

PAGA NOTICE

August 28, 2020

VIA CERTIFIED MAIL TO:

Ross Stores, Inc.
c/o C T Corporation System
Agent For Service Of Process For
Ross Stores, Inc.
818 West Seventh Street, Suite 930
Los Angeles, CA 90017

Ross Dress for Less, Inc.
c/o C T Corporation System
Agent For Service Of Process For
Ross Dress for Less, Inc.
818 West Seventh Street, Suite 930
Los Angeles, CA 90017

VIA ONLINE SUBMISSION TO:

**The State Of California,
Labor & Workforce Development Agency**

Current Website Address:

<http://www.dir.ca.gov/Private-Attorneys-General-Act/Private-Attorneys-General-Act.html>

Re: *Roxy Balderas v. Ross Stores, Inc. et al.*
PAGA Notice

Dear Employers And The LWDA:

Roxy Balderas ("Balderas") on behalf of herself and all other aggrieved employees, and through her undersigned representative, hereby provides notice pursuant to the California Private Attorneys General Act of 2004, Labor Code sections 2698 – 2699.5 ("PAGA"), of alleged violations of the California Labor Code committed by Ross Stores, Inc. and Ross Dress for Less, Inc. (collectively referred to herein as "Ross" or the "Company"). Pursuant to the requirements of PAGA, the Labor Code provisions allegedly violated, including the alleged facts and theories in support thereof, are set forth in the paragraphs below. All citations herein are to the California Labor Code as it is presently constituted. The Labor Code may be amended in one or more respects after the date of this PAGA Notice.

I. BACKGROUND

Ross operates retail clothing stores at various locations throughout the State of California. Balderas worked at a Ross store in Fountain Valley as a non-exempt hourly employee. During her employment at Ross, she worked in various positions throughout the store, including but not limited to cashier and fitting room attendant. Balderas requested and was denied seating despite the fact that the nature of the work reasonably permitted the use of seats. On information and

belief, Ross also did not provide seating to the Aggrieved Employees (defined herein) despite the fact that the nature of their work reasonably permitted the use of seats.

The PAGA group covered by this PAGA Notice includes all current and former non-exempt Ross employees who, at any time during the applicable limitations period, worked at any Ross location in California in a cashier or fitting room attendant position (collectively referred to as the "Aggrieved Employees").

II. LABOR CODE VIOLATIONS

The Company's failure to provide suitable seating to Balderas and the other Aggrieved Employees violated the suitable seating provision of the Industrial Welfare Commission ("IWC") Wage Orders. Section 14 of Wage Order 7 provides in relevant part: "All working employees shall be provided with suitable seats when the nature of the work reasonably permits the use of seats."

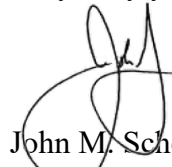
The Company's failure to provide suitable seating to Balderas and the other Aggrieved Employees also violated Labor Code section 1198, which provides in relevant part: "The employment of an employee . . . under conditions of labor prohibited by the order is unlawful." (See also *Home Depot U.S.A., Inc. v. Superior Court* (2010) 191 Cal.App.4th 210 [suitable seating violation actionable under PAGA as a violation of Labor Code section 1198].)

III. CIVIL PENALTIES SOUGHT

For the above-specified Labor Code violations, Balderas, on behalf of herself and all other Aggrieved Employees, seeks all available civil penalties against Ross that the law allows, including the default civil penalties provided by PAGA under Labor Code section 2699(f).

Balderas, on behalf of herself and all other Aggrieved Employees, also reserves the right to assert claims for Labor Code violations and associated civil penalties that are uncovered in the discovery process but which are presently unknown.

Very truly yours,



John M. Scheppach
Scheppach Bauer PC