

MALLISON & MARTINEZ
ATTORNEYS AT LAW
1939 HARRISON STREET, SUITE 730
OAKLAND, CA 94612
TELEPHONE: (510) 832-9999
FACSIMILE: (510) 832-1101

STAN S. MALLISON*
HECTOR R. MARTINEZ
NATALIA RAMIREZ LEE
LILIANA GARCIA
MATTHEW TURNBULL
JUAN GAMBOA
LEANNA SAC

*MEMBER OF CA, NV & OR BAR

VIA CERTIFIED U.S. MAIL

September 11, 2020

United Staffing Associates, LLC
Attn: William Hills, Agent for Service of Process
505 Higuera Street,
San Luis Obispo, CA 93401

Curation Foods, INC.
Attn: CSC – Lawyers Incorporating Service, Corporate Agent for Service of Process
2811 Airpark Dr.
Santa Maria, CA 93455

Curation Foods, INC.
Attn: CSC – Lawyers Incorporating Service, Corporate Agent for Service of Process
2710 Gateway Oaks Drive,
Suite 150N
Sacramento CA, 95833

RE: Labor Code §2699 Notice by Ana Basilio Cervantes

Dear PAGA Administrator and All Entities and Persons listed herein:

This constitutes statutory notice pursuant to Labor Code § 2699.3(a)(1) for purposes of bringing a claim under the Private Attorneys General Act, Cal. Labor Code § 2699, *et seq.* Please consider this a request for the California Labor & Workforce Development Agency (“LWDA” or “Agency”) to take action against UNITED STAFFING ASSOCIATES, LLC and CURATION

September 11, 2020

Letter to PAGA Administrator, UNITED STAFFING, LLC and CURATION FOODS HEALTH, INC., entities, managers and agents

Re: Labor Code §2699 Notice by Aggrieved Employee Ana Basilio Cervantes

Page 2 of 4

FOODS, INC., and/or their agents, managers and supervisors, for violations of the California Labor Code described below. I am writing on behalf of Ana Basilio Cervantes, an aggrieved employee represented by this law firm (hereinafter “Aggrieved Plaintiff”) who seek to assert a PAGA claim on behalf of the State of California and all other current or former employees who have been employed by UNITED STAFFING ASSOCIATES and CURATION FOODS in California.

PLEASE TAKE NOTICE THAT THIS IS ALSO A GENERAL LITIGATION PRESERVATION NOTICE to preserve all documents relating to all employees, including but not limited to all timekeeping and payroll records in paper form, native electronic form and any other format in which they are generated and maintained in the regular course of business; all databases and computer or electronic systems that are used for timekeeping and payroll; all records and evidence in any way related to the facts and claims asserted in this letter; all records and evidence in any way related to claims of Plaintiff, the state and other current or former employees under the California Labor Code Private Attorney General (including underlying Labor Code and IWC orders), the California Government Code, and the Equal Employment Opportunity Act. These documents include but are not limited to all schedules (both current and former) all timekeeping records, all rest and meal period records, all duty and responsibility records, all records of patients or the facilities which include employee signatures or initials, all payroll records, all state or federal withholding records, all personnel files and other employment records, all records concerning the payment or non-payment of wages, or provision or non-provision of state mandated labor code protections, as well as all documents pertaining to harassment or discrimination against employees, all communications relating to these records and documents, and all emails relating to these records and documents.

Further, pursuant to California Labor Code §§ 210, 558, 558.1, 1197.1, 2699(f) and other provisions of the Labor Code, please consider this a notice to UNITED STAFFING, LLC and CURATION FOODS owners, supervisors, managers, agents and all other person acting on behalf of UNITED STAFFING, LLC and CURATION FOODS and the employer who caused to be violated any provision of the California Labor Code or Wage Orders governing hours and days of work.

This investigation request and notice of California Labor Code violations concerns the systematic failure by UNITED STAFFING, LLC and CURATION FOODS to pay current and former California non-exempt employees in conformance with the California Labor Code and Wage Orders. At the core of UNITED STAFFING, LLC and CURATION FOODS’ violations are a policy of failing to provide second meal periods or pay premium wages in lieu thereof. As a result, Ana Basilio Cervantes was not paid premium wages for these missed second meal periods as was subsequently not reflected in her wage statements.

September 11, 2020

Letter to PAGA Administrator, UNITED STAFFING, LLC and CURATION FOODS HEALTH, INC., entities, managers and agents

Re: Labor Code §2699 Notice by Aggrieved Employee Ana Basilio Cervantes

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Liability under the Private Attorneys General Act (Cal. Labor Code §§ 2698 *et seq.*) (“PAGA”) may be based on a wide variety of Labor Code predicate provisions, including but not limited to §§ 201, 202, 203, 210, 216, 218, 218.6, 223, 225, 226, 226.7, 510, 512, 6400, 6401, 6401.7, 6402, 6403, 6404, 1174, 1175, 1194, 1194.2, 1197, 1197.1 1199 and 2673.1(a), IWC wage orders, 2699 *et seq.* and all of the provisions listed in Labor Code 2699.5 (including the penalty provisions related to these predicate provisions), among others. Any violation of these or any other Labor Code provisions serves as the basis for a PAGA claim by an aggrieved employee on behalf of themselves and other current and former employees and pursuant to the underlying PAGA.

In particular, the policies described above and the violations set forth below relate to all the non-exempt employees employed at UNITED STAFFING, LLC and CURATION FOODS locations and worksites in California, and include:

1. Failure to properly provide/authorize and permit a second meal breaks of thirty minutes after working 10 hours, to which employees are entitled, and failure to pay premium meal period wages in lieu of meal breaks, in violation of Cal. Labor Code §§ 512, 226.7, Wage Orders and California case law.

Specifically, Ana Basilio Cervantes was not provided with second meal periods or paid premium wages during her employment with UNITED STAFFING, LLC and CURATION FOODS

2. Failure to provide accurate wage statements. Employee wage statements failed to reflect premium wages owed in violation of §§226, 1174 and the Wage Orders.

Specifically, Ana Basilio Cervantes’ wage statements did not reflect premium payments for missed second meal periods.

3. Failure to provide wage statements with accurate information as to the following:
(1) gross wages earned and (3) net wages earned.

The above provisions do not include all of the derivative penalties associated with the above provisions, which are listed throughout the Labor Code and are PAGA penalties.

Aggrieved Plaintiff Ana Basilio Cervantes and employees who worked as a mechanical assistant for UNITED STAFFING, LLC and CURATION FOODS during the past year may be contacted

September 11, 2020

Letter to PAGA Administrator, UNITED STAFFING, LLC and CURATION FOODS HEALTH, INC., entities, managers and agents

Re: Labor Code §2699 Notice by Aggrieved Employee Ana Basilio Cervantes

Page 4 of 4

through our office: Mallison & Martinez, Attorneys at Law, 1939 Harrison Street, Suite 730, Oakland, California 94612.

If no action is taken within 65 days, we will assume that we may pursue this action under the theories described above against the Defendant described above and their managers, agents, owners and other liable persons and entities (pursuant to §210, 558, 1197.1, 2699(f) (and other provisions)).

Sincerely,

A handwritten signature in cursive script that reads "Juan Gamboa".

Juan Gamboa, Esq.

MALLISON & MARTIN

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Mallison & Martinez

Attorneys at Law

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Oakland CA 94612

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TO:

UNITED STAFFING ASSOCIATES, LLC

ATTN: WILLIAM HILLS, AGENT FOR

SERVICE OF PROCESS

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SAN LUIS OBISPO CA 93401-6107

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Attorneys at Law

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CURATION FOODS, INC.

ATTN: CSC - LAWYERS INCORPORATING

SERVICE, CORPORATE AGENT FOR SERVICE OF PROCESS

2710 GATEWAY OAKS DR

SACRAMENTO CA 95833-3505

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SANTA MARIA CA 93455-1417

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San Luis Obispo, CA 93401

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Santa Maria, CA 93455

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CSC - c/o Curation Foods, Inc.

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City, State, ZIP+4®

Sacramento, CA 95833

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