

KINGSLEY & KINGSLEY, APC
ERIC B. KINGSLEY, Esq. (SBN 185123)
eric@kingsleykingsley.com
KELSEY M. SZAMET, Esq. (SBN 260264)
kelsey@kingsleykingsley.com
16133 Ventura Blvd., Suite 1200
Encino, CA 91436
Tel: (818) 990-8300, Fax (818) 990-2903

TOJARIEH LAW FIRM, PC
JOSEPH TOJARIEH, ESQ. (SBN-265492)
jft@tojariehlaw.com
10250 Constellation Boulevard, Suite 100
Los Angeles, California 90067
Tel: (310) 553-5533/Fax: (310) 553-5536

Attorneys for Plaintiff and all Aggrieved Employees

**SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF SONOMA**

JACK WILLIAMS, an individual, on behalf of
the State of California, as a private attorney
general,

PLAINTIFF,

v.

PACE SUPPLY CORP.; and DOES 1 thru 50,
inclusive,

DEFENDANTS.

CASE NO. SCV-268171

**REPRESENTATIVE ACTION
COMPLAINT:**

1. Penalties Pursuant to Labor Code § 2699, et seq. for violations of Labor Code §§226(a), 226.7 and 512

ELECTRONICALLY FILED
Superior Court of California
County of Sonoma
4/12/2021 10:01 AM

Arlene D. Junior, Clerk of the Court
By: Melisa Galindo Silva, Deputy Clerk

1 Plaintiff JACK WILLIAMS (“Plaintiff”), an individual, on behalf of himself and the
2 people of the State of California and as an “aggrieved employee” under the Labor Code Private
3 Attorneys General Act of 2004, §2699, et seq. (“PAGA”) complains against PACE SUPPLY
4 CORP. (“Defendant”), a corporation, and DOES 1 thru 50 (collectively “Defendants”), as follows:

5 **I.**

6 **GENERAL ALLEGATIONS**

7 1. This is a Representative Action, pursuant to Labor Code §2699 et seq., on behalf
8 of the following individuals:

9 a. All persons who are employed or have been employed as an
10 hourly employee by PACE SUPPLY CORP., in the State of
11 California who worked one or more pay periods with overtime since
12 one (1) year prior to the date of this letter and continuing to the
present. (“Total Hours Aggrieved Employees”).

13 b. All persons who are employed or have been employed as an
14 hourly employee by PACE SUPPLY CORP., in the State of
15 California who received a physical check since one (1) year prior to
the date of this letter and continuing to the present. (“Employer
Name Address Aggrieved Employees”).

16 c. All persons who are employed or have been employed as an
17 hourly employee by PACE SUPPLY CORP., in the State of
18 California who worked one or more pay periods with overtime since
19 one (1) year prior to the date of this letter and continuing to the
present. (“Rates Aggrieved Employees”).

20 d. All persons who are employed or have been employed as an
21 hourly employee by PACE SUPPLY CORP., in the State of
22 California who worked one or more shifts over five (5) hours, and/or
23 shift where meal period premium was paid since one (1) year prior
to the date of this letter and continuing to the present. (“Meal Break
Aggrieved Employees”).

24 2. For at least one (1) year prior to the date of the letter sent to the Labor & Workforce
25 Development Agency and Defendant giving notice of this claim pursuant to PAGA and continuing
26 to the present, Defendant has failed to properly comply with Labor Code §§226(a), 226.7, and 512.

27 3. Labor Code §226(a)(2) requires that every employer shall semimonthly or at the
28 time of each payment of wages, furnish each of his or her employees, an accurate itemized

1 statement in writing showing the total hours worked by the employee. Plaintiff and the Total
2 Hours Aggrieved Employees are issued wage statements that do not include the total hours worked
3 by the employee.

4 4. Labor Code §226(a)(8) requires, semimonthly or at the time of each payment of
5 wages, that every employer shall furnish each of his or her employees an accurate itemized
6 statement in writing showing the name and address of the legal entity that is the employer. Plaintiff
7 and the Employer Name Address Aggrieved Employees are issued wage statements that do not
8 include the name and address of the legal entity that is the employer.

9 5. Labor Code § 226(a)(9) requires, semimonthly or at the time of each payment of
10 wages, every employer to furnish his or her employees an accurate itemized wage statement in
11 writing showing all applicable hourly rates in effect during the pay period and the corresponding
12 number of hours worked at each hourly rate by the employee. Plaintiff and the Rates Aggrieved
13 Employees are issued wage statements that that do not show all applicable hourly rates in effect
14 during the pay period and the corresponding number of hours worked at each hourly rate.

15 6. Labor Code §§ 226.7 and 512 require an employer to pay an additional hour of
16 compensation for each meal period the employer fails to provide. Employees are entitled to a first
17 meal period of at least thirty (30) minutes for shifts over five (5) hours, to be provided within the
18 first five (5) hours of the shift. Pursuant to Labor Code § 226.7(c), if an employer fails to provide
19 an employee with a lawful meal period, the employer must pay the employee one (1) hour of pay
20 at the employee's regular rate of compensation for each workday that a thirty (30) minute
21 uninterrupted meal period was not provided, was not provided in full, or was not provided in a
22 timely manner. Defendant failed to apprise Plaintiff and the Meal Break Aggrieved Employees of
23 their rights associated with meal periods and failed to provide timely and compliant meal periods.
24 Defendant has had a consistent policy of failing to provide all legally required meal periods and
25 failing to pay such employees one (1) hour of pay at the employees' regular rate of compensation
26 for each workday that the first meal period was not provided within the first (5) hours of the shift.

27 7. Plaintiff, on behalf of himself and all aggrieved employees presently or formerly
28 employed by Defendant during the liability period, brings this representative action pursuant to

1 Labor Code §2699, et seq. seeking penalties for Defendant’s violation of Labor Code §§ 226(a),
2 226.7, and 512.

3 **II.**

4 **JURISDICTION & VENUE**

5 8. This Court has subject matter jurisdiction over any and all causes of action asserted
6 herein pursuant to Article VI, §10 of the California Constitution and California Code of Civil
7 Procedure §410.10 by virtue of the fact that this is a civil action in which the matter in controversy,
8 exclusive of interest, exceeds \$25,000, and because each cause of action asserted arises under the
9 laws of the State of California or is subject to adjudication in the courts of the State of California.

10 9. This Court has personal jurisdiction over Defendant because Defendant has caused
11 injuries in Sonoma County and the State of California through their acts, and by their violation of
12 the California Labor Code and California state common law.

13 10. At all times set forth herein, Defendant is and was, based upon information and
14 belief, a California corporation doing business in Sonoma County and in the State of California
15 with its California address at 6000 State Farm Dr Ste 200, Rohnert Park, CA 94927. At all relevant
16 times, Defendant employed Plaintiff in the State of California.

17 11. Venue as to each Defendant is proper in this judicial district, pursuant to Code of
18 Civil Procedure §395. Defendant operates within California and does business within the county
19 of Sonoma, California. The unlawful acts alleged herein have a direct effect on Plaintiff and all
20 “aggrieved employees” within the State of California and County of Sonoma.

21 **III.**

22 **PARTIES**

23 **A. Plaintiff**

24 12. Plaintiff JACK WILLIAMS is a resident of State of California. Plaintiff was
25 employed by Defendant as a non-exempt employee in California.

26 13. Upon information and belief, Plaintiff and all aggrieved employees are covered by
27 California Industrial Welfare Commission Occupational Wage Order No. 01 -2001 (Title 8 Cal.
28 Code of Regs. § 11010.)

1 14. Plaintiff and all current and former employees are aggrieved employees within the
2 meaning of Labor Code §2699, et seq. (See Labor Code §2699(c).)

3 **B. Defendants**

4 15. Defendant PACE SUPPLY CORP. is a California Corporation operating in
5 California including in the County of Sonoma. The Defendant's California address is 6000 State
6 Farm Dr Ste 200, Rohnert Park, CA 94927. Defendant employed Plaintiff and the other aggrieved
7 employees within California. Some of the violations alleged herein arose in the County of
8 Sonoma, California.

9 16. The true names and capacities, whether individual, corporate, associate, or
10 otherwise, of Defendants sued herein as DOES 1 thru 50, inclusive, are currently unknown to
11 Plaintiff, who therefore sues Defendants by such fictitious names under Code of Civil Procedure
12 §474. Plaintiff is informed and believes, and based thereon alleges, that each of the Defendants
13 designated herein as a DOE is legally responsible in some manner for the unlawful acts referred
14 to herein. Plaintiff will seek leave of court to amend this Complaint to reflect the true names and
15 capacities of the Defendants designated hereinafter as DOES when such identities become known.

16 17. Plaintiff is informed and believes, and based thereon alleges, that each of the
17 Defendants acted in all respects pertinent to this action as the agent of the other Defendants, carried
18 out a joint scheme, business plan or policy in all respects pertinent hereto, and the acts of each of
19 the Defendants are legally attributable to the other Defendants.

20 18. The Defendants named herein as DOES 1 thru 50 are and were persons acting on
21 behalf of, or acting jointly with, Defendants, who violated, or caused to be violated, one or more
22 provisions of the California Labor Code and public policy as alleged herein.

23 19. Furthermore, Defendants acted in all respects as the employers or joint employers
24 of aggrieved employees. Defendants, and each of them, exercised control over the wages, hours or
25 working conditions of aggrieved employees, or suffered or permitted the aggrieved employees to
26 work, or engaged, thereby creating a common law employment relationship, with the aggrieved
27 employees. Therefore, Defendants, and each of them, employed or jointly employed the aggrieved
28 employees.

1 **IV.**

2 **FACTUAL ALLEGATIONS COMMON TO ALL CAUSES OF ACTION**

3 20. Plaintiff and the aggrieved employees are, and at all times pertinent hereto, have
4 been classified as non-exempt employees.

5 21. Upon information and belief, Plaintiff and the aggrieved employees are covered by
6 California Industrial Welfare Commission Occupational Wage Order No. 01-2001 (Title 8 Cal.
7 Code of Regs. § 11010).

8 22. On a regular and consistent basis, for all aggrieved employees employed by
9 Defendant, Defendant has failed to comply with Labor Code §§ 226(a), 226.7, and 512.

10 23. Plaintiff and the Total Hours Aggrieved Employees are issued wage statements that
11 do not include the total hours worked by the employee.

12 24. Plaintiff and the Employer Name Address Aggrieved Employees are issued wage
13 statements that do not include the name and address of the legal entity that is the employer.

14 25. Plaintiff and the Rates Aggrieved Employees are issued wage statements that that
15 do not show all applicable hourly rates in effect during the pay period and the corresponding
16 number of hours worked at each hourly rate.

17 26. Defendant failed to apprise Plaintiff and the Meal Break Aggrieved Employees of
18 their rights associated with meal periods and failed to provide timely and compliant meal periods.
19 Defendant has had a consistent policy of failing to provide all legally required meal periods and
20 failing to pay such employees one (1) hour of pay at the employees' regular rate of compensation
21 for each workday that the first meal period was not provided within the first (5) hours of the shift.

22 ///

23 ///

1 V.

2 CAUSES OF ACTION

3 FIRST CAUSE OF ACTION

4 PLAINTIFF JACK WILLIAMS AND ALL AGGRIEVED EMPLOYEES AGAINST ALL
5 DEFENDANTS FOR PENALTIES PURSUANT TO LABOR CODE §2699, ET SEQ. FOR
6 VIOLATIONS OF LABOR CODE §§ 226(A), 226.7, AND 512

7 27. Plaintiff realleges and incorporates by reference all previous paragraphs.

8 28. For at least one (1) year prior to the date of the letter sent to the Labor & Workforce
9 Development Agency and Defendant giving notice of these PAGA claims and continuing to the
10 present, Defendant has issued wage statements that violate Labor Code §226(a) to Plaintiff and all
11 Total Hours Aggrieved Employees. Labor Code §226(a)(2) requires that every employer shall
12 semimonthly or at the time of each payment of wages, furnish each of his or her employees, an
13 accurate itemized statement in writing showing the total hours worked by the employee. Defendant
14 issues Plaintiff and Total Hours Aggrieved Employees wage statements that do not include the
15 total hours worked by the employee in violation of Labor Code §226(a)(2).

16 29. For at least one (1) year prior to the date of the letter sent to the Labor & Workforce
17 Development Agency and Defendant giving notice of these PAGA claims and continuing to the
18 present, Defendant has issued wage statements that violate Labor Code §226(a) to Plaintiff and all
19 Employer Name Address Aggrieved Employees. Labor Code §226(a)(8) requires that every
20 employer shall, semimonthly or at the time of each payment of wages, furnish each of his or her
21 employees, an accurate itemized statement in writing showing the name and address of the legal
22 entity that is the employer. Defendant issues Plaintiff and the Employer Name Address Aggrieved
23 Employees wage statements that do not include the name and address of the legal entity that is the
24 employer in violation of Labor Code §226(a)(8).

25 30. For at least one (1) year prior to the date of the letter sent to the Labor & Workforce
26 Development Agency and Defendant giving notice of these PAGA claims and continuing to the
27 present, Defendant has issued wage statements that violate Labor Code §226(a) to Plaintiff and
28 Rates Aggrieved Employees. Labor Code § 226(a)(9) requires that every employer shall,

1 semimonthly or at the time of each payment of wages, furnish each of his or her employees an
2 accurate itemized wage statement in writing showing all applicable hourly rates in effect during
3 the pay period and the corresponding number of hours worked at each hourly rate by the employee.
4 Defendant issues Plaintiff and all Rates Aggrieved Employees wage statements that do not show
5 all applicable hourly rates in effect during the pay period and the corresponding number of hours
6 worked at each hourly rate by the employee because the wage statements fail to include the
7 applicable regular, overtime rate, and double time rates and the number of hours worked at the
8 corresponding rate in violation of Labor Code §226(a)(9).

9 31. For at least one (1) year prior to the date of the letter sent to the Labor & Workforce
10 Development Agency and Defendant giving notice of these PAGA claims and continuing to the
11 present, Defendant has had a consistent policy of failing to provide legally-compliant meal periods
12 to Plaintiff and the all Meal Break Aggrieved Employees. Labor Code §§ 226.7 and 512 require
13 Defendant to provide a first meal period of at least thirty (30) minutes for shifts over five (5) hours,
14 to be provided within the first five (5) hours of the shift. Pursuant to Labor Code § 226.7(c), if an
15 employer fails to provide an employee with a lawful meal period, the employer must pay the
16 employee one (1) hour of pay at the employee's regular rate of compensation for each workday
17 that a thirty (30) minute uninterrupted meal period was not provided, was not provided in full, or
18 was not provided in a timely manner. Defendant failed to apprise Plaintiff and the Meal Break
19 Aggrieved Employees of their rights associated with meal periods and failed to provide timely
20 meal periods in violation of Labor Code § 512. Defendant has failed to pay such employees one
21 (1) hour of pay at the employees' regular rate of compensation for each workday that the first meal
22 period was not provided within the first (5) hours of the shift in violation of Labor Code § 226.7.

23 32. Defendant's violation of Labor Code Labor Code §§ 226(a), 226.7, and 512 was all
24 done on a regular and consistent basis.

25 33. As a result of the acts alleged above, Plaintiff seeks penalties under Labor Code
26 §2699, et seq. because of Defendant's violation of Labor Code §§ 226(a), 226.7, and 512.

27 34. Under Labor Code §§2699(f)(2) and 2699.5, for each such violation, Plaintiff and
28 all other aggrieved employees are entitled to penalties in an amount to be shown at the time of trial

subject to the following formula:

- a. \$100 for the initial violation per employee per pay period; and
- b. \$200 for each subsequent violation per employee per pay period.

35. These penalties will be allocated 75% to the Labor & Workforce Development Agency and 25% to the affected employees.

36. On February 4, 2020, Plaintiff electronically filed a PAGA Claim Notice to the LWDA, via the State of California Labor and Workforce Development Agency / Department of Industrial Relations website (<https://dir.tfaforms.net/308>) and mailed by certified mail, return receipt requested, to Defendant setting forth the specific facts and theories of the violations alleged against Defendants, as prescribed by Labor Code §2698 et seq. (Exhibit “1”.) On February 9, 2020, Defendant signed a certified mail return receipt verifying that it received Plaintiff’s letter. (Exhibit “2”.) Pursuant to Labor Code §2699.3(a)(2)(A), no notice was received by Plaintiff from the LWDA evidencing its intention to investigate within 65 calendar days of the postmark date of the notice. Therefore, Plaintiff is entitled to commence a civil action as though the LWDA has chosen not to investigate.

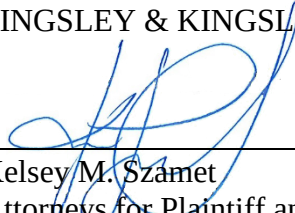
PRAYER FOR RELIEF

WHEREFORE, Plaintiff seeks judgment against PACE SUPPLY CORP. and DOES 1 thru 50, inclusive, and each of them, as follows for Plaintiff and all aggrieved employees:

- a. For penalties and other relief pursuant to Labor Code §2698 *et seq.* for Plaintiff and all other aggrieved employees.
- b. An award of prejudgment and post judgment interest;
- c. An award providing for payment of costs of suit;
- d. An award of attorneys’ fees; and
- e. Such other and further relief as this Court may deem proper and just.

DATED: April 12, 2021

KINGSLEY & KINGSLEY, APC

By: 

Kelsey M. Szamet
Attorneys for Plaintiff and all Aggrieved Employees

EXHIBIT "1"



State of California

Labor and Workforce Development Agency /
Department of Industrial Relations

Private Attorneys General Act (PAGA) – Filing

New PAGA Claim Notice

Your Information (Person Who is Filing)

Your First Name *

Kelsey

Your Last Name *

Szamet

Firm Name (if any) *

Kingsley & Kingsley

(Enter "in pro per" if you are representing yourself)

Your Email Address *

service@kingsleykingsley.

Your Street Name, Number and Suite/Apt *

16133 Ventura Blvd., Suite

Your Mobile Phone Number

8189908300

Your City *

Encino

Your Work Phone Number

Your State *

California

Your Zip/Postal Code *

91436

Plaintiff Information

Plaintiff/Aggrieved Employee Name *

JACK WILLIAMS

Plaintiff/Aggrieved Employee Occupation *

Hourly Employee

[Add Additional Plaintiffs](#)

Employer Information

Employer Entity Type

Corporation

Employer Name *

PACE SUPPLY CORP.

Maximum 80 Character Limit

Employer Street Name, Number and Suite/Apt

Employer City

Employer State



Employer Zip/Postal Code

Employer Industry *

**Add additional defendants**

- ☐ Add any entity other than an individual
- ☐ Add an individual/sole proprietor employer

Notice General Information

Estimated Number of Employees Impacted by Violations *

Notice Violations – Check All that Apply *

- ☐ Child Labor
- ☐ Misclassification Employee Classified as Contractor
- ☐ Misclassification NonExempt Classified as Exempt
- ☐ Minimum Wage
- ☐ Overtime
- ☐ Not paid for all hours worked
- ☐ Not paid wages due on termination
- ☐ Other Unpaid Wages
- ☐ Tips or Gratuities
- ☐ Payment or Reimbursement of Employee Expenses
- ☐ Improper Form of Payment Including NSF Checks
- ☐ Kickbacks
- ☒ Meal and Rest Breaks
- ☐ Sick Leave
- ☐ Lactation Accommodation (Labor Code 1030–1033)
- ☐ Not providing required time off, other
- ☐ Pay Discrimination on basis of sex, (Labor Code 1197.5)
- ☐ No Wage Statements
- ☒ Improper or Incomplete Wage Statements
- ☐ Other Notice or Posting or Recordkeeping
- ☐ Public Works (Labor Code 1720 – 1815)
- ☐ Apprenticeship (Labor Code 3070 – 3098)
- ☐ Occupational Safety and Health (Labor Code 6300 et seq)
- ☐ No Workers' Compensation
- ☐ Licensing, Registration, or Permit
- ☐ Unfair Immigration Activities
- ☐ Agricultural Labor Relations
- ☐ Industrial Homework
- ☐ Retaliation for Protected Status or Activity (Specify)
- ☐ Other

Child Labor – Specify Ages

PAGA Claim Type – Check All that Apply *

- ☒ Notice asserts one or more Labor Code violations listed in Labor Code 2699.5– not curable subject to 2699.3(a)
- ☐ Notice asserts one or more OSHA violations subject to requirements of 2699.3(b)
- ☒ Includes one or more violations not listed in Labor Code 2699.5 – curable subject to 2699.3(c)

Filing Fee

A filing fee of \$75 is required to file a new PAGA claim notice.

IFP

☐ I wish to claim In Forma Pauperis and am attaching a Confidential Request to Waive Court Fees (Judicial Council Court Form FW-001) or similar form to this submission.

Billing information

Billing First Name *

Eric

Billing Last Name *

Kingsley

Billing Email *

service@kingsleykingsley.

Billing Phone

8189908300

Billing Street Name, Number and Suite/Apt *

16133 Ventura Blvd., Suite 1200

Billing City *

Encino

Billing State *

California

Billing Zip/Postal Code *

91436

Credit Card Type *

Visa

Credit Card Number *

4246315244306526

CVV Number *

825

Credit Card Expiration Month *

07

mm

Credit Card Expiration Year *

2022

yyyy

Notice and Other Attachments

PAGA Claim Notice (must be a .pdf) *

Choose File

PAGA Letter- ...PLY CORP..pdf

Other Attachment - (if any) (must be a .pdf)

Choose File

No file chosen

[Add Another Attachment](#)

Should you have questions regarding this online form, please contact PAGAInfo@dir.ca.gov

IMPORTANT NOTICE OF REDACTION RESPONSIBILITY: All filers must redact: Social Security or taxpayer identification numbers; personal addresses, personal telephone numbers, personal email addresses, dates of birth; names of minor children; &

financial account numbers. This requirement applies to all documents, including attachments.

☒ I understand that, if I file, I must comply with the redaction rules consistent with this notice.

[Previous Page](#)[Submit](#)

Thank you. If you provided an email address with your submission, a confirmation regarding your submission will be emailed to you. Otherwise, you can search for the case to verify that your submission was properly received.

[Click Here](#) to Search Case

From: noreply@salesforce.com on behalf of [LWDA DO NOT REPLY](#)
To: [Service Email](#)
Subject: Thank you for submission of your PAGA Case.
Date: Thursday, February 4, 2021 1:52:26 PM

2/4/2021

LWDA Case No. LWDA-CM-820744-21
Law Firm : Kingsley & Kingsley
Plaintiff Name : JACK WILLIAMS
Employer: PACE SUPPLY CORP.
Filing Fee : \$75.00
IFP Claimed : No

Item submitted: Initial PAGA Notice

Thank you for your submission to the Labor and Workforce Development Agency. Please make a note of the LWDA Case No. above as you may need this number for future reference when filing any subsequent documents for this Case.

If you have questions or concerns regarding this submission or your case, please send an email to pagainfo@dir.ca.gov.

DIR PAGA Unit on behalf of
Labor and Workforce Development Agency

Website: http://labor.ca.gov/Private_Attorneys_General_Act.htm

From: noreply@salesforce.com on behalf of [LWDA DO NOT REPLY](#)
To: [Service Email](#)
Subject: State of California - Department of Industrial Relations Customer Receipt / Purchase Confirmation
Date: Thursday, February 4, 2021 1:52:40 PM

Thank you for your payment.

Order Information

Merchant: State of California - Department of Industrial Relations

Case Number: LWDA-CM-820744-21

Order Number: ORD-000095499

Total:\$75.00

Card Type: Visa

Date: 2/4/2021

Billing Information

Name: Eric Kingsley

Email: service@kingsleykingsley.com

Billing Address:

16133 Ventura Blvd., Suite 1200

Encino, California

91436

KINGSLEY & KINGSLEY

| L A W Y E R S |

February 4, 2021

LABOR & WORKFORCE DEVELOPMENT AGENCY
Attn. PAGA Administrator
1515 Clay Street, Ste. 801
Oakland, CA 94612

PACE SUPPLY CORP.
6000 State Farm Dr Ste 200
Rohnert Park, CA 94927

Re: JACK WILLIAMS v. PACE SUPPLY CORP.
California Labor Code § 2699 Penalties

Gentlepersons:

This office represents JACK WILLIAMS (“Plaintiff”) and a proposed group of current and former employees working for PACE SUPPLY CORP. (“Defendant”) in the State of California. The purpose of this letter is to comply with the Private Attorneys General Act of 2004, pursuant to California Labor Code § 2698, *et. seq.* We herein set forth the facts and theories of California Labor Code violations which we allege Defendant engaged in with respect to Plaintiff and all of Defendant’s aggrieved employees.

Plaintiff wishes to bring a representative action on behalf of himself and the State of California as well as on behalf of four groups of aggrieved employees defined as follows:

1. All persons who are employed or have been employed as an hourly employee by PACE SUPPLY CORP., in the State of California who worked one or more pay periods with overtime since one (1) year prior to the date of this letter and continuing to the present. (“Total Hours Aggrieved Employees”).
2. All persons who are employed or have been employed as an hourly employee by PACE SUPPLY CORP., in the State of California who received a physical paycheck since one (1) year prior to the date of this letter and continuing to the present. (“Employer Name and Address Aggrieved Employees”).
3. All persons who are employed or have been employed as an hourly employee by PACE SUPPLY CORP., in the State of California who worked one or more pay periods with overtime since one (1) year prior to the date of this letter and continuing to the present. (“Rates Aggrieved Employees”).
4. All persons who are employed or have been employed as an hourly employee by PACE SUPPLY CORP., in the State of California who worked one or more shifts over five (5) hours and/or shift where a meal period premium was paid since one

LABOR & WORKFORCE DEVELOPMENT AGENCY

California Labor Code §2699 Penalties

February 4, 2021

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(1) year prior to the date of this letter and continuing to the present. (“Meal Break Aggrieved Employees”).

Labor Code §226(a)(2) requires that every employer shall semimonthly or at the time of each payment of wages, furnish each of his or her employees, an accurate itemized statement in writing showing the total hours worked by the employee. Plaintiff and the Total Hours Aggrieved Employees are issued wage statements that do not include the total hours worked by the employee. As such, Plaintiff is an aggrieved employee within the meaning PAGA and Defendant has violated Labor Code §226(a) with respect to Plaintiff and Total Hours Aggrieved Employees.

Labor Code §226(a)(8) requires that every employer shall, semimonthly or at the time of each payment of wages, furnish each of his or her employees an accurate itemized wage statement in writing showing the name and address of the legal entity that is the employer. Plaintiff and the Employer Name and Address Aggrieved Employees are issued wage statements that do not include the name and address of the legal entity that is the employer. As such, Plaintiff is an aggrieved employee within the meaning PAGA and Defendant has violated Labor Code §226(a) with respect to Plaintiff and Employer Name and Address Aggrieved Employees.

Labor Code §226(a)(9) requires that every employer shall, semimonthly or at the time of each payment of wages, furnish each of his or her employees an accurate itemized wage statement in writing showing all applicable hourly rates in effect during the pay period and the corresponding number of hours worked at each hourly rate by the employee. Plaintiff and the Rates Aggrieved Employees are issued wage statements that do not include all applicable hourly rates in effect during the pay period and the corresponding number of hours worked at each hourly rate by the employee, in violation of Labor Code § 226(a)(9). As such, Plaintiff is an aggrieved employee within the meaning PAGA and Defendant has violated Labor Code §226(a) with respect to Plaintiff and Rates Aggrieved Employees.

Labor Code §§ 226.7 and 512 require an employer to pay an additional hour of compensation for each meal period the employer fails to provide. Employees are entitled to a first meal period of at least thirty (30) minutes for shifts over five (5) hours, to be provided within the first five (5) hours of the shift. Pursuant to Labor Code § 226.7(c), if an employer fails to provide an employee with a lawful meal period, the employer must pay the employee one (1) hour of pay at the employee’s regular rate of compensation for each workday that a thirty (30) minute uninterrupted meal period was not provided, was not provided in full, or was not provided in a timely manner.

Here, Defendant failed to apprise Plaintiff and the Meal Break Aggrieved Employees of their rights associated with meal periods and failed to provide timely and compliant meal periods. Defendant failed to pay such employees one (1) hour of pay at the employees’ regular rate of compensation for each workday that the first meal period was not provided within the first (5) hours of the shift.

LABOR & WORKFORCE DEVELOPMENT AGENCY

California Labor Code §2699 Penalties

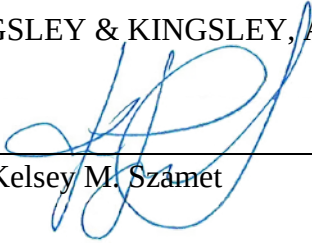
February 4, 2021

Page 3 of 3

We are constrained to move forward with the filing of this complaint alleging causes of action pursuant to Labor Code §§ 226(a), 226.7, and 512 with or without the PAGA claim. Thus, any action by the LWDA would not resolve the entirety of the case, and the interest of judicial economy will be served by allowing the case to proceed as a cohesive whole.

Very truly yours,

KINGSLEY & KINGSLEY, APC

By: 

Kelsey M. Szamet

KMS/jl

1. LWDA Letter filed via Electronic Submission: <https://dir.tfaforms.net/308>
2. PACE SUPPLY CORP. via USPS Certified Mail # 7018 1130 0001 5815 3950
3. Tojarieh Law Firm, PC, 10250 Constellation Blvd., Suite 100, Los Angeles, CA 90067

EXHIBIT "2"

USPS TRACKING#



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D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below ☒ No

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