

DEPARTMENT OF INDUSTRIAL RELATIONS

Labor Commissioner's Office
Private Attorneys' General Act Unit
1515 Clay Street, Suite 1700
Oakland, CA 94612
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October 22, 2024

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APRIA HEALTHCARE, LLC
c/o Mr. Nathan W. Austin
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400 Capitol Mall, Suite 1600
Sacramento, CA 95814
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**NOTICE OF COMMENCEMENT OF INVESTIGATION AND
STATUTORY TOLLING PURSUANT TO LABOR CODE SECTION 90.6**

Re: PAGA Notice of Smith and Arauz v. Apria Healthcare, LLC
CLAIM NO. LWDA-CM-867711-22

To whom it may concern:

PLEASE TAKE NOTICE that the Labor Workforce Development Agency ("LWDA"), through the Labor Commissioner, intends to investigate, and has commenced an investigation of, APRIA HEALTHCARE, LLC and their owners, directors, officers, managing agents and other persons acting on behalf of either of them. The Labor Commissioner will investigate the alleged Labor Code violation(s) identified in the Amended Notice submitted to the LWDA on August 23, 2024, by Travis Smith and Uriel Arauz, as well as any other potential violations of the Labor Code, applicable wage order of the Industrial Welfare Commission or applicable local minimum wage or overtime law.

Travis Smith's and Uriel Arauz's Amended Notice of Labor Code Violations dated August 23, 2024, asserts and incorporates violations that are already covered by the initial PAGA Notice dated February 10, 2022. This Notice of Investigation applies to all allegations in the August 23, 2024, amended PAGA Notice, including but not limited to allegations that are the same or similar to those set forth in Smith's February 10, 2022, PAGA Notice.

Pursuant to Labor Code section 90.6, any applicable statute of limitations for determining the "period of time for which wages, penalties, damages, or other amounts which may be assessed by the Labor Commissioner" will be tolled for a period of twelve months from the date of this notice. This written notice is provided pursuant to Labor Code §90.6. The Labor Code sections subject to tolling under this notice are

listed in Labor Code §90.6(b). After expiration of this twelve-month period, the statute of limitations for any of the potential violations under investigation will resume running.

Note that any applicable statute of limitations for claims initially alleged in the February 10, 2022 notice of violations filed by Travis Smith is also subject to tolling pursuant to Labor Code section 2698 et seq. from the date of the relevant PAGA notice during the Labor Commissioner's investigation.

The time period covered by this investigation is August 23, 2021, through the date of any citation or lawsuit by the Labor Commissioner.

If you have questions concerning this notice, please send an email to PAGA@dir.ca.gov or call the PAGA Unit at 510-286-1246.

Sincerely,

PAGA Unit