONSUMER CREDIT
- ☐ 490 CABLE/SATELLITE TV
- ☐ 890 OTHER STATUTORY ACTIONS
- ☐ 891 AGRICULTURAL ACTS
- ☐ 893 ENVIRONMENTAL MATTERS
- ☐ 895 FREEDOM OF INFORMATION ACT
- ☐ 899 ADMINISTRATIVE PROCEDURES ACT / REVIEW OR APPEAL OF AGENCY DECISION
- ☐ 950 CONSTITUTIONALITY OF STATE STATUTES

OTHER STATUTES - "8" MONTHS DISCOVERY TRACK

- ☐ 410 ANITRUST
- ☐ 850 SECURITIES / COMMODITIES / EXCHANGE

OTHER STATUTES - "0" MONTHS DISCOVERY TRACK

- ☐ 896 ARBITRATION (Confirm / Vacate / Order / Modify)

*** PLEASE NOTE DISCOVERY TRACK FOR EACH CASE TYPE. SEE LOCAL RULE 26.3**

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF CLASS ACTION UNDER F.R.Civ.P. 23 DEMAND \$ _____

JURY DEMAND ☐ YES ☒ NO (CHECK YES ONLY IF DEMANDED IN COMPLAINT)

VIII. RELATED/REFILED CASE(S) IF ANY

JUDGE _____ DOCKET NO. _____

CIVIL CASES ARE DEEMED RELATED IF THE PENDING CASE INVOLVES: (CHECK APPROPRIATE BOX)

- ☐ 1. PROPERTY INCLUDED IN AN EARLIER NUMBERED PENDING SUIT.
- ☐ 2. SAME ISSUE OF FACT OR ARISES OUT OF THE SAME EVENT OR TRANSACTION INCLUDED IN AN EARLIER NUMBERED PENDING SUIT.
- ☐ 3. VALIDITY OR INFRINGEMENT OF THE SAME PATENT, COPYRIGHT OR TRADEMARK INCLUDED IN AN EARLIER NUMBERED PENDING SUIT.
- ☐ 4. APPEALS ARISING OUT OF THE SAME BANKRUPTCY CASE AND ANY CASE RELATED THERETO WHICH HAVE BEEN DECIDED BY THE SAME BANKRUPTCY JUDGE.
- ☐ 5. REPETITIVE CASES FILED BY PRO SE LITIGANTS.
- ☐ 6. COMPANION OR RELATED CASE TO CASE(S) BEING SIMULTANEOUSLY FILED (INCLUDE ABBREVIATED STYLE OF OTHER CASE(S)):

- ☐ 7. EITHER SAME OR ALL OF THE PARTIES AND ISSUES IN THIS CASE WERE PREVIOUSLY INVOLVED IN CASE NO. _____, WHICH WAS DISMISSED. This case ☐ IS ☐ IS NOT (check one box) SUBSTANTIALLY THE SAME CASE.

SIGNATURE OF ATTORNEY OF RECORD

DATE

ClassAction.org

This complaint is part of ClassAction.org's searchable class action lawsuit database and can be found in this post: [Call Center Employees Sue Alorica Over Alleged Off-the-Clock Work, Unpaid OT](#)
