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March 17, 2020

VIA ELECTRONIC FILING

California Labor and Workforce Development Agency
801 K Street, Suite 2101
Sacramento, California 95814

Re: Hagman v. BedaBox LLC

Dear Representative:

This office represents Plaintiff Brittany Hagman (“Plaintiff”), in connection with her claims under the California Labor Code against Defendant BedBox LLC, who does business as ShipMonk (“Defendant” or “ShipMonk”). Plaintiff Hagman was a non-exempt employee of Defendant working at Defendant’s warehouse in California.

The employer may be contacted through their respective registered agent for service:

Jan Bednar
3524 N Mike Daley Drive
San Bernardino, CA 92407

Plaintiff intends to seek penalties for violations of the California Labor Code, which are recoverable under California Labor Code § 2698, et seq., the Labor Code Private Attorneys General Act of 2004 (“PAGA”). Plaintiff is seeking penalties on behalf of the State of California and all non-exempt aggrieved employees working at Defendant’s warehouses in California. This letter is sent in compliance with the reporting requirements of California Labor Code § 2699.3.

During the time period when Plaintiff was employed by Defendant, the Defendant required Plaintiff and other putative class members/aggrieved employees to clock in after going through security lines upon arrival and clock out before going through security lines upon exit at ShipMonk’s fulfillment warehouse. This required security screening must be compensated under California law. Additionally, insufficient time was provided for non-exempt employees to take meal and rest breaks.

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Violations of California Labor Code § 223

Standing in security lines before clocking in for work and after clocking out of work is improper. Defendant was in fact obligated to pay for the time its non-exempt employees spent going through security for the Defendant's benefit. This time, to the extent it is off the clock, is owed to all non-exempt employees.

Violations of California Labor Code §§ 226.7 & 512

Once an employee in ShipMonk leaves the floor for a lunch break, they are forced to clock out and then go through a security line that takes several minutes to get through. Because Defendant only provides 30 minutes for a lunch break, an employee is never able to receive a full 30 minutes for lunch between the sheer amount of time it takes to exit Defendant's facility and then after clocking out having to go through a mandatory security line.

Violations of California Labor Code § 226.7

As detailed above, due to the amount of time necessary to exit the Defendant's facility, non-exempt employees could not receive a full 10 minutes of rest per the California Labor Code due to the impediments of the security line.

Violations of California Labor Code § 510

As described above, to the extent that any time spent going through security lines was uncompensated and the non-exempt employee worked sufficient hours to qualify for overtime or double overtime, the Defendant is liable for overtime pay.

Violations of California Labor Code §§ 201-203

To the extent that Defendant above listed violations of California Law is demonstrated to have occurred as alleged, Defendant would be responsible for waiting time penalties for failure to pay former employees all wages they had earned before leaving Defendant.

Violations of California Labor Code § 226

To the extent that Defendant failed to pay non-exempt employees for all work performed, Defendant's wage statements would fail to comply with the California Labor Code.

Violation of California Business & Professions Code § 17200

Violations above are unlawful business practices that can be remedied by restitution and paying correct wages to Plaintiff and all other similarly aggrieved employees.

Therefore, on behalf of all aggrieved employees, Plaintiff seeks all applicable penalties related to these violations of the California Labor Code, according to PAGA.

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Thank you for your attention to this matter. If you have any questions, please contact me.

THE WESTRICK LAW FIRM, P.C.

Sincerely,

/s/ Shawn C. Westrick
Shawn C. Westrick

cc: Defendant, (via certified mail)