



July 15, 2021

Via Online Filing

California Labor & Workforce
Development Agency
455 Golden Gate Avenue, 10th Floor
San Francisco, California 94102

Via USPS First Class Mail

Jeffrey Johnson, Manager
Interstate Restoration, LLC
6200 South Syracuse Way, Suite 230
Greenwood Village, Colorado 80111

Via USPS First Class Mail

Attn: Human Resources
Interstate Restoration, LLC
3401 Quorum Drive, Suite 300
Fort Worth, Texas 76137

Via USPS Certified Mail

CSC-Lawyers Incorporating Service
Registered Corporate Agent for
Interstate Restoration, LLC
2710 Gateway Oaks Drive, Suite 150N
Sacramento, California 95833

Re: Notice Pursuant to the Private Attorneys General Act, California Labor Code § 2699.3 (the "PAGA")

Dear Sir(s) and/or Madam:

Please be advised that representative Complainant, Michael "Mike" Keady ("Complainant") has retained Whitehead Employment Law to represent him and other similarly-situated current and former employees (collectively, the "Aggrieved Employees") of Interstate Restoration, LLC, a Texas corporation, duly registered with the California Secretary of State to conduct business in California, regarding claims of violation of the California Labor Code.

Interstate Restoration, LLC currently or formerly employed Complainant and other Aggrieved Employees, who work or have worked as an exempt, salary, and fulltime employees, including but not limited to directors, regional directors, managers, and business developers (the "Covered Positions"). This notice formally serves to inform Interstate Restoration, LLC of Complainant's intent to file a PAGA complaint against Interstate Restoration, LLC and bring causes of action for violations of the PAGA and for injunctive relief including, but not limited to claims for Interstate Restoration, LLC's failure to reimburse work-related expenses. As further detailed below, Interstate Restoration, LLC violated the provisions of California's Labor Code § 2802.

Complainant was formerly employed by Interstate Restoration, LLC from approximately October 22, 2020, to approximately January 21, 2021, as a full-time, salaried, exempt regional account manager and commercial business developer. Complainant generated commercial

business revenues in the Southern California Region and earned new organic account profits by building relationships with clients.

During the relevant statutory period, Complainant and the Aggrieved Employees were required to utilize their personal internet for work-related duties and functions. Complainant and the Aggrieved Employees used their personal internet to work remotely from home. Complainant and the Aggrieved Employees were required by Interstate Restoration, LLC to use their personal internet to be able to access their work email, and contact co-workers, clients, and supervisors in connection with the performance of their daily job requirements. Complainant and the Aggrieved Employees who worked remotely routinely utilized their personal internet during every shift to complete their expected job duties.

Personal internet was mandatory for employment with Interstate Restoration, LLC, as certain employees were required to work remotely while using systems provided by Interstate Restoration, LLC that required an internet connection. At no time have Interstate Restoration, LLC ever reimbursed Complainant or the Aggrieved Employees for the expenses they incurred in the utilization of their personal internet in the discharge of their work-related duties.

Complainant is informed and believes that the said violations are ongoing, systematic and uniform. Complainant intends to bring an action against Interstate Restoration, LLC under the PAGA to recover wages and penalties and for injunctive relief as provided by California law.¹

Failure To Reimburse Work-Related Expenses

Labor Code § 2802(a) provides, “*An employer shall indemnify his or her employee for all necessary expenditures or losses incurred by the employee in direct consequence of the discharge of his or her duties, or of his or her obedience to the directions of the employer, even though unlawful, unless the employee, at the time of obeying the directions, believed them to be unlawful.*”

As described above, during the relevant statutory period, Complainant and Aggrieved Employees daily utilize or utilized their personal internet to use Interstate Restoration, LLC’s systems and to check and respond to their work emails, in the course of work-related duties with

¹ Without limitation, Complainant, if permitted, will seek any and all penalties otherwise capable of being collected by the Labor & Workforce Development Agency (“LWDA”). This includes each of the following, as is set forth in Labor Code § 2699.5, which states:

The provisions of subdivision (a) of § 2699.3 apply to any alleged violation of the following provisions: subdivision (k) of Section 96, Sections 98.6, 201, 201.3, 201.5, 201.7, 202, 203, 203.1, 203.5, 204, 204a, 204b, 204.1, 204.2, 205, 205.5, 206, 206.5, 208, 209, and 212, subdivision (d) of Section 213, Sections 221, 222, 222.5, 223, and 224, paragraphs (1) to (5), inclusive, (7), and (9) of subdivision (a) of Section 226, Sections 226.7, 227, 227.3, 230, 230.1, 230.2, 230.3, 230.4, 230.7, 230.8, and 231, subdivision (c) of Section 232, subdivision (c) of Section 232.5, Sections 233, 234, 351, 353, and 403, subdivision (b) of Section 404, Sections 432.2, 432.5, 432.7, 435, 450, 510, 511, 512, 513, 551, 552, 601, 602, 603, 604, 750, 751.8, 800, 850, 851, 851.5, 852, 921, 922, 923, 970, 973, 976, 1021, 1021.5, 1025, 1026, 1101, 1102, 1102.5, and 1153, subdivisions (c) and (d) of Section 1174, Sections 1194, 1197, 1197.1, 1197.5, and 1198, subdivision (b) of Section 1198.3, Sections 1199, 1199.5, 1290, 1292, 1293, 1293.1, 1294, 1294.1, 1294.5, 1296, 1297, 1298, 1301, 1308, 1308.1, 1308.7, 1309, 1309.5, 1391, 1391.1, 1391.2, 1392, 1683, and 1695, subdivision (a) of Section 1695.5, Sections 1695.55, 1695.6, 1695.7, 1695.8, 1695.9, 1696, 1696.5, 1696.6, 1697.1, 1700.25, 1700.26, 1700.31, 1700.32, 1700.40, and 1700.47, Sections 1735, 1771, 1774, 1776, 1777.5, 1811, 1815, 2651, and 2673, subdivision (a) of Section 2673.1, Sections 2695.2, 2800, 2801, 2802, 2806, and 2810, subdivision (b) of Section 2929, and Sections 3073.6, 6310, 6311, and 6399.7.

no reimbursement from Interstate Restoration, LLC. Interstate Restoration, LLC violated Labor Code § 2802 and Complainant and the Aggrieved Employees seek reimbursement of these work-related expenses incurred, as well as their attorney's fees, penalties and interest thereon as permitted by § 2802.

Conclusion

In sum, as has been factually alleged, Interstate Restoration, LLC violated Labor Code § 2802. Complainant on his own behalf and on behalf of all similarly situated Aggrieved Employees, seeks to recover any and all applicable statutory penalties, and interest as provided by California law, as well as attorneys' fees and civil penalties as provided for under Labor Code § 2699.

Complainant requests the LWDA to investigate the above claims and to provide notice of the agency's intent to investigate under the PAGA's provisions. Alternatively, Complainant requests the agency please inform him if it does not intend to investigate these violations so that he may bring a civil action under the PAGA for the violations alleged herein.

Should you have any questions or comments regarding the foregoing, or any aspect of this matter, please do not hesitate to contact our offices.

Sincerely,

WHITEHEAD EMPLOYMENT LAW


Meghan N. Higday

MNH/ak