



GLEASON & FAVAROTE LLP

213.452.0510 Main
213.452.0514 Fax

4014 Long Beach Blvd., Suite 300
Long Beach, California 90807

gleasonfavarote.com

July 15, 2021

VIA ELECTRONIC SUBMISSION

Julie A. Su
Acting Secretary
California Labor & Workforce Development Agency
800 Capital Mall, MIC-55
Sacramento, CA 95814

Re: **Siemens Healthcare Diagnostics, Inc.**
PAGA Case No. LWDA-CM-815938-20 2nd Supplemental Notice

Dear Ms. Su:

I am writing again on behalf of aggrieved employee Veronica Graham (“Ms. Graham” or “Plaintiff”). This updated notice for PAGA Case No. LWDA-CM-815938-20 is being submitted as a supplement or follow-up to the original notice filed on December 18, 2020, and her first supplemental notice filed on April 14, 2021, on behalf of Ms. Graham and the other aggrieved employees who were employed by **Siemens Healthcare Diagnostics, Inc.** (“Siemens” or “Defendant”).

In light of the decision of the California Supreme Court in Ferra v. Loews Hollywood Hotel, LLC, (2021, S259172) Plaintiff is providing notice that all of Defendant’s California non-exempt employees, including but not limited to those who were misclassified during the PAGA liability period and including people who worked in positions like Mrs. Graham (account executives and sales employees), who should have received meal period and rest break premiums due to not being provided a legally sufficient meal period or rest break, or who did receive meal and rest break premiums which were not paid at the regular rate of pay/compensation (which includes all non-discretionary payments, such as bonuses and commissions, for work performed) (the “Aggrieved Employees”) were not properly compensated for legally insufficient or missing meal periods and rest breaks.

Defendant either failed to pay the Aggrieved Employees meal period or rest break premiums or failed to pay these meal period and rest break premiums at the regular rate of pay/compensation, and instead paid them at their straight time rate of pay/compensation. Plaintiff seeks to represent these Aggrieved Employees for Labor Code violations under Labor Code section 226.7, 512, 558 and 1198 and seeks to recover the accompanying civil penalties. Plaintiff believes that the Aggrieved Employees have not been provided with legally compliant meal periods and rest breaks due to intense work demands, lack of proper scheduling, and misclassification, as well as other issues which resulted in legally insufficient meal periods and

Julie A. Su
California Labor & Workforce Development Agency
Re: **Siemens Healthcare Diagnostic, Inc.**
July 15, 2021
Page 2 of 2

rest breaks and/or meal periods and rest break premiums being underpaid to the Aggrieved Employees. Additionally, those who did receive meal period and rest break premiums were not paid those premiums at the regular rate of pay/compensation as required by law.

Very truly yours,

GLEASON & FAVAROTE LLP

A handwritten signature in black ink, appearing to read 'TJF', with a long horizontal line extending to the right.

Torey Joseph Favarote

TJF/dd

cc: Siemens Healthcare Diagnostic, Inc.
CT Corp.
818 West Seventh Street, Suite 930
Los Angeles, California 90017
[certified mail]

Elizabeth Staggs-Wilson
Laura E. Schneider
James Payer
LITTLER MENDELSON, P.C.
633 W. 5th Street, 63rd Floor
Los Angeles, CA 90071
estaggs-wilson@littler.com
lschneider@littler.com
jpayer@littler.com