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Robert Spencer, Esq.
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December 26, 2019

Via Online Submission Only

California Labor & Workforce
Development Agency
800 Capitol Mall, MIC-55
Sacramento, California 95814

Re: Coogan v. Stanford Health Care

Dear Sir or Madam:

The undersigned represents Ms. Tawnya Coogan, a former employee of Stanford Health Care. The purpose of this letter is to comply with the statutory exhaustion requirements of Labor Code § 2699.3 before commencing an action under Labor Code §§ 2699, *et seq.* alleging violations of Labor Code §§ 226(a), 226.3, 226.7, 512, 1198, 1199 and 2802, and IWC Wage Order 5, §§ 11 and 12.

Background:

Stanford Health Care ("Stanford") operates medical facilities throughout California. Our client is a former hourly employee of Stanford who worked as an hourly sales associate at the Stanford's main hospital in Stanford, California from approximately June 6, 2016 through March 6, 2019. She typically worked five days a week. She typically worked eight-hour shifts on weekdays six-hour shifts on weekends.

Ms. Coogan seeks to file a representative action on behalf of all persons employed as hourly employees by Stanford between December 26, 2018 and the date this matter is resolved. Stanford has employed hundreds of hourly employees during the statutory liability period.

Meal Period Violations (Labor Code §§ 512, 1198-1199, and IWC Wage Order 5, § 11):

Stanford violates Labor Code §§ 512, 1198-1199 and IWC Wage Order 5, § 11 by not allowing employees to take all required timely and uninterrupted meal breaks. Ms. Coogan and other aggrieved employees were required to work weekend shifts with no relief. Further, Ms.

Coogan did not waive her right to take a meal period and on information and belief, other aggrieved employees also did not waive their right to take a meal period. Due to the lack of relief, Ms. Coogan and other aggrieved employees who were not afforded an adequate opportunity to take proper meal breaks were not separately compensated for missed, short or late rest breaks in violation of California law.

Rest Break Violations (Labor Code §§ 226.7, 1198-1199, and IWC Wage Order 5, § 12):

Stanford further violates Labor Code §§ 226.7, 1198-1199, and IWC Wage Order 5, § 12 by not allowing employees to take all required timely and uninterrupted rest breaks. As noted above, Ms. Coogan and other aggrieved employees worked weekend shifts with no relief. On these shifts Ms. Coogan and other aggrieved employees did not receive their rest breaks due to the lack of relief.

On weekday shifts, Ms. Coogan and other aggrieved employees typically missed one rest break per day due to lack of relief as employees worked staggered shifts. The staggering of shifts often left employees with no relief, preventing Ms. Coogan and other aggrieved employees from taking one of their two rest breaks. Ms. Coogan and other aggrieved employees were not afforded an adequate opportunity to take proper rest breaks and were not separately compensated for missed, short or late rest breaks in violation of California law.

Failure to Provide Accurate, Itemized Wage statements (Labor Code §§ 226(a), 226.3, and 1198-1199):

Stanford violates Labor Code §§ 226(a), 226.3, and 1198-1199 by failing to provide accurate, itemized wage statements to Ms. Coogan and other aggrieved employees. Among other things, the wage statements provided by Stanford fail to show the total hours worked in violation of Labor Code § 226(a)(2). For example, Plaintiff's wage statement attached hereto as Exhibit A lists a line item "REG" with "62.00" hours, a line item "OVT" listing "0.72" hours, then a line item "WKND NU" with "6.00" hours. It is impossible to determine from the wage statement if Plaintiff's total hours worked for the pay period are 62.72 hours, 68.00 hours, 68.72 hours or some other number of hours.

Failure to reimburse business expenses:

Stanford violated Labor Code § 2802 by failing to reimburse Ms. Coogan and other aggrieved employees for their business expenses. Stanford required Ms. Coogan and other aggrieved employees to use their personal cellular telephones for business purposes, including telephone calls and text messages with managers. Stanford did not reimburse Ms. Coogan and other aggrieved employees for the cost of their cellular telephones or their associated service plans.

Notice to Stanford to maintain evidence:

This letter also serves as notice of Ms. Coogan's demand for preservation and non-spoliation of evidence, requesting that all relevant documents and data be saved and that all electronic files and hard-copy documents that are related to Ms. Coogan's employment and potential claims be preserved, even without a court order. Spoliation of evidence may result in legal claims for damages and monetary and evidentiary sanctions, including "adverse inference" jury instructions. Furthermore, intentional spoliation of evidence may carry criminal consequences under California Penal Code § 135.

Notice to Stanford and all related/affiliated companies and individuals:

This notice is hereby given to Stanford and any and all related and/or alter ego companies, corporations, partnerships, and/or business entities, as well as any and all officers, owners, directors, managers, managing agents, and/or entities who are or may be liable under California law for any of the violations alleged herein as to any locations or employees who worked at any time in the State of California.

This notice is given on behalf of all persons who are, who will be or who were, within the applicable limitations periods prior to the date of this letter, employees of Stanford and/or related and/or alter ego companies, corporations, partnerships, and/or other business entities in the State of California.

Notice to Stanford of attempt to settle this dispute:

This notice shall represent Ms. Coogan's reasonable attempt to settle this dispute with Stanford prior to litigation. Under *Graham v. DaimlerChrysler Corp.* 34 Cal. 4th 553 (2004), this notice serves to apprise Stanford of Ms. Coogan's grievances as described above and the proposed remedies as detailed below, while affording Stanford a reasonable opportunity to meet Ms. Coogan's demands.

Ms. Coogan hereby demands that Stanford agree as follows in a writing received at this office no later than 30 calendar days after the postmark date of this notice:

1. Stanford shall pay each employee one hour of pay for each workday he or she was not provided one or more meal periods as required by Labor Code §§ 226.7, 512, 1198 and 1199, and IWC Wage Order 5-2001, § 11.
2. Stanford shall pay each employee one hour of pay for each workday he or she was not authorized and permitted to take one or more rest periods as required by Labor Code §§ 226.7, 1198 and 1199, and IWC Wage Order 5-2001, § 12.

3. Stanford shall pay Labor Code § 226(e) penalties for each violation of Labor Code § 226(a).

4. Stanford shall reimburse all employees for their use of cellular telephones for business purposes on behalf of Stanford.

5. Stanford shall pay all penalties arising from the violations of the Labor Code and IWC Wage Order sections referenced above and pursuant to PAGA, Labor Code §§ 2698 *et seq.*, including but not limited to penalties under Labor Code §§ 226(a), 226.3, 226.7, 512, 1198, 1199 and 2802, and IWC Wage Order 5, §§ 11 and 12.

Conclusion:

Stanford employs or has employed hundreds of employees in California during the liability period. Because of the size and geographic breadth of Stanford's California operations, we expect to expend significant time and resources pursuing these claims.

We have already filed a class action complaint alleging the above-described violations. Thus, any action by the LWDA would not resolve the entirety of the case, and the interests of judicial economy will be served by allowing the case to proceed as a cohesive whole.

If you have any questions, please feel free to telephone me at (415) 543-1305. In addition, should Stanford wish to discuss resolution of the issues raised in this letter, it should direct counsel to contact me at the same telephone number. Moreover, please advise me if the LWDA or Stanford requires any additional information regarding Ms. Coogan's complaints.

Thank you for your attention to this matter.

Sincerely,



ROBERT SPENCER

cc: Stanford Health Care
Attn: Legal Department
300 Pasteur Drive M/C 5510
Stanford, California 94305
Via Certified Mail
Return receipt No: 7018 3090 0000 4428 9524

California Labor & Workforce Development Agency
December 26, 2019
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Ms. Debra L. Zumwalt
Registered Agent for Service of Process for Stanford Health Care
450 Jane Stanford Way, Building 170, 3rd Floor
Stanford, California 94305
Via Certified Mail
Return receipt No: 7018 3090 0000 4428 9531

EXHIBIT A

Stanford Health Care/ 300 Pasteur Drive M/C 5510 / Stanford, CA 94305 / Payroll Service Center: 650-725-4700

Employee ID	Employee Name	SSN	Period Beginning	Advice Number
53510	Coogan, Tawnya E		06/23/2018	04078312
Department	Home Address		Period Ending	Advice Date
95502			10/02/2018	10/12/2018
Tax Status	Marital Status	Legal/Spouse	YTD Amount	Accrual Type
FEDERAL			ESL 24	End Bal
STATE			PTO BAL	45.17
Messages				

CURRENT EARNINGS				YTD EARNINGS		TAXES		
DESCRIPTION	RATE	HOURLY	EARNINGS			Description	Current	YTD
REG	21.180	62.00	1,313.16		22,650.78	FED TAX		
OVT	31.875	0.72	22.95		638.64	MEDICARE		
HW PREM					147.40	FICA-SS		
HW NONE					293.61	CA-TAX		
PTO					1,332.56	CADI-TAX		
PTS					1,754.80			
ESL 24					228.18			
EVE P					65.85			
WKND NU	2.000	6.00	12.00		45.40			
Total Gross Pay (A)				66.72	1,346.11	Total Taxes (D)		
Federal Income Taxable Pay					1,346.11	Non-Exempt Expenses Reimbursements		
PRE-TAX DEDUCTIONS						Description		
Description				Current	YTD	Current		
AD&D				2.07	39.33			
LTD-SUPP				3.19	59.63			
LEGAL				0.22	183.78			
GARN%				102.20	2,125.49			
LIFE-EMP				3.56	66.13			
Total (B)				0.00	0.00	Total (E)		
						120.24		
						2,484.36		
						Total		
						740.41		
						14136.53		

STANFORD Stanford Health Care
HEALTHCARE 300 Pasteur Drive M/C 5510
Stanford, CA 94305

Bank of America
345 Montgomery St
San Francisco, CA 94104

ADVICE NUMBER: 04078312 DATE: 10/12/2018

(\$901.67)

Tawnya E Coogan

NON-NEGOTIABLE
ACH DEPOSIT ADVICE

REDACTED

Stanford Health Care
300 Pasteur Drive M/C5510
Stanford, CA 94305

Tawnya E Coogan

95502