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June 3, 2020

VIA ELECTRONIC FILING

CALIFORNIA LABOR AND
WORKFORCE DEVELOPMENT AGENCY
Attn. PAGA Administrator
455 Golden Gate Avenue, 10th Floor
San Francisco, CA 94102

VIA U.S. CERTIFIED MAIL

Sunview Vineyards of California, Inc.
1998 Road 152
Delano, CA 93215

Sunview Vineyards of California, Inc.
31381 Pond Road
McFarland, CA 93250

**Re: Arturo Maldonado and Maria Paz Delgado's Notice of Claims/Labor Code
Private Attorneys General Act of 2004, California Labor Code §§ 2698, et seq.**

To the California Labor and Workforce Development Agency and Sunview Vineyards of California, Inc. ("Employer"):

WorkWorld Law Corp. represents Arturo Maldonado and Maria Paz Delgado, who intend to bring an action under the Private Attorneys General Act of 2004 ("PAGA"), Labor Code sections 2698, et seq., on behalf of themselves, approximately 2,000 similarly situated current and former aggrieved employees employed by Employer from June 3, 2019, through the conclusion of the action ("Statutory Period"), and the People of the State of California (hereinafter collectively "Employees").

PAGA, specifically Section 2699, subdivision (a) of the California Labor Code, permits an aggrieved employee to recover civil penalties set forth within the California Labor Code for violations of the California Labor Code. In addition, Section 2699(f) establishes civil penalties for violations of California Labor Code provisions that do not contain their own civil penalties. Employees intend to bring a civil action to recover civil penalties for the violations identified

below, including civil penalties pursuant to Section 2699, subdivision (f) as well as those civil penalties specifically set forth within the text of the California Labor Code. Those penalties are sought for violations committed against Employees of Employers.

* * *

Pursuant to Section 2699.3, the specific provisions of the California Labor Code alleged to have been violated, including the facts and theories to support the alleged violation, are as follows:

A. Failure to Pay Reporting Time Pay

“The maximum hours of work and the standard conditions of labor fixed by the commission [Industrial Welfare Commission] shall be the maximum hours of work and the standard conditions of labor for employees. The employment of any employee for longer hours than those fixed by the order or under conditions of labor prohibited by the order is unlawful.” Cal. Lab. Code, § 1198.

The conditions of labor under the applicable Industrial Welfare Commission order includes a requirement that Employer pay reporting time pay under certain circumstances. Each workday that an employee is required to report to the work site and does report, but is not put to work or is furnished less than half of his/her usual or scheduled day’s work, the employer shall pay him/her for half the usual or scheduled day’s work, but in no event for less than two (2) hours nor more than four (4) hours at the employee’s regular rate of pay, which shall not be less than the minimum wage.

Throughout the Statutory Period, Employer required Employees to report to work in the field at a time specified by Employer each morning where Employees, including Mr. Maldonado and Ms. Delgado, were assigned by Employer to work. Employees, including Mr. Maldonado and Ms. Delgado, did their part and reported to work as instructed each morning (in fact, Employer required Employees to report to work several minutes before their scheduled start time without pay or recording these pre-shift hours worked); however, Employer regularly advised Employees that there was no work for them to do upon reporting for work, and sent them home without pay. Although Employer’s labor needs were foreseeable, and Employer had the ability to provide reasonable notice to Employees prior to their scheduled shift time that there was no work for each day in the Statutory Period, Employer gave Employees neither notice nor reporting time pay as required by the applicable Industrial Welfare Commission order. For example, even if the Employer knew or should have known that rain was likely in the forecast, the Employer would nonetheless require Employees to report for work -- even if it was raining earlier that morning the same day. Worse yet, the Employer failed to pay reporting

time for such instances. Employer would send Employees home without paying them half of their usual or scheduled day's work (i.e., the maximum 4 hours required by the IWC order), in violation of Employer's legal duty. Employer is liable for civil penalties.

As a result of the Employer's foregoing acts and omissions, throughout the Statutory Period Employer also violated Labor Code sections 1174, 1197, 1198, 204, 204b, and 205.5 which required Employer to timely pay Employees the foregoing wages and record all hours worked; Employer also violated Labor Code section 226 by failing to accurately list all gross wages earned and net wages warned on Employees' wage statements at each time payment was due; for Employees who either were discharged or quit at any time during the Statutory Period, the failure to pay reporting time wages owed or waiting time wages also caused a derivative violation of Labor Code sections 201, 202, and 203. Employer is liable for additional civil penalties for violations of these additional Labor Code sections.

B. Failure to Pay at Least Minimum Wage for All Hours Worked During Rest Periods

Section 1197 provides that "[t]he minimum wage for employees fixed by the commission or by any applicable state or local law, is the minimum wage to be paid to employees, and the payment of a lower wage than the minimum so fixed is unlawful." "[O]n and after January 1, 2016, the minimum wage for all industries shall be not less than ten dollars (\$10) per hour." Cal. Lab. Code, § 1182.12, subd. (a). "[T]he minimum wage for all industries shall not be less than the amounts set forth in this subdivision (1) For any employer who employs 26 or more employees, the minimum wage shall be as follows: (A) From January 1, 2017, to December 31, 2017, inclusive,—ten dollars and fifty cents (\$10.50) per hour. (B) From January 1, 2018, to December 31, 2018, inclusive,—eleven dollars (\$11) per hour. (C) From January 1, 2019, to December 31, 2019, inclusive,—twelve dollars (\$12) per hour. (D) From January 1, 2020, to December 31, 2020, inclusive,—thirteen dollars (\$13) per hour." Cal. Lab. Code, § 1182.12, subd. (b).

Throughout the Statutory Period, Employer's policy and practices required Employees, including Mr. Maldonado and Ms. Delgado, to take two 15-minute rest breaks during their workdays; however, Employer paid them only approximately 10 minutes for these rest periods mandated by Employer where Employees were not free to leave the Employers' premises or otherwise free of the Employers' control. Because Employer required Employees to take 15-minute rest periods on the Employer's premises, during which they were subject to the Employer's control, Employer was required to pay Employees for the full 15 minutes of each rest period required by the Employer. Employer paid zero dollars for nonproductive time after 10 minutes during rest periods mandated by the Employer. Consequently, Employer violated the foregoing minimum wage laws.

As a result of the Employer's foregoing acts and omissions, throughout the Statutory Period Employer also violated Labor Code sections 1174, 1197, 1198, 204, 204b, 205.5, 226.2, and 226.7 which required Employer to record rest periods as hours worked and timely pay Employees the foregoing wages; Employer also violated Labor Code section 226 by failing to accurately list all hours worked, gross wages earned, and net wages warned on Employees' wage statements at each time payment was due; for Employees who were either discharged or quit at any time during the Statutory Period, the failure to pay minimum wages owed or waiting time wages also caused a derivative violation of Labor Code sections 201, 202, and 203. Employer is liable for additional civil penalties for violations of these additional Labor Code sections.

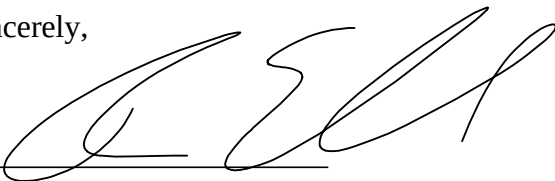
* * *

Mr. Maldonado and Ms. Delgado are also among the aggrieved employees on whose behalf Case No. LWDA-CM-487515-18 was filed by Juan Lopez. A copy of the claim is attached hereto and incorporated herein as is if fully set forth. Throughout the Statutory Period, Mr. Maldonado, Ms. Delgado, and all of the Employees on whose behalf this claim is filed experienced the same violations as Mr. Lopez based on the same facts and Labor Code sections identified in his claim.

* * *

Please do not hesitate to contact the undersigned if you would like to discuss this matter further.

Sincerely,

A handwritten signature in black ink, appearing to read 'Ruben Escobedo', written over a horizontal line.

Ruben Escobedo