



September 28, 2021

**NOTICE OF INTENT TO COMMENCE CIVIL ACTION
PURSUANT TO LABOR CODE SECTION 2699**

California Labor and Workforce Development Agency
Attn: PAGA Administrator
455 Golden Gate Ave., 10th Floor
San Francisco CA 94102

Re: Jennifer Lund and Michelle Slane v. Itzuli Naiz, LLC, doing business as Pyrenees Café; Silver Fox Starlite Lounge, LLC; Rod Crawford; and Julie Crawford

Dear Sir or Madam:

Please be advised that McCormack Law Firm represents Jennifer Lund and Michelle Slane (hereinafter “Claimants”) in regard to their claims against their former employer Itzuli Naiz, LLC, doing business as Pyrenees Café; Silver Fox Starlite Lounge, LLC; Rod Crawford and Julie Crawford (hereinafter, collectively, “Respondents.”) Claimants worked as servers at both Pyrenees Café and Starlite Lounge, which are owned and operated by Rod and Julie Crawford. Claimants allege that all Respondents were their joint employers. Claimants are preparing to file a civil lawsuit against Respondents for violations of the Labor Code as described below.

Labor Code Violations

Ms. Lund and Ms. Slane worked as servers for Pyrenees Café since approximately 2014, and for Starlite Lounge since it opened in late 2016. During the entirety of Ms. Lund’s employment, Respondents paid her exclusively in cash. No taxes were withheld from her wages and she was not paid overtime compensation, regardless of the number of hours she worked. Respondents paid Ms. Slane by paycheck at Pyrenees Café, and in cash at Starlite Lounge. When she was paid in cash, no taxes were withheld from her wages. She was not paid overtime compensation, regardless of the number of hours she worked. In fact, many employees at Pyrenees Café and Starlite Lounge were paid in cash, and taxes were not withheld from their paychecks. Apparently, the owners used cash payments from customers to pay their employees, presumably

to avoid paying taxes. As Ms. Lund rents a house from the Crawfords, they offset rent payments against her wages in order to avoid paying even more taxes.

Pyrenees Café violated numerous Labor Code statutes by paying Ms. Slane, Ms. Lund and the other employees in cash, without withholding the required taxes, and not providing wage statements, in violation of Labor Code Sections 226 and 226.8. Ms. Lund and Ms. Slane suffered monetary losses by such conduct because Pyrenees Café did not pay their portion of self-employment taxes, including Medicare, Social Security, State Disability, and Unemployment Insurance. This results in a loss of those pre-paid taxes for every pay period that they worked without receiving a paycheck.

In addition, as non-exempt employees, Ms. Slane and Ms. Lund were entitled to overtime compensation, paid at time and one half for all hours worked in excess of eight hours per day and forty hours per week, and overtime compensation paid at double time for all hours worked over twelve per day. (*See IWC Wage Orders; Labor Code §§510 to 515.*) Respondents failed to pay them overtime compensation, despite a legal requirement to do so. As they often worked at both Pyrenees Café and Starlite Lounge on the same day or during the same week, they frequently worked more than eight hours per day and forty hours per week, yet they were paid straight time for all hours worked. Similarly, Respondents failed to pay many of their other employees overtime compensation.

Pursuant to Labor Code Section 203, Claimants and other employees are also owed waiting time penalties for Respondents' failure to pay them all overtime wages due at the time of their termination. Pursuant to Labor Code Section 226, et seq, they are owed penalties for Respondents' failure to provide them with accurate wage statements showing their total hours worked. In addition, they are owed attorney fees and costs pursuant to Labor Code Sections 218.5, 1194 and 2699(a). In addition, Respondents did not provide Claimants and other employees with uninterrupted meal breaks and rest breaks on every day that they worked, as required by California law.

Request for Action

Respondents violated Labor Code sections 201, 203, 204, 226.8, 510, 515, 558, 1194, 1194.2, 1197 and the IWC Wage Orders. By failing to provide appropriate meal and rest breaks, Respondents violated sections 226.7 and 512. By failing to provide accurate wage statements, Respondents violated sections 226 and 1174.

The Private Attorney General Act of 2004 ("PAGA") allows an aggrieved employee to file a private civil action to recover civil penalties against her employer on behalf of herself and other current or former employees, pursuant to the procedures in the Labor Code. (Section 2699(a).) As such, Ms. Lund and Ms. Slane intend to file a PAGA action against Respondents on behalf of all current and former employees whose were not paid properly, including all the employees who were paid cash and not provided with meal and rest breaks, wage statements and overtime compensation.

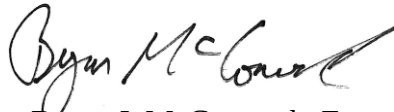
Please be advised that if the Labor and Workforce Development Agency does not take action on the allegations set forth in this letter within the time limit set by Labor Code section 2699.3, Claimants will pursue claims on behalf of themselves and all other non-exempt employees pursuant to the above referenced Labor Code violations and will seek civil penalties and other remedies set forth in these and other California Labor Code statutes.

Please advise this office within the statutory period if your office will be investigating these matters. Respondents may be contacted at the following addresses (to which copies of this letter are being sent via certified mail) listed below:

Rod and Julie Crawford
Itzuli Naiz, LLC and Silver Fox Starlite Lounge, LLC
601 Sumner Street
Bakersfield, CA 93305

If you have any questions, please contact me at the number or address provided above. Thank you for your attention to this matter.

Kindest Regards,

A handwritten signature in black ink, appearing to read "Bryan McCormack", with a stylized flourish at the end.

Bryan J. McCormack, Esq.