

June 2, 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: Tommie Hunt

Employer: Walmart, Inc. and Wal-Mart Associates, Inc.

To Whom It May Concern:

We represent Tommie Hunt, who is current employee of Walmart, Inc. and Wal-Mart Associates, Inc. (“Defendants” or “Walmart”). We intend to file a Private Attorneys General Act (“PAGA”) complaint against Walmart on behalf of Ms. Hunt and all other similarly situated, hourly, non-exempt Walmart, Inc. employees in California (the “Aggrieved Employees”). Pursuant to California Labor Code § 2699.3, we hereby provide notice of our clients’ intent to bring claims under California Labor Code § 2699(a) and (f).

Ms. Hunt and Aggrieved Employees are current and former similarly situated, hourly, non-exempt employees of Defendants in California. Ms. Hunt intends to file a complaint against Walmart on behalf of herself and other current and former non-exempt employees of Defendants who have been denied payment for all hours worked, including time worked while off-the-clock. Ms. Hunt will pursue claims pursuant to § 1194 (failure to pay minimum wages), § 204 (failure to compensate for all hours worked), § 510 (failure to pay overtime wages); §§ 226 and 226.3 (failure to provide timely and compliant itemized wage statements), and California Business and Professions Code §§ 17200, *et seq.* (engaging in unfair business practices).

Ms. Hunt intends to state causes of action pursuant to California Labor Code §§ 2699(a) and (f) for civil penalties for violating the various California Labor Code provisions enumerated above. Pursuant to Section 2699(a), Ms. Hunt will seek civil penalties pursuant to each provision of the Code that provides for a civil penalty to be assessed and collected by the Labor and Workforce Development Agency or any of its departments, divisions, commissions, boards, agencies, or employees, including but not limited to those Labor Code provisions referenced above, as well as Sections 225.5, 226.3, and 558 of the California Labor Code. To the extent a provision of the Labor Code does not provide for a civil penalty, Ms. Hunt will seek civil penalties pursuant to California



Labor Code Section 2699(f). Defendants at all relevant times, are employers who violated the rights of Ms. Hunt and other Aggrieved Employees by violating various sections of the California Labor Code as outlined in this letter.

Walmart is a multi-national retail chain, with stores throughout California and the rest of the United States. Walmart, Inc. is a Delaware corporation, with its headquarters in Bentonville, Arkansas, and is licensed to do business in California. Wal-Mart Associates, Inc. is a Delaware corporation with its principal place of business located in Bentonville, Arkansas. As of January 1, 2020, Walmart has upwards of 310 retail locations, and over 91,938 employees or “associates,” in California alone.

Like the Aggrieved Employees, Ms. Hunt has worked for Walmart locations from approximately July 2005 through September 2019 at the Defendants’ Walmart store in Norwalk, California and from approximately September 2019 through the present at Defendants’ Walmart store in Cerritos, California. Ms. Hunt was paid at an hourly rate of \$16.25 per hour. While Ms. Hunt’s shifts varied in length, she worked approximately 8 to 10 hours per shift and typically worked five shifts per week. On average, Ms. Hunt worked 42 to 45 hours per week. Ms. Hunt observed other Aggrieved Employees work in excess of 8 hours in a day and/or 40 hours in a single workweek.

Walmart denied Ms. Hunt and the Aggrieved Employees proper compensation for all hours worked. Further, Ms. Hunt and Aggrieved Employees are not paid for all work after eight hours, even though they regularly work over eight hours per shift. Indeed, Ms. Hunt was regularly directed by Walmart to spend at least five minutes at the end of her shift, at both the Norwalk and Cerritos locations, going through a security check line while off-the-clock. This “security check” work goes unrecorded and uncompensated, even though it should be compensated at minimum wage and/or overtime rates under California law, giving rise to minimum wage and overtime violations. Upon information and belief, Walmart stores across California institute a similar off-the-clock “security check” policy that results in thousands of Aggrieved Employees performing services for the benefit of Defendants while off-the-clock.

Ms. Hunt 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. Ms. Hunt and her 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.



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Very Truly Yours,

SCHNEIDER WALLACE
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CC via certified mail:

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