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PAGA NOTICE FILED ELECTRONICALLY
PAGA FILING FEE BY U.S. MAIL

Department of Industrial Relations
Accounting Unit
455 Golden Gate Avenue, 10th Floor
San Francisco, California 94102
https://dir.tfaforms.net/128

Re: *Amended Notice Letter of James Caramazza on Behalf of Himself and Aggrieved Employees Under California Labor Section 2699.3*

Employer:

Greystar Management Services LP
11 State Street
Charleston, SC 29401

Sunrise Riverside, LLC
300 Eagle Dance Circle
Palm Desert, CA 92211

Bradley Johnson
221 Main Street, Suite 1280
San Francisco, California 94105

To Whom It May Concern:

This letter shall constitute notice under Labor Code section 2699.3 (hereinafter "PAGA Notice"). The $75 filing fee made payable to the California Labor and Workforce Development Agency for the PAGA Notice was mailed along with a copy of this PAGA Notice to the Department of Industrial Relations at the above-listed mailing address.

This PAGA Notice concerns James Caramazza's ("Mr. Caramazza") employment with his former employers: Greystar Management Services LP and Sunrise Riverside, LLC, and their Senior Managing Director of Real Estate Services in California: Bradley Johnson (collectively, "Employers"). Mr. Caramazza was an employee of Employers from approximately March of 2015 through November of 2019. Mr. Caramazza and other aggrieved employees served as non-exempt employees of Employers, with duties that included, without limitation, picking up and taking out garbage, cleaning swimming pools, and making repairs in apartment properties. In return, Employers paid (or purported to pay) Mr. Caramazza and other aggrieved employees an hourly wage for their services.

Mr. Caramazza and other aggrieved employees are covered by Labor Code section 510 and applicable Wage Orders. Mr. Caramazza is informed and believes, and based thereon alleges that Employers had and have a policy or practice of requiring their employees to work more than eight (8) hours per day, forty (40) hours per week, and/or seven (7) straight work days in a work week without paying them proper overtime wages, as a result of, without limitation, routinely failing to pay Plaintiff or other similarly aggrieved employees' wages for all time worked, including overtime wages, as a result of, without limitation, failing to track and pay for all hours worked; failing to pay at the overtime rate for the first eight hours of work on the seventh straight workday; failing to include nondiscretionary bonuses, and/or incentive pay in the regular rate of pay for the purpose of calculating the overtime rate of pay; requiring employees to remain on-call to the detriment of Mr. Caramazza and other similarly aggrieved employees. Consequently, Mr. Caramazza is informed and believes, and based thereon alleges that Employers violated Labor Code sections 510, 1194, and applicable Wage Orders based on their practice of providing total compensation that is less than the required legal overtime compensation, entitling Mr. Caramazza and other aggrieved employees to damages. Employers would also be liable for civil penalties pursuant to Labor Code sections 558 and 2699.

In addition, Mr. Caramazza is informed and believes, and based thereon alleges that Employers failed and continue to fail to compensate Mr. Caramazza and other similarly aggrieved employees with minimum wages for all hours worked or otherwise under Employers' control due to, without limitation, failing to accurately track and/or pay for all hours actually worked (including by, at times, requiring employees remain on-call) to the detriment of Mr. Caramazza and other aggrieved employees. As such, Mr. Caramazza is informed and believes, and based thereon alleges that Employers violated, without limitation, Labor Code section 1197 and applicable Wage Orders based on their continued failure to pay minimum wages for all hours worked, entitling Mr. Caramazza and similarly aggrieved employees to actual and liquidated damages under, without limitation, Labor Code sections 1194 and 1194.2. Employers would also be liable for civil penalties pursuant to Labor Code sections 558, 1197.1 and 2699.

Mr. Caramazza is informed and believes that Employers maintain a policy or practice of compelling their employees to work in excess of five (5) and ten (10) hours per day without being afforded uninterrupted, timely and complete 30-minute meal periods or compensation in lieu thereof. Consequently, Mr. Caramazza is informed and believes, and based thereon alleges that Employers violated Labor Code section 512, entitling Mr. Caramazza and other aggrieved employees to premium payments under Labor Code section 226.7. Employers would also be liable for civil penalties pursuant to Labor Code sections 558 and 2699.

Moreover, Mr. Caramazza is informed and believes, and based thereon alleges that Employers maintain a policy or practice of compelling their non-exempt employees, including, without limitation, Mr. Caramazza, to work over four-hour periods (or major fractions thereof) without authorizing and permitting their employees to take timely, paid, uninterrupted and complete ten-minute rest periods in which the employees are completely relieved of all of their duties. As such, Mr. Caramazza is informed and believes, and based thereon alleges that Mr. Caramazza and other aggrieved employees are entitled to relief under, without limitation, Labor Code section 226.7. Employers would also be liable for civil pursuant to Labor Code sections 558, and 2699.

In addition to the above, Mr. Caramazza is informed and believes, and based thereon alleges, that Employers failed and continue to fail to keep adequate and/or accurate time records, including wage statements and similar payroll documents under Labor Code section 226, documents signed to obtain or hold employment under Labor Code section 432, personnel records under Labor Code section 1198.5, and time records under Labor Code section 1174, making it difficult for Mr. Caramazza and other aggrieved employees to calculate their unpaid wages and/or premium payments. This would entitle Mr. Caramazza and other aggrieved employees to penalties prescribed by Labor Code sections 226 and 1198.5. Employers would also be liable for civil penalties pursuant to Labor Code sections 558 and 2699.

As a result of, among other things, Employers' herein-described practice or procedure of failing to accurately record time, pay overtime and minimum wages for the reasons stated above, provide meal periods or compensation in lieu thereof, and failing to provide rest periods or compensation in lieu thereof, as described above, Mr. Caramazza is informed and believes, and based thereon alleges that Employers also intentionally failed and continue to fail to furnish employees, including, without limitation, Mr. Caramazza, with itemized wage statements that accurately reflect gross wages earned; total hours worked; net wages earned; and all applicable hourly rates in effect during the pay period and the corresponding number of hours worked at each hourly rate and other such information, as required by Labor Code section 226, subdivision (a). Consequently, since Employers have failed to comply with Labor Code section 226, subdivision (a), Mr. Caramazza and other employees are entitled to recover penalties under, without limitation, Labor Code sections 226, subdivision (e). Employers would also be liable for civil penalties pursuant to Labor Code sections 226.3, 558, and 2699.

Mr. Caramazza is informed and believes, and based thereon alleges that Employers also failed and refused, and continue to fail and refuse, to timely pay compensation to Mr. Caramazza and other terminated or resigned employees, including but not limited to, all wages owed as a result of Employers' practice or policy of failing to pay, among other wages, minimum wages, overtime wages, and premium wages. Consequently, Employers would be liable for waiting time penalties for having violated California Labor Code sections 201, 202 and 203. Employers would also be liable for civil penalties pursuant to Labor Code sections 558 and 2699.

Mr. Caramazza is informed and believes, and based thereon alleges that Employers also failed and refused, and continue to fail and refuse, to reimburse employees, including, without limitation, Mr. Caramazza and other aggrieved employees, with their costs incurred in direct consequence of the discharge of their duties, or of their obedience to the directions of Employers, as required by Labor Code 2802, and other statutory and common law offenses, including, without limitation, for paying for work gloves, gas and/or mileage to in order to travel to various jobsites, and laundering mandatory work uniforms separately from their other clothes necessitated by the maintenance tasks known by Employers. Among other relief that Mr. Caramazza and aggrieved employees may collect from Employers in connection with these violations are civil penalties pursuant to Labor Code sections 558 and 2699.

Mr. Caramazza is informed and believes, and based thereon alleges, that Employers have, and at all times relevant hereto had, a policy or practice of failing to comply with the notice requirements of Labor Code section 2810.5 (*i.e.*, the Wage Theft Protection Act of 2011) by, among other things, failing to provide Mr. Caramazza and other aggrieved employees with the various rates of pay applicable to their employment; allowances claimed as part of the minimum wage; the name, address and telephone number of the workers' compensation insurance carrier; and other pertinent information required under Labor Code section 2810.5. As such, Mr. Caramazza is informed and believes, and based thereon alleges, that failure to provide such information, including rates of pay that are in effect, has permitted Employers to pay employees at rates of pay that were not agreed upon, in violation of overtime wage and minimum wage laws in California. Among other relief, employees may collect from Employers civil penalties pursuant to Labor Code sections 558 and 2699.

Mr. Caramazza is further informed and believes, and based thereon alleges, that Employers have or had a policy or practice of failing to provide Mr. Caramazza and other aggrieved employees with the amount of paid sick leave required to be provided pursuant to California law (including, without limitation, Labor Code section 246, *et seq.*), and also did not permit its use upon request as contemplated under California law. As such, Employers would be liable for civil penalties for violation of the paid sick leave regulations under Labor Code sections 558 and 2699.

Mr. Caramazza and similarly aggrieved employees are covered by Labor Code section 204. Mr. Caramazza is informed and believes, and based thereon alleges that Employers had and have a policy or practice of failing to pay employees their wages in accordance with Labor Code Section 204, which requires that: "[l]abor performed between the 1st and 15th days, inclusive, of any calendar month shall be paid for between the 16th and 26th day of the month during which the labor was performed, and labor performed between the 16th and the last day, inclusive of any calendar month, shall be paid for between the 1st and 10th day of the following month." Mr. Caramazza is informed and believes, and based thereon alleges that Employers did not and do not pay their employees in accordance with Labor Code Section 204. As such, Mr. Caramazza is informed and believes, and based thereon alleges that Employers violated Labor Code Section 204. Employers would be liable for civil penalties pursuant to Labor Code sections 558 and 2699.

Pursuant to Labor Code section 2699.3, subdivision (a)(2)(A), please advise within sixty-five (65) calendar days of the postmarked date of this notice whether the LWDA intends to investigate the violations alleged above. Our office understands that if we do not receive a response within sixty-five (65) calendar days of the postmark date of this PAGA Notice that the LWDA intends to investigate these allegations, Mr. Caramazza may immediately thereafter file a civil complaint against Employers, or some of them, to allege causes of action for civil penalties under the Private Attorney General Act for the herein-described alleged violations of the Labor Code.

Best regards.

Very truly yours,

BIBIYAN LAW GROUP, P.C.

David D. Bibiyan

cc: Greystar Management Services LP (via U.S. Certified Mail, Return Receipt Requested)
Luxury Sunrise Living LLC (via U.S. Certified Mail, Return Receipt Requested)
Sunrise Riverside, LLC (via U.S. Certified Mail, Return Receipt Requested)