

I. INTRODUCTION

1
2 1. Women are a core part of both the national and global economy. Unfortunately, the abuses
3 and financial exploitation they experience often remain invisible. This is especially true for workers in
4 female-dominated sectors of the economy such as sex talk workers. They are hidden from the public eye.

5 2. Plaintiff, and all others similarly situated, are current and former employees of national
6 telephone sex-talk purveyor, Tele Pay. Virtually all the sex talk workers employed by Defendant are
7 women.

8
9 3. This is a collective action suit, brought by Plaintiff, on behalf of herself and all others
10 similarly situated, to recover unpaid minimum hourly wages and compensation, unpaid overtime wages,
11 and other compensation, including but not limited to wages for hours worked but not recorded or paid
12 (“off-the-clock” work) brought under the Fair Labor Standards Act (“FLSA”), 29 U.S.C. § 201 *et seq.*

13 4. Through a pattern of intentional manipulation and exploitation, Plaintiff and other sex talk
14 workers are often paid as little as \$4.20 per hour, a sum well below the national minimum wage. Defendant
15 tells workers they can earn more but as soon as a worker reaches certain call thresholds needed to earn
16 more, Tele Pay manipulates the compensation process to insure that their workers remain underpaid.
17 While the Defendant can earn as much as \$300.00 per hour based on a worker’s labor, Plaintiff and others
18 earn below the minimum wage.

19
20 5. This action seeks equitable relief, compensatory and liquidated damages, attorneys’ fees,
21 taxable costs of court, and post-judgment interest for Defendant’s willful failure to pay a minimum hourly
22 rate as required by law, failure to pay overtime wages and compensation and failure to pay wages and
23 compensation, including overtime pay, for hours worked, but not recorded or paid, pursuant to 29 U.S.C.
24 § 216(b) for Plaintiff Anne Cannon, and all others similarly situated, in the course of their employment
25 with the Defendant.
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1 17. Defendant is Plaintiff's employer within the meaning of Section 3(d) of the FLSA, 29
2 U.S.C. § 203(d).

3 IV. CLASS ALLEGATIONS

4 18. Plaintiff Anne Cannon files this case as an opt in collective action, as is specifically allowed
5 by 29 U.S.C. § 216(b).

6 19. The class that Plaintiff Anne Cannon seeks to represent may be described as follows:

7 All current and former employees and contractors of Defendant who 1) worked as
8 telephone actors during the class period, and 2) claims that he or she either (a) failed to be
9 paid a lawful minimum hourly wage, (b) failed to receive all of his or her overtime pay, in
10 violation of 29 U.S.C. 201 *et seq.* and seeks payment for such lawfully earned overtime
11 pay, and/or (c) failed to receive all of his or her compensation for work performed, but not
12 recorded or paid ("off-the clock"), in violation of 29 U.S.C. 201 *et seq.*

13 20. At all times relevant to this action, Defendant has been subject to the requirements of the
14 Fair Labor Standards Act 29 U.S.C. 201 *et seq.*

15 21. For purposes of this action, the relevant period is defined as such period commencing on
16 the date that is three years prior to the filing of this action, and continuing thereafter.

17 22. Plaintiff, Anne Cannon, seeks to represent only those members of the above-described
18 group who, after appropriate notice of their ability to opt in to this action, have provided consent in writing
19 to be represented by counsel for Plaintiff as required by 29 U.S.C. § 216(b).

20 23. Those persons who choose to opt in, referred to as the "Plaintiff's class," will be listed on
21 subsequent pleadings and copies of their written consents to sue will be filed with the Court.

22 24. Plaintiff Anne Cannon contends that this action is appropriate for collective action status
23 because Defendant has acted in the same manner with regard to all members of the Plaintiff's class.

24 V. FACTS

25 25. Tele Pay portrays itself as a "Booking Agent" offering its services to actors who seek to
26 provide "entertainment services." Tele Pay's purported service is to "negotiate and book engagements"
27
28

1 for the actors, the engagement being a telephone call between the customer seeking telephone sex-talk
2 services and the actors, the call being initiated by the customer in response to Defendant's advertisements.

3 26. There is no negotiation and Tele Pay does not book engagements. Plaintiff is an employee
4 of Tele Pay, hired to field calls on its telephone sex chat lines and engage in sexually explicit talk for a
5 fee paid directly to Tele Pay by its customer.

6 27. Plaintiff works from home. She is required by Tele Pay to keep a land-line telephone in
7 her home. She is required by Tele Pay to stay in her home, within reach of her personal computer and
8 land-line telephone, for certain periods of time so that she is available to field calls from Tele Pay's
9 customers.
10

11 28. In a typical week, Plaintiff fields dozens of calls and maintains a weekly call average of
12 6 minutes per call. At that pace, Plaintiff is paid at the rate of 10 cents per talk minute, or \$6.00 an hour,
13 well below state and federal minimum wage rates.

14 29. Frequently, when Plaintiff fields the required calls, the length of her calls fall below an
15 average of 6 minutes per call, which drops her hourly income to 7 cents per minute, further eroding her
16 hourly rate to \$4.20 per hour.
17

18 30. While Plaintiff and other sex talk workers get paid as little as 7 cents per minute, Defendant
19 charges callers \$5.00 per minute. Plaintiff does not set the rates charged to callers. Those rates are set
20 solely by Defendant.

21 31. Plaintiff's average hourly rate is below \$6.00. The minimum wage for the state of Florida,
22 the state in which she works, is \$8.10 per hour. Anywhere in the nation, the average amount received by
23 Ms. Cannon is far below the allowed national or state minimum wage.
24

25 32. Other factors beyond Plaintiff's control determine her hourly rate, factors dictated and
26 enforced by Tele Pay's Draconian measures designed to suppress her hourly pay rate. For example, even
27 if a call lasts only seconds and is never verified as a legitimate call from a customer seeking Tele Pay's
28

1 services, it is included in her average call length calculation. This includes prank callers, dropped calls,
2 technical errors, or even silent calls where no caller can be established.

3 33. In addition to imposing arbitrary guidelines designed to suppress Plaintiff's hourly rate,
4 Tele Pay intentionally makes it difficult, if not impossible, for Plaintiff to track her time and insure that
5 she is being paid properly. Tele Pay makes sure that Plaintiff cannot see a real time estimate of what her
6 day's average call time is until the following day when averages are calculated and posted on
7 www.icminutes.com. On information and belief, the statistics listed on this site are just an "estimate" and
8 that the final calculations are done on Sunday, at the end of the work week. Therefore, it is impossible
9 for any actor to have an accurate accounting of their job performance and pay.
10

11 34. As further evidence of the employer-employee relationship between Plaintiff and others
12 similarly situated, are the meetings convened by Tele Pay. At these meetings, "Don" gives the employees
13 pointers on what to say on calls and how to keep their average up. He reminds them repeatedly, cajoling
14 them over and over with the telephone sex talk mantra - "Remember, it's not HOW MANY calls you take,
15 but HOW LONG you keep these guys on the phone!"
16

17 35. Tele Pay micro manages its employees (so called "actors"). It controls all aspects of each
18 call, even ordering that the calls be answered on the first ring, stressing how very important it is to pick
19 up after the first ring or face termination. Tele Pay dispatch conducts tests almost daily to make sure the
20 actors are answering on the first ring.

21 36. On a daily basis, the actors' email is spammed with several emails from Tele Pay with titles
22 such as "Calls Coming in like Crazy! Log-In Now!"
23

24 37. Cannon does not have her own business of any type.

25 38. During the time she worked for Tele Pay, Cannon has not held any other positions.

26 39. The actors use Tele Pay computer equipment and software to perform their duties of
27 employment.
28

1 40. Defendant is solely responsible for advertising and supplying the phone numbers for
2 customers.

3 41. Defendant is also solely responsible for billing those customers. Plaintiff and other sex talk
4 workers have no discretion as to rates, advertising, billing or other business decisions typically associated
5 with independent contractors.

6 42. Defendant did not and does not provide time sheets or a time clock for the actors to track
7 their time accurately.

8 43. During Plaintiff's employment with Defendant, Plaintiff has been required to work
9 overtime hours in excess of 40 hours worked per week.

10 44. Plaintiff has often worked in excess of 40 hours per week during her employment with the
11 Defendant.

12 45. Defendant required Plaintiff and all others similarly situated to perform work which
13 routinely required them to work overtime hours as defined by 29 U.S.C. § 201 *et seq.*, for which they
14 failed to receive overtime compensation as required by the Act.
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17 VI. FIRST CLAIM FOR RELIEF

18 **Failure to compensate for "off-the-clock" work**

19 46. Each and every allegation contained in the foregoing paragraphs is re-alleged as if fully
20 written herein.

21 47. Plaintiff Anne Cannon and all others similarly situated are considered non-exempt
22 employees under the statutory provisions of the Fair Labor Standards Act, 29 U.S.C. 201, *et seq.*, as well
23 as by the administrative regulations used to interpret the Act.
24

25 48. Defendant failed to compensate Plaintiff, and all others similarly situated, their entitled pay
26 for all hours they worked in a workweek.
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1 49. Defendant has failed to make good faith efforts to comply with the FLSA, and has willfully
2 and deliberately sought to evade the requirements of the federal statute.

3 50. Defendant has violated the FLSA by misclassifying employees as independent contractors
4 and in failing to pay them overtime premiums for all hours worked in excess of 40 each work week.

5 51. Defendant has failed to maintain a complete, accurate, and contemporaneous record of the
6 number of hours worked per workweek by Plaintiff and by all other similarly situated employees, as
7 required by law.

8 52. The Defendant's conduct was willful within the meaning of 29 U.S.C. § 255(a).

9 53. No lawful exemption excused the Defendant from compensating Plaintiff and all others
10 similarly situated for hours worked, but not recorded or paid in a workweek.

11 54. Defendant knowingly, willfully, or with reckless disregard carried out an illegal pattern
12 and practice of deceptive and fraudulent accounting practices regarding compensation due to Plaintiff and
13 to all others similarly situated for hours worked, but not recorded or paid.

14 55. Plaintiff and all others similarly situated seek an amount of back-pay equal to the unpaid
15 compensation for hours worked, but not recorded or paid, from the date they commenced employment for
16 the Defendant until the date of trial.

17 56. Plaintiff and all others similarly situated further seek an additional equal amount as
18 liquidated damages, as well as reasonable attorney's fees and costs as provided by 29 U.S.C. § 216(b),
19 along with post-judgment interest at the highest rate allowed by law.

20
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22 **VII. SECOND CLAIM FOR RELIEF**

23 **Unpaid overtime compensation under the FLSA**

24 57. Each and every allegation contained in the foregoing paragraphs is re-alleged as if fully
25 written herein.
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1 58. Plaintiff Anne Cannon and all others similarly situated are considered non-exempt
2 employees under the statutory provisions of the Fair Labor Standards Act, 29 U.S.C. 201, *et seq.*, as well
3 as by the administrative regulations used to interpret the Act.

4 59. Plaintiff Anne Cannon and all others similarly situated are entitled to receive overtime pay
5 for all hours they have worked in excess of 40 during each seven-day workweek.

6 60. Defendant failed to compensate Plaintiff and all others similarly situated, their entitled pay
7 (including overtime pay) for those hours they worked in excess of 40 per week.

8 61. Defendant has violated 29 U.S.C. § 201 *et seq.* by failing to compensate the Plaintiff and
9 all other similarly situated employees overtime pay for all hours worked in excess of 40 hours per week.

10 62. Defendant has failed to make good faith efforts to comply with the FLSA, and has willfully
11 and deliberately sought to evade the requirements of the federal statute.

12 63. Defendant has failed to maintain a complete, accurate, and contemporaneous record of the
13 number of hours worked per workweek by Plaintiff and by all other similarly situated employees, as
14 required by law.

15 64. The Defendant's conduct was willful within the meaning of 29 U.S.C. § 255(a).

16 65. No lawful exemption excused the Defendant from compensating Plaintiff, and all others
17 similarly situated, overtime pay for hours worked over forty per week.

18 66. Defendant knowingly, willfully, or with reckless disregard carried out an illegal pattern
19 and practice of deceptive and fraudulent accounting practices regarding overtime compensation due to
20 Plaintiff and to all others similarly situated.

21 67. Plaintiff and all others similarly situated seek an amount of back-pay equal to the unpaid
22 overtime compensation from the date they commenced employment for the Defendant until the date of
23 trial.
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1 WHEREFORE, PREMISES CONSIDERED, Plaintiff Anne Cannon, and all other similarly
2 situated, respectfully request that upon hearing, the Court grant Plaintiff, and all others similarly situated,
3 relief as follows:

- 4 a. Declare that Defendant has violated the Fair Labor Standards Act, specifically, 29 U.S.C.
5 § 207, by failing to pay Plaintiff and all others similarly situated, overtime pay at one and
6 one-half times their regular hourly rate for all hours in excess of 40 worked during each
7 seven-day work period, and by failing to compensate employees for work performed, but
8 not recorded or paid;
- 9 b. Order Defendant to pay Plaintiff and all others similarly situated, the difference between
10 what it should have paid for overtime hours Plaintiffs worked during the relevant period
11 and what they were actually paid, as well as compensation for hours worked but not
12 recorded or paid, together with an equal amount as to liquidated damages.
- 13 c. Order Defendant to pay Plaintiff and all others similarly situated, the difference between
14 the applicable minimum wage at the time work was performed and what was actually paid
15 together with an equal amount as to liquidated damages.
- 16 d. Order Defendant to pay Plaintiff and all others similarly situated employees' reasonable
17 attorneys' fees and costs pursuant to 29 U.S.C. § 216(b).
- 18 e. Order Defendant to pay post-judgment interest at the highest lawful rate for all amounts,
19 including attorneys' fees, awarded against Defendant.
- 20 f. Order further relief, whether legal, equitable, or injunctive, as may be necessitated to
21 effectuate full relief to Plaintiff Anne Cannon, and to all other similarly situated employees
22 of the Defendant.

23 Plaintiff Anne Cannon, and all other similarly situated, make a formal demand for a jury trial in
24 this matter.

25 Respectfully submitted,

26 **THE MAHANY LAW FIRM**

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28 **ATTORNEYS FOR PLAINTIFF**
ANNE CANNON

UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA

CIVIL COVER SHEET

I. (a) PLAINTIFFS (Check box if you are representing yourself) **DEFENDANTS** (Check box if you are representing yourself)

Anne Cannon, And All Others Similarly Situated

TELE PAY USA

(b) County of Residence of First Listed Plaintiff Orange County, FL **County of Residence of First Listed Defendant** _____

(EXCEPT IN U.S. PLAINTIFF CASES)

(IN U.S. PLAINTIFF CASES ONLY)

(c) Attorneys (Firm Name, Address and Telephone Number) If you are representing yourself, provide the same information.

Joseph M. Tully, Tully & Weiss, 713 Main St., Martinez, CA 94553; 925-229-9700; Brian H. Mahany, Mahany Law, 8112 W Bluemound Rd, Suite 101, Wauwatosa, WI 53213; 414-258-2375; John Bruster Loyd, Jones, Gillaspia & Loyd, LLP, 4400 Post Oak Pkwy, Suite 2360, Houston, TX, 77027; 713-225-9000

Attorneys (Firm Name, Address and Telephone Number) If you are representing yourself, provide the same information.

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-For Diversity Cases Only (Place an X in one box for plaintiff and one for defendant)

- | | | | | | |
|---|--------------------------------|--------------------------------|---|--------------------------------|--------------------------------|
| Citizen of This State | <input type="checkbox"/> PTF 1 | <input type="checkbox"/> DEF 1 | Incorporated or Principal Place of Business in this State | <input type="checkbox"/> PTF 4 | <input type="checkbox"/> DEF 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. 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

V. REQUESTED IN COMPLAINT: JURY DEMAND: Yes No (Check "Yes" only if demanded in complaint.)

CLASS ACTION under F.R.Cv.P. 23: Yes No **MONEY DEMANDED IN COMPLAINT:** \$ _____

VI. 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.)
 29 USC 201, et seq. - Plaintiff, and all others similarly situated, bring this case to recover unpaid wages

VII. NATURE OF SUIT (Place an X in one box only.)

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

FOR OFFICE USE ONLY: Case Number: _____

VIII. VENUE: Your answers to the questions below will determine the division of the Court to which this case will be initially assigned. This initial assignment is subject to change, in accordance with the Court's General Orders, upon review by the Court of your Complaint or Notice of Removal.

QUESTION A: Was this case removed from state court? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If "no," skip to Question B. If "yes," check the box to the right that applies, enter the corresponding division in response to Question E, below, and continue from there.	STATE CASE WAS PENDING IN THE COUNTY OF:	INITIAL DIVISION IN CACD IS:
	<input type="checkbox"/> Los Angeles, Ventura, Santa Barbara, or San Luis Obispo	Western
	<input type="checkbox"/> Orange	Southern
	<input type="checkbox"/> Riverside or San Bernardino	Eastern

QUESTION B: Is the United States, or one of its agencies or employees, a PLAINTIFF in this action? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If "no," skip to Question C. If "yes," answer Question B.1, at right.	B.1. Do 50% or more of the defendants who reside in the district reside in Orange Co.? check one of the boxes to the right →	<input type="checkbox"/> YES. Your case will initially be assigned to the Southern Division. Enter "Southern" in response to Question E, below, and continue from there. <input type="checkbox"/> NO. Continue to Question B.2.
	B.2. Do 50% or more of the defendants who reside in the district reside in Riverside and/or San Bernardino Counties? (Consider the two counties together.) check one of the boxes to the right →	<input type="checkbox"/> YES. Your case will initially be assigned to the Eastern Division. Enter "Eastern" in response to Question E, below, and continue from there. <input type="checkbox"/> NO. Your case will initially be assigned to the Western Division. Enter "Western" in response to Question E, below, and continue from there.

QUESTION C: Is the United States, or one of its agencies or employees, a DEFENDANT in this action? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If "no," skip to Question D. If "yes," answer Question C.1, at right.	C.1. Do 50% or more of the plaintiffs who reside in the district reside in Orange Co.? check one of the boxes to the right →	<input type="checkbox"/> YES. Your case will initially be assigned to the Southern Division. Enter "Southern" in response to Question E, below, and continue from there. <input type="checkbox"/> NO. Continue to Question C.2.
	C.2. Do 50% or more of the plaintiffs who reside in the district reside in Riverside and/or San Bernardino Counties? (Consider the two counties together.) check one of the boxes to the right →	<input type="checkbox"/> YES. Your case will initially be assigned to the Eastern Division. Enter "Eastern" in response to Question E, below, and continue from there. <input type="checkbox"/> NO. Your case will initially be assigned to the Western Division. Enter "Western" in response to Question E, below, and continue from there.

QUESTION D: Location of plaintiffs and defendants?	A. Orange County	B. Riverside or San Bernardino County	C. Los Angeles, Ventura, Santa Barbara, or San Luis Obispo County
Indicate the location(s) in which 50% or more of <i>plaintiffs who reside in this district</i> reside. (Check up to two boxes, or leave blank if none of these choices apply.)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Indicate the location(s) in which 50% or more of <i>defendants who reside in this district</i> reside. (Check up to two boxes, or leave blank if none of these choices apply.)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

D.1. Is there at least one answer in Column A? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If "yes," your case will initially be assigned to the SOUTHERN DIVISION. Enter "Southern" in response to Question E, below, and continue from there. If "no," go to question D2 to the right. →	D.2. Is there at least one answer in Column B? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If "yes," your case will initially be assigned to the EASTERN DIVISION. Enter "Eastern" in response to Question E, below. If "no," your case will be assigned to the WESTERN DIVISION. Enter "Western" in response to Question E, below. ↓
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QUESTION E: Initial Division?	INITIAL DIVISION IN CACD
Enter the initial division determined by Question A, B, C, or D above: →	WESTERN

QUESTION F: Northern Counties?
Do 50% or more of plaintiffs or defendants in this district reside in Ventura, Santa Barbara, or San Luis Obispo counties? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

**UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA
CIVIL COVER SHEET**

IX(a). IDENTICAL CASES: Has this action been previously filed in this court?

NO

YES

If yes, list case number(s): _____

IX(b). RELATED CASES: Is this case related (as defined below) to any civil or criminal case(s) previously filed in this court?

NO

YES

If yes, list case number(s): _____

Civil cases are related when they (check all that apply):

- A. Arise from the same or a closely related transaction, happening, or event;
- B. Call for determination of the same or substantially related or similar questions of law and fact; or
- C. For other reasons would entail substantial duplication of labor if heard by different judges.

Note: That cases may involve the same patent, trademark, or copyright is not, in itself, sufficient to deem cases related.

A civil forfeiture case and a criminal case are related when they (check all that apply):

- A. Arise from the same or a closely related transaction, happening, or event;
- B. Call for determination of the same or substantially related or similar questions of law and fact; or
- C. Involve one or more defendants from the criminal case in common and would entail substantial duplication of labor if heard by different judges.

X. SIGNATURE OF ATTORNEY

(OR SELF-REPRESENTED LITIGANT): /s/ Joseph M Tully

DATE: June 27, 2017

Notice to Counsel/Parties: The submission of this Civil Cover Sheet is required by Local Rule 3-1. This Form CV-71 and the information contained herein neither replaces nor supplements the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. For more detailed instructions, see separate instruction sheet (CV-071A).

Key to Statistical codes relating to Social Security Cases:

Nature of Suit Code	Abbreviation	Substantive Statement of Cause of Action
861	HIA	All claims for health insurance benefits (Medicare) under Title 18, Part A, of the Social Security Act, as amended. Also, include claims by hospitals, skilled nursing facilities, etc., for certification as providers of services under the program. (42 U.S.C. 1935FF(b))
862	BL	All claims for "Black Lung" benefits under Title 4, Part B, of the Federal Coal Mine Health and Safety Act of 1969. (30 U.S.C. 923)
863	DIWC	All claims filed by insured workers for disability insurance benefits under Title 2 of the Social Security Act, as amended; plus all claims filed for child's insurance benefits based on disability. (42 U.S.C. 405 (g))
863	DIWW	All claims filed for widows or widowers insurance benefits based on disability under Title 2 of the Social Security Act, as amended. (42 U.S.C. 405 (g))
864	SSID	All claims for supplemental security income payments based upon disability filed under Title 16 of the Social Security Act, as amended.
865	RSI	All claims for retirement (old age) and survivors benefits under Title 2 of the Social Security Act, as amended. (42 U.S.C. 405 (g))

NAME, ADDRESS, AND TELEPHONE NUMBER OF ATTORNEY(S)
 OR OF PARTY APPEARING IN PRO PER
 Joseph M. Tully – CA Bar: 201187
 Tully & Weiss Attorneys at Law
 713 Main Street
 Martinez, CA 94553
 P: (925) 229-9700
 F: (925) 871-5999
 Joseph@Tully-Weiss.com

ATTORNEY(S) FOR: Plaintiff Anne Cannon and Proposed Class

**UNITED STATES DISTRICT COURT
 CENTRAL DISTRICT OF CALIFORNIA**

Anne Cannon and All Others Similarly Situated

CASE NUMBER:

Plaintiff(s),

v.

Tele Pay USA

Defendant(s)

**CERTIFICATION AND NOTICE
 OF INTERESTED PARTIES
 (Local Rule 7.1-1)**

TO: THE COURT AND ALL PARTIES OF RECORD:

The undersigned, counsel of record for Plaintiff Anne Cannon and All Others Similarly Situated or party appearing in pro per, certifies that the following listed party (or parties) may have a pecuniary interest in the outcome of this case. These representations are made to enable the Court to evaluate possible disqualification or recusal.

(List the names of all such parties and identify their connection and interest. Use additional sheet if necessary.)

PARTY	CONNECTION / INTEREST
Anne Cannon	Plaintiff
All Others Similarly Situated To Anne Cannon	Plaintiff
Tele Pay USA	Defendant

June 27, 2017
 Date

/S/ Joseph M. Tully
 Signature


Attorney of record for (or name of party appearing in pro per):

Plaintiff Anne Cannon and All Others Similarly Situated

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

UNITED STATES DISTRICT COURT

for the

Eastern District of California 

Anne Cannon, And All Others Similarly Situated)

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Plaintiff(s)

v.

TELE PAY USA

Civil Action No.

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Defendant(s)

SUMMONS IN A CIVIL ACTION

To: (*Defendant's name and address*) TELE PAY USA
C/O, Legalzoom.com, Inc., Its registered agent
101 N. Brand Blvd., 11th Floor
Glendale, CA 91203

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:

Joseph M. Tully, Tully & Weiss Attorneys At Law, 713 Main St, Martinez, CA 94553;
Brian H. Mahany, Mahany Law, 8112 W Bluemound Rd, Suite 101, Wauwatosa, WI 53213;
John Bruster Loyd, Jones, Gillaspia & Loyd, LLP, 4400 Post Oak Pkwy, Suite 2360, Houston, TX 77027

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

AO 440 (Rev. 06/12) Summons in a Civil Action (Page 2)

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:

ClassAction.org

This complaint is part of ClassAction.org's searchable class action lawsuit database and can be found in this post: [Phone Sex Company Tele Pay USA Rung Up with Unpaid Wage Class Action](#)
