



Law Office of Calvin Chang

980 9th Street, Suite 1600
Sacramento, California 95814
916.538.0225
Calvin Chang
calvin@calvinchangelaw.com

December 15, 2020

NOTICE PURSUANT TO LABOR CODE SECTION 2699.3(a)

VIA ONLINE LWDA AND U.S. CERTIFIED MAIL

Labor & Workforce Development Agency
800 Capitol Mall, MIC-55
Sacramento, CA 95814

Re: Emily Poppe On Behalf of herself and others similarly situated v. Sprouts Farmers Market, Inc., et al.

To Whom It May Concern:

I represent Emily Poppe On Behalf of herself and others similarly situated v. Sprouts Farmers Market, Inc., et al. (“Poppe” “Plaintiff”) in her/their Labor Code Retaliation related claims (California Lab. Code §§ 1102.5, et seq.); against Sprouts Farmers Market, Inc..., (“defendant”, “the company”, “Sprouts”))

This letter is intended to comply with the requirements of Labor Code Section 2699 et seq, with respect to notice of violations of the Labor Code by Defendants. Unless/in addition to the Labor & Workforce Development agency proceeding against Defendant, my client, [REDACTED] [REDACTED] intends to pursue a civil action against Defendant pursuant to the Labor Code.

LABOR CODE SECTIONS BEING VIOLATED

I am informed and believe that Defendant has violated Labor Code Sections including but not limited to: California Lab. Code §§ 98.6, 226.7, 512, 1198; 226.7, 512, 1198, 204, 201-203,

SUMMARY OF FACTS GIVING RISE TO VIOLATIONS

In the beginning of October 2019, [REDACTED] Poppe when they found out she was single. Poppe [REDACTED], but it escalated when they found out she was newly single.

During another instance Poppe was in the back room breaking down pallets of products. Poppe had a jar of pickles that she was going to bring to the deli department. Poppe commented to [REDACTED], who was helping her throw the load that she loved pickles when [REDACTED] walked up. [REDACTED] Poppe was uncomfortable and did not respond. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Poppe was also approached by [REDACTED] (female) who told Poppe that [REDACTED] had a crush on Poppe and had been talking about her in his department. He also asked Poppe [REDACTED] [REDACTED] Those were not the only comments made to Poppe, these are just examples of what Poppe was frequently subjected to. [REDACTED] knew they were offensive and unwelcome because after making [REDACTED] he would recognize that he should not have made the comments - but continued to do so.

[REDACTED]

[REDACTED] (Dairy Department Manager) also started [REDACTED] Poppe around the beginning of November 2019. [REDACTED]

[REDACTED] [REDACTED] which Poppe did not respond to, because Poppe was extremely uncomfortable. [REDACTED]

[REDACTED]

[REDACTED] [REDACTED] asked Poppe to come to her house to smoke marijuana with her and her boyfriend. [REDACTED] also told Poppe a story in the scan office while they were the only two employees in the office about how she had an affair with a girl but insisted that she was not, “like that.” [REDACTED] would also find Poppe’s mother, [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED] responded by asking [REDACTED] if she realized Poppe was her daughter. [REDACTED] would either laugh or make another comment to [REDACTED] about how she wanted to, [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED] (Courtesy clerk).

On multiple occasions [REDACTED] would tell Poppe [REDACTED]. [REDACTED] would comment on how Poppe [REDACTED] [REDACTED] would tell Poppe [REDACTED] [REDACTED] also confronted Poppe's boyfriend [REDACTED] [REDACTED] would make the same comments to Poppe's mother, [REDACTED], who worked as a Deli Clerk. [REDACTED] Both [REDACTED] and Poppe [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Poppe, [REDACTED] felt that the situation was not handled appropriately so they again complained to [REDACTED] to take appropriate action. [REDACTED] [REDACTED] (Non-perishable manager) about the situation. In response to this disclosure, [REDACTED] walked over to [REDACTED] and Poppe. [REDACTED] was laughing and asking what happened. [REDACTED] [REDACTED]. In response, [REDACTED] just laughed; stating that [REDACTED] [REDACTED] Sprouts refused to take any action against [REDACTED]. Sprout did not call the police or report it. Instead, Sprouts permitted [REDACTED] to stay for the rest of his shift, walking by [REDACTED] and smiling at her frequently.

Because [REDACTED] Poppe observed that Sprouts refused to take necessary actions, they called HR to make a statement. On December 18, 2019, [REDACTED] made a report with the Vacaville Police Department, because no action had been taken against [REDACTED]. Poppe also made a police report on December 19, 2020. The police officer went to Sprouts to talk to the store manager [REDACTED] the same day after talking to [REDACTED].

On December 19, 2019, Poppe was called into the office to make another statement with the head of HR on the phone. Poppe did not include [REDACTED] actions in the second statement, as she was not comfortable doing so because [REDACTED] was alone in the office with her while she made her verbal statement. [REDACTED] typed out Poppe's written statement after Poppe was finished talking to [REDACTED] (HR).

After taking the actions to report the [REDACTED] [REDACTED], an email to management was intercepted by a coworker which, remarkably, alleged that Poppe, [REDACTED], [REDACTED] [REDACTED] (Bulk manager) would be disciplined [REDACTED] [REDACTED]. The company email also instructed all core managers were to stay away from the three female employees. Yet none of them had even spoken to [REDACTED] after the incident that Poppe is aware of. They were all extremely upset by the email. (It is believed that [REDACTED] was terminated about a week after the incident with [REDACTED]; but not until the police were called by [REDACTED] herself.)

[REDACTED] was treated extremely poorly from management after the incident; such as getting an excessive amount of write ups (which she signed none of because they were invalid), she was not allowed in the office, and not allowed to change her shifts around even though it is a common practice in the deli from the high amount of call outs. [REDACTED] was on a special work assignment for Assistant Deli Manager which means she was stepping up from her current role as Senior Deli Clerk to try out the position to see if it was a good fit for her. It had been going extremely well and she was told she would be in the ASDM position permanently. Despite the short-lived adjustment, a cashier, [REDACTED], was promoted into the Assistant deli manager role and another person, [REDACTED] was brought in as an outside hire to be a second Assistant deli manager. [REDACTED] was not told this was happening and was blindsided when they were promoted/hired on.

[REDACTED]

In or about mid-April 2020, [REDACTED] (Produce manager), [REDACTED] and Poppe were in the bulk room. [REDACTED] and Poppe have often acted humorously about being in each other's way. Poppe gave [REDACTED] the middle finger and he replied, [REDACTED]

a [REDACTED] The first time it was said, Poppe tried to laugh it off because there was nothing [REDACTED]. In the coming months [REDACTED] would say, [REDACTED] more frequently and unprovoked.

In the last couple months before Poppe left, [REDACTED] would come over to Poppe almost every day and say, [REDACTED] [REDACTED]. Poppe told him to stop multiple times, which he did not. Poppe stopped responding to him completely [REDACTED]

On Poppe's last day at Sprouts, she was in the office on a conference call with multiple coworkers. Poppe decided to sit on the floor almost under the desk away from everyone to try to respect the social distancing rules put in place by the company, but there was still five people in the office instead of the mandatory two at a time. [REDACTED] walked into the office asking [REDACTED] (non-perishable manager and Poppe's direct boss) if he could use the computer that was next to Poppe. [REDACTED] agreed and since there was no free chair, [REDACTED] kneeled down next to Poppe, [REDACTED] at Poppe. [REDACTED] saw the interaction and said, [REDACTED] left a few minutes later and Poppe believes no manager reported the incident.

[REDACTED] On or about the beginning of March 2020, Poppe was in the back room breaking down pallets. The room is a small space, but Poppe would be mindful of other departments using the walkway that was in front of the space she used to break down the grocery load. Poppe had her back turned to the walkway facing a pallet when [REDACTED]

[REDACTED] There was room enough for him to go around or he could have asked Poppe to move, which he did not. [REDACTED]

[REDACTED] On another occasion after the first incident Poppe was in the back room with [REDACTED] (vitamin department assistant manager). Poppe hid in a bay with a box over her head to try to scare [REDACTED]. Poppe gave up after a minute because she did not hear

[REDACTED] footsteps. [REDACTED] [REDACTED]
[REDACTED] [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED] [REDACTED] [REDACTED] [REDACTED]
[REDACTED]
[REDACTED]

[REDACTED] Manager [REDACTED] had
walked up while [REDACTED] Poppe and saw what had happened. After [REDACTED]
walked away [REDACTED] told Poppe he stepped back so Poppe did not think it had been him
[REDACTED] her because he knew it would make Poppe [REDACTED]
made him [REDACTED]

A few weeks after the previous incident Poppe witnessed [REDACTED]
[REDACTED] [REDACTED] [REDACTED]
[REDACTED] [REDACTED]. [REDACTED]
[REDACTED]

Poppe did not go back to management again about the additional incident because it was
the managers [REDACTED] and she knew that if I did, she would not be
protected by the company and would be retaliated against like the retaliation when she
[REDACTED] [REDACTED]

As time went on Poppe was getting physically ill with the stress and was unable to
sleep. Poppe stopped wearing makeup and wore her jacket to work in an attempt to cover up and
feel a bit safer. Her coworkers commented on the dark circles under her eyes and she was asked
daily if she was doing okay to which I replied she was, because there was no other option than to
be okay. Poppe took pride in her work. Poppe was planning on moving up in the company and
thought this was a company she could grow with, but it became clear with time that working
there was not a viable option due to the Company's disinterest in stopping [REDACTED]; [REDACTED]

[REDACTED]

Poppe was at her breaking point due to [REDACTED] she was dealing with daily and she observed retaliation and other employee lying about her and causing disfunction in her department, something that had never been an issue before. Poppe was [REDACTED]. She talked to her mother, [REDACTED] and let her know that she could no longer work there because she was [REDACTED] as time went on. Poppe decided to give management one last chance to rectify the situation. Poppe went to the office to talk to the manager on duty, [REDACTED] (perishable manager) and [REDACTED] went with her because she was terrified of having this conversation. [REDACTED] went into the office before her and let [REDACTED] know a little bit about what happened and also told him Poppe was being [REDACTED] and it needed to stop. [REDACTED] was a newer manager and Poppe had only had a couple of conversations with him, so Poppe was extremely nervous about her bringing that up to him.

[REDACTED] and Poppe were alone in the office and Poppe told him about what happened with [REDACTED] (informing Poppe that people were making false comments about Poppe) [REDACTED]. [REDACTED]' advice to Poppe was to let it go and not feed into people that gossip. Poppe let him know that it created an extremely hostile and uncomfortable environment for everyone involved. [REDACTED] let Poppe know she could make a statement. Poppe asked if anything would be done about this immediately, and he said they could make a statement today.

[REDACTED]

It was at that point Poppe broke down and started crying hysterically because she was so terrified about being retaliated against [REDACTED] her as well as management. The only name he was given at the time was [REDACTED], but Poppe was too scared to give any details.

[REDACTED]. It was at this point he realized he needed a third person in the room as a witness, so they brought [REDACTED] back in. [REDACTED] asked Poppe if she was comfortable with having her there, which she was.

[REDACTED]

██████████. ██████████ also let Poppe know that he would have to contact HR ██████████. Poppe still was not comfortable with telling him any more information due to the retaliation that would happen. ██████████ told Poppe she and her mother could take a day off if needed.

On August 17, 2020, Poppe was contacted around 9:00 a.m. by ██████████ (AC) who let Poppe know her check was ready to be picked up. She was uncomfortable going by herself, so ██████████ went with her. Upon entering the store ██████████ walked up to ██████████ and Poppe let them know the core managers and ██████████ were in the office having a meeting about her (Poppe). Poppe did not want to go to the office so ██████████ knocked on the door and asked for ██████████ who came out to get me Poppe her check. They walked to the AC office where she got her check and had me sign off saying she had received it. Poppe was hesitant to sign anything and ██████████ asked ██████████ what the signature was for. ██████████ replied that it was just confirming that she had come in to get her check. ██████████ asked if there was anything she had to read before signing and voiced her concerns about the amount of her final check being wrong. ██████████ got agitated stating the check was from HR, so it was correct. Her attitude took them off guard so Poppe quickly signed and they left. Poppe got in the car and took a closer look at the check realizing that her bonus was not included. While Poppe was looking over her check, ██████████ called ██████████ (store manager) and let him know that ██████████ was rude, and it was unacceptable. Poppe went back into the store to ask ██████████ about her bonus. ██████████ walked in after Poppe just in case she needed a witness. Poppe found ██████████ and asked her about the discrepancy in her final check due to the missing bonus. ██████████ was obviously irritated and told Poppe she did not know, and it might be direct deposited. Poppe also wanted to go over her vacation time and hours worked because it looked off to her. ██████████ glanced at it saying she did not know, and it was probably just taxes and that Poppe could contact HR if she had a problem.

Poppe confided to a friend what had happened and why she left Sprouts. That friend posted on Facebook that she would no longer be supporting Sprouts ██████████ and it has been reposted multiple times.

On August 18, 2020, [REDACTED] let Poppe know he had talked to a co-worker, [REDACTED] (Vitamin asst manager) and she asked him how he was doing to which he replied, not well [REDACTED], [REDACTED] are gone so not good. She told him that they did not want them there anyways. [REDACTED] asked her why she would say that [REDACTED]. She said she knew they did not write the post on Facebook, [REDACTED] [REDACTED] This is the type of attitude that Poppe would have had to deal with across the store if she would have continued working. [REDACTED] also let Poppe know that the store manager, [REDACTED] told the managers at a meeting that family was no longer allowed to work together, and family members would not be considered to hire.

On August 21, 2020, [REDACTED] called Poppe to let her know that her bonus check was ready to pick up. Poppe did not go to the store to pick the checkup. It was mailed to her and received on 8/26/2020.

[REDACTED] was too sick about everything that happened to go into work so she the store know she would not be in. [REDACTED] missed only three shifts because of the situation. On August 16, 2020, [REDACTED] she was going to be terminated.

On August 22, 2020, after learning that [REDACTED] had been terminated by Sprouts, Poppe received a call from an Arizona number which was [REDACTED] (HR) [REDACTED] [REDACTED] Poppe told her she was advised not to speak to her, and she asked me who advised me. Poppe told her my attorney and she immediately told me to have a nice day and before Poppe could say anything she hung up.

[REDACTED] was not contacted until August 22, 2020, a few hours after [REDACTED] had called Poppe. [REDACTED] she could come back to work on August 22, 2020.

As a result of the unlawful conduct of defendants, Complainant has suffered severe emotional distress, wage loss and loss of benefits, diminution of her lifetime pension benefits, damage to her career.

Legal Claims

These facts give rise to claims of violation of the California Fair Employment and Housing Act, California Lab. Code §§ 98.6, 226.7, 512, 1198; 226.7, 512, 1198, 204, 201-203, 226, 1102.5 et seq, 2699 et seq.); (Bus & Prof. Code § 17200, *et seq.*; Cal. Civil Code § 3336)), et seq.;).

The foregoing is not intended to be an exhaustive recitation of the facts.

We would appreciate hearing from the Labor & Workforce Development Agency at your earliest convenience.

Sincerely,

LAW OFFICE OF CALVIN CHANG



Calvin Chang, Esq., Attorney for Emily Poppe and
similarly situated individuals

PROOF OF SERVICE

I am a resident of the State of California, over eighteen years of age, and not a party to this action. My business address is Law Office of Calvin Chang, 980 – 9th Street, 16th Floor, Sacramento, California 95814

On the date set forth below, I served the within documents:

EMILY POPPE’S NOTICE PURSUANT TO LABOR CODE SECTION 2699.3(a)

U.S. CERTIFIED BY MAIL: by causing the document(s) listed above, in a sealed envelope with postage thereon fully prepaid, to be placed in the United States mail at Sacramento, CA, addressed as set forth below.

Ashley Petefish, Litigation Counsel Sprouts Farmers Market, Inc. 5455 E. High St., Suite 111 Phoenix, Arizona 85054	LWDA VIA ONLINE
--	--------------------

I declare that I am employed in the office of a member of the Bar of, or permitted to practice before, this Court, and declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on **December 15, 2020** at Sacramento, California.



Calvin Chang