

June 4, 2020

ELECTRONICALLY FILED

Attn: PAGA Administrator
Labor and Workforce Development Agency
1515 Clay Street, Suite 801
Oakland, California 94612
PAGAFilings@dir.ca.gov

Re: Private Attorneys General Act of 2004 Notice

Employee: Harvey Wicker

Employer: Walmart, Inc. (d/b/a Walmart Fulfillment Center)

To Whom It May Concern:

We represent Harvey Wicker, a current employee of Walmart, Inc. (“Walmart”). We intend to file a Private Attorneys General Act (“PAGA”) complaint against Walmart on behalf of Harvey Wicker and all other similarly situated, current and former employees of Walmart’s Fulfillment Center located at 6750 Kimball Ave., Chino, California 91708, including but not limited to warehouse associates (the “Aggrieved Employees”). Pursuant to California Labor Code Section 2699.3, we hereby provide notice of our client’s intent to bring claims under California Labor Code Sections 2699(b) and (c), 6423 – 6436, and 6427-6428.

Walmart, Inc is a Delaware corporation registered to do business in California and has its principal executive office address in Bentonville, Arkansas. Pursuant to its website, Walmart, which is the largest brick-and-mortar retailer in the world, has become one of the fastest growing e-commerce organizations. To keep up with the demand of online orders, Walmart owns and operates Walmart Fulfillment Centers wholly dedicated to e-Commerce. Harvey Wicker and Aggrieved Employees are current and former employees of such a Walmart Fulfillment Center, located at 6750 Kimball Ave., Chino, California 91708. Harvey Wicker, an e-Commerce warehouse associate, has worked as a stock picker driver for Walmart since October 2017.

Harvey Wicker intends to file a complaint against Walmart on behalf of himself and other current and former Aggrieved Employees who performed work for the e-Commerce Walmart Fulfillment Center in Chino, California. Harvey Wicker alleges that Walmart willfully failed to furnish Aggrieved Employees a place of employment that is safe and healthful as required by California Labor Code Section 6400. Specifically, Walmart failed and neglected to: (a) provide and use safety devices and safeguards reasonably adequate to render the employment and place of employment safe; (b) To adopt and use methods and processes reasonably adequate to render the employment and place of employment safe; and (c) To do every other thing reasonably necessary



Attn: PAGA Administrator
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June 4, 2020
Page 2 of 3

to protect the life, safety, and health of employees as required by California Labor Code Section 6403. Walmart does not employ any and all practicable methods for mitigating or preventing the extreme dangers presented by the COVID-19 pandemic as required by California Labor Code 6306.

Walmart does not take measures to promote social distancing protocols, minimize Aggrieved Employees' exposure to the COVID-19 virus, or provide adequate personal protective equipment when such measures are insufficient to furnish Aggrieved Employees a place of employment that is safe and healthful. For example,

- Walmart does not reduce the volume of work, establish flexible work hours, or enforce the six-foot social distancing rules despite a construction crew working in the facility in addition to the full workforce;
- Walmart does not promote necessary personal hygiene, such as providing adequate access to alcohol-based hand wipes or sanitizer. Furthermore, during one eight-hour shift, Walmart shut off the water to the facility and required all employees to share fifteen portable toilets along with the construction crew with no access to soap and water;
- Walmart does not provide disinfectants or disposable towels to clean surfaces, equipment, or vehicles that are potentially infected with the virus;
- Walmart has not made any changes to the ventilation system or other systems affecting the airflow;
- Walmart did not timely provide its employees with adequate personal protective equipment, such as masks, and it still does not provide its employees with gloves;
- Walmart did not promptly inform its employees when three employees tested positive for COVID-19, nor did Walmart take any measures to disinfect the facility upon discovery of the potential exposure;
- Walmart did not timely take measures to sanitize common areas; and
- Walmart does not encourage workers to report any safety and health concerns.

Harvey Wicker intends to state causes of action pursuant to California Labor Code Sections 2699(b) and (c), for civil penalties for violating the various California Labor Code provisions enumerated above. Pursuant to California Labor Code Sections 6423 – 6436, and 6427-6428, Harvey Wicker seeks \$12,000 for each “minor” violation of the above-referenced health and safety provisions, and \$25,000 for each “serious” violation of the above-referenced health and safety provisions. Walmart, at all relevant times, was an employer who violated the rights of Harvey Wicker and other Aggrieved Employees by violating various sections of the California Labor Code as outlined in this letter. Walmart willfully and knowingly fails to provide Aggrieved Employees a place of employment that is safe and healthful as required by California Labor Code Sections 6400, 6403, and 6306, as described above.

Harvey Wicker is represented by Schneider Wallace Cottrell Konecky LLP (“SWCK”), a law firm based in Emeryville, California. SWCK has extensive experience in the successful litigation and resolution of employment and representative actions nationwide. A description of the work, mission, and credentials of the firms can be found at www.schneiderwallace.com.



Attn: PAGA Administrator
Labor and Workforce Development Agency
June 4, 2020
Page 3 of 3

Harvey Wicker and his counsel are committed to zealously pursuing redress on behalf of the State of California and all other similarly situated employees for the violations and civil penalties set forth above.

Sincerely,

SCHNEIDER WALLACE
COTTRELL KONECKY LLP

CAROLYN H. COTTRELL
Attorney at Law

CC via certified mail:
Walmart, Inc.
c/o C T Corporation System
818 West Seventh Street, Suite 930
Los Angeles, California 90017
Registered Agent for Walmart, Inc.