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November 22, 2021

VIA WRITTEN NOTICE ONLINE
CALIFORNIA LABOR & WORKFORCE
DEVELOPMENT AGENCY
800 CAPITOL MALL, MIC-55
SACRAMENTO, CA 95814

VIA CERTIFIED MAIL

UBER TECHNOLOGIES, INC.
c/o C T CORPORATION SYSTEM
AGENT FOR SERVICE OF PROCESS
ATTORNEY'S EYES ONLY
330 N BRAND BLVD.
GLENDALE, CA 91203

RASIER-CA, LLC
c/o C T CORPORATION SYSTEM
AGENT FOR SERVICE OF PROCESS
ATTORNEY'S EYES ONLY
330 N BRAND BLVD.
GLENDALE, CA 91203

RASIER, LLC
c/o C T CORPORATION SYSTEM
AGENT FOR SERVICE OF PROCESS
ATTORNEY'S EYES ONLY
330 N BRAND BLVD.
GLENDALE, CA 91203

Re: PAGA CLAIM NOTICE

*RUBEN BARRAGAN, et al. vs. UBER TECHNOLOGIES, INC.; RASIER, LLC;
RASIER-CA, LLC
Los Angeles Superior Court Case No. 21STCV29907*

Dear California Labor & Workforce Development Agency, and Uber Technologies, Inc.; Rasier, LLC; Rasier-CA, LLC:

Our firm represent Fidel Flores and Jorge Dominguez ("EMPLOYEES"). This letter serves as written notice by EMPLOYEES under Labor Code section 2699.3¹ ("PAGA Claim Notice"), to the California Labor & Workforce Development Agency, and to Uber Technologies, Inc.; Rasier, LLC; Rasier-CA, LLC, ("EMPLOYERS"), of the specific Labor Code violations, committed by EMPLOYERS and EMPLOYERS' AGENTS against EMPLOYEES and each current, former and future aggrieved employee of EMPLOYERS (collectively referred to as "AGGRIEVED EMPLOYEES," inclusive of EMPLOYEES), in California at any time since

¹ All "section" references are to the Labor Code unless otherwise stated.

three years prior to the date of this PAGA Claim Notice, for purposes of prosecuting a private enforcement action representative suit on behalf of EMPLOYEES and all other AGGRIEVED EMPLOYEES for the recovery of civil penalties from EMPLOYERS and EMPLOYERS' AGENTS for said PAGA claims after exhausting EMPLOYEES' administrative remedy under PAGA.

At all times relevant, EMPLOYERS employed EMPLOYEES and the other AGGRIEVED EMPLOYEES as employee drivers to transport passengers, for which EMPLOYERS paid EMPLOYEES and the rest of the AGGRIEVED EMPLOYEES by piece rate (i.e., by trip or mile). Fidel Flores was employed by EMPLOYERS from approximately 3/2017 to 6/20/2019 and 10/30/2021 to present; Jorge Dominguez was employed by EMPLOYERS from approximately 1/5/15 to 2/5/21.

At all times relevant, EMPLOYERS made unlawful deductions from EMPLOYEES' and the rest of the AGGRIEVED EMPLOYEES' remuneration and failed to reimburse them for business expenses including, but not limited to, vehicle use, fuel, mileage, etc.; failed to pay EMPLOYEES and the rest of the AGGRIEVED EMPLOYEES overtime compensation; failed to pay PLAINTIFFS and the rest of the class overtime compensation; failed to separately compensate PLAINTIFFS and the rest of the class for rest periods and nonproductive time (e.g., driving to a pick location, waiting time, etc.) separate from their piece rate compensation; failed to provide EMPLOYEES and the rest of the AGGRIEVED EMPLOYEES with required meal and rest periods; failed to pay EMPLOYEES and the rest of the AGGRIEVED EMPLOYEES who have separated from their employment with EMPLOYERS, all earned wages; and, failed to provide EMPLOYEES and the rest of the AGGRIEVED EMPLOYEES with accurate itemized wage statements by failing to include the information required by sections 226(a) and 226.2(a)(2).

At all times relevant to this PAGA Claim Notice, EMPLOYERS were subject to the Labor Code and the hours and working conditions of EMPLOYEES and other AGGRIEVED EMPLOYEES' employment with EMPLOYERS were governed and regulated by Industrial Welfare Commission Order No. 9-2001, 8 C.C.R. § 11090 ("WAGE ORDER 9"), Minimum Wage Orders and case law. The Labor Code and WAGE ORDER 9 violations alleged herein have been and continue to be committed by EMPLOYERS and EMPLOYERS' AGENTS on an entity-wide and ongoing basis.

EMPLOYERS' AGENTS are named in and being served with this PAGA Claim Notice, and are jointly and severally liable with EMPLOYERS, under the PAGA civil penalty and individual liability provisions of the sections 558 and 1197.1, which make clear that an individual can be subject to civil penalties under PAGA if he or she is a "person acting on behalf of an employer who violates, or causes to be violated" sections 510, 512 or 558 or any provision of the applicable wage order governing hours and working conditions (Lab. Code, § 558(a)); or a "person acting either individually or as an officer, agent, or employee of another person, who pays or causes to be paid to any employee a wage less than the minimum fixed by an applicable state or local law, or by an order of the commission. (Lab. Code, § 1197.1.)

Section 558 Penalties For Violations Of Section 510. At all times relevant, EMPLOYEES and the rest of the AGGRIEVED EMPLOYEES were employed as employees by EMPLOYERS

and during said employment they worked in excess of eight hours per workday and in excess of forty hours per workweek, for which EMPLOYERS did not pay EMPLOYEES and the rest of the AGGRIEVED EMPLOYEES the overtime compensation they were due pursuant section 510, which constitutes repeated and ongoing violations of section 510 committed by EMPLOYERS against EMPLOYEES and the rest of the AGGRIEVED EMPLOYEES. At all times relevant, each of the EMPLOYERS' AGENTS was one of the persons acting on behalf of one or more of the EMPLOYERS who caused said Defendant(s) to violate section 510 because, among other things, each of the EMPLOYERS' AGENTS was an individual acting on behalf said Defendant(s) who made the policies and decisions regarding overtime and the failure to pay overtime compensation EMPLOYEES and the rest of the AGGRIEVED EMPLOYEES. EMPLOYEES therefore seek and are entitled to recover civil penalties, in addition to an amount sufficient to recover underpaid wages, under section 558 from the EMPLOYERS and EMPLOYERS' AGENTS, jointly and severally, owed to EMPLOYEES and each of the other AGGRIEVED EMPLOYEES for each pay period EMPLOYERS and EMPLOYERS' AGENTS, and each of them, committed/commits a violation of section 510 against EMPLOYEES and/or any of the other AGGRIEVED EMPLOYEES, plus an award of reasonable attorney's fees and costs pursuant to section 2699(g)(1).

Section 558 Penalties For Violations Of Section 512. EMPLOYERS failed to provide EMPLOYEES and the other AGGRIEVED EMPLOYEES with meal periods required by section 512. At all times relevant, EMPLOYERS employed EMPLOYEES and the other AGGRIEVED EMPLOYEES for work periods of more than five hours per day without providing them with an off-duty, uninterrupted meal period of not less than 30 minutes, and for work periods of more than 10 hours per day without providing them with a second off-duty, uninterrupted meal period of not less than 30 minutes. At all times relevant, each of the EMPLOYERS' AGENTS was as a person acting on behalf of one or more of the EMPLOYERS who caused said Defendant(s) to violate section 512. EMPLOYEES therefore seek and are entitled to recover civil penalties, in addition to an amount sufficient to recover underpaid wages, under section 558 from the EMPLOYERS and EMPLOYERS' AGENTS, jointly and severally, owed to EMPLOYEES and each of the other AGGRIEVED EMPLOYEES, for each pay period EMPLOYERS and EMPLOYERS' AGENTS, and each of them, committed/commits a violation of section 512 against EMPLOYEES and/or any of the other AGGRIEVED EMPLOYEES, plus an award of reasonable attorney's fees and costs pursuant to section 2699(g)(1).

Section 558 Penalties For Violations Of Section 558 Predicated On Violations WAGE ORDER 9 §§ 3, 11 and 12. At all times relevant, EMPLOYERS failed to pay EMPLOYEES and the other AGGRIEVED EMPLOYEES overtime compensation required by WAGE ORDER 9 § 3 for the overtime hours they worked in excess of eight hours per workday and in excess of forty hours per workweek; failed to provide EMPLOYEES and the rest of the AGGRIEVED EMPLOYEES with meal and rest periods required by WAGE ORDER 9 § 11 without paying them an additional hour of wages, for each workday they worked more than 5 hours. EMPLOYERS aforementioned conduct constitutes repeated and ongoing violations of WAGE ORDER 9 §§ 3, 11 and 12, and, thereby, repeated and ongoing violations of section 558. At all times relevant, each of the EMPLOYERS' AGENTS was as a person acting on behalf of one of more of the EMPLOYERS who caused said Defendant(s) to violate WAGE ORDER 9 §§ 3, 11 and /or 12 and section 558 thereby. EMPLOYEES therefore seek and are entitled to recover civil penalties, in addition to an amount sufficient to recover underpaid wages, under section 558 from

the EMPLOYERS and EMPLOYERS' AGENTS, jointly and severally, owed to EMPLOYEES and each of the other AGGRIEVED EMPLOYEES, for each pay period EMPLOYERS and EMPLOYERS' AGENTS, and each of them, committed/commits a violation of WAGE ORDER 9 §§ 3, 11 and/or 12, and section 558 thereby, against EMPLOYEES and/or any of the other AGGRIEVED EMPLOYEES, plus an award of reasonable attorney's fees and costs pursuant to section 2699(g)(1).

Section 1197.1 Penalties For Violations Of Section 1197 And The Applicable Minimum Wage Order. At all times relevant, EMPLOYERS failed to pay EMPLOYEES and the other AGGRIEVED EMPLOYEES for rest periods and nonproductive time (e.g., driving to a pick location, waiting time, etc.) separate from their piece rate compensation, which constitutes repeated and ongoing violations of section 1197 and the applicable minimum wage order, for which PLAINTIFFS seek and is entitled to recover civil penalties, in addition to restitution of wages, liquidated damages payable to the employee, and any applicable penalties imposed pursuant to Section 203, under section 1197.1 from EMPLOYERS and EMPLOYERS' AGENTS, jointly and severally, owed to PLAINTIFFS and each of the other AGGRIEVED EMPLOYEES, for each pay period said Defendants, and each of them, committed/commits a violation of section 1197 or applicable minimum wage order, against PLAINTIFFS and/or any of the other AGGRIEVED EMPLOYEES, plus an award of reasonable attorney's fees and costs pursuant to section 2699(g)(1).

Section 226.3 Penalties for Violations of Sections 226 and 226.2. EMPLOYERS failed to provide EMPLOYEES and the other AGGRIEVED EMPLOYEES with accurate itemized wage statements in violation of Labor Code section 226(a) by failing to include the information required by sections 226(a) and 226.2(a)(2), including, but not limited to, total hours worked and applicable rates and required piece rate information, for which EMPLOYEES seek on behalf of EMPLOYEES and all other AGGRIEVED EMPLOYEES, and is entitled to recover, civil penalties from EMPLOYERS under section 226.3 for each pay period in which a violation occurred, plus an award of reasonable attorney fees and costs pursuant to Labor Code section 2699(g)(1).

Section 2699(f) Penalties for Violations of Section 2802. Defendants failed to reimburse EMPLOYEES and other AGGRIEVED EMPLOYEES for business expenses including, but not limited to, vehicle use, fuel, mileage, etc., for which EMPLOYEES seek and is entitled to recover on behalf of EMPLOYEES and all other AGGRIEVED EMPLOYEES, civil penalties from EMPLOYERS under Labor Code section 2699(f) for each pay period in which a violation occurred, plus an award of reasonable attorney fees and costs pursuant to Labor Code section 2699(g)(1).

Section 2699(f) Penalties For Violations Of Section 226.2. At all times relevant, Defendants failed to separately compensate EMPLOYER PAGA-DEFENDANTS failed to pay PLAINTIFFS and the other AGGRIEVED EMPLOYEES for rest periods and nonproductive time (e.g., driving to a pick location, waiting time, etc.) separate from their piece rate compensation, which constitutes repeated and ongoing violations of section 226.2, for which PLAINTIFFS seek and is entitled to recover on behalf of PLAINTIFFS and all other AGGRIEVED EMPLOYEES, civil penalties from EMPLOYER PAGA-DEFENDANTS under

Labor Code section 2699(f) for each pay period in which a violation occurred, plus an award of reasonable attorney fees and costs pursuant to Labor Code section 2699(g)(1).

Section 2699(f) Penalties For Violations Of Section 226.7. At all times relevant, EMPLOYERS violated section 226.7 by failing to provide EMPLOYEES and all other AGGRIEVED EMPLOYEES with meal and rest periods required by WAGE ORDER 9 §§ 11 and 12, as alleged above, for which the EMPLOYER PAGA-DEFENDANT failed to pay them an additional hour of wages for each meal and rest period that was not provided, as required by section 226.7, for which EMPLOYEES seek and is entitled to recover civil penalties from EMPLOYERS on behalf of EMPLOYEES and all other AGGRIEVED EMPLOYEES under section 2699(f) separately for each current, former and future employee for each pay period a violation of section 226.7 was/is committed, plus an award of reasonable attorney's fees and costs pursuant to section 2699(g)(1).

Section 2699(f) Penalties for Violations of Section 203. EMPLOYERS violated section 203 by failing to pay EMPLOYEES and the other AGGRIEVED EMPLOYEES who have separated from their employment with EMPLOYERS, all overtime compensation and premium wages for meal and rest periods that were not provide, that they were due which were not paid by EMPLOYERS after EMPLOYEES and said AGGRIEVED EMPLOYEES separated from their employment, and then failing to pay them the waiting time penalties they were and are owed under section 203, for which EMPLOYEES seek and is entitled to recover civil penalties from EMPLOYERS on behalf of EMPLOYEES and all other AGGRIEVED EMPLOYEES under section 2699(f) separately for each violation of section 203, for each pay period that Defendants committed said violations, plus an award of reasonable attorney's fees and costs pursuant to section 2699(g)(1).

Section 1198: "The maximum hours of work and the standard conditions of labor fixed by the commission shall be the maximum hours of work and the standard conditions of labor for employees. The employment of any employee for longer hours than those fixed by the order or under conditions of labor prohibited by the order is unlawful.

Labor Code Section 2699(f) Penalties for Violations of Section 1198. As alleged above, EMPLOYERS failed to pay EMPLOYEES and all other AGGRIEVED EMPLOYEES required overtime compensation and required meal and rest periods in violation of WAGE ORDER 9 §§ 3, 11 and 12, for which EMPLOYEES seek and is entitled to recover on behalf of EMPLOYEES and all other AGGRIEVED EMPLOYEES, civil penalties from EMPLOYERS under section 2699(f) for each pay period in which a violation occurred, plus an award of reasonable attorney fees and costs pursuant to Labor Code section 2699(g)(1).

Section 210 Penalties For Violations Of Sections 204 and 221. At all times relevant, EMPLOYER PAGA-DEFENDANT made deductions from EMPLOYEES and the other AGGRIEVED EMPLOYEES remuneration which were unlawful under sections 221 and 224, which include the deductions for use of a vehicle, which resulted in them not being paid their wages semimonthly, all of which constitutes repeated and ongoing violations of sections 204 and 221 by EMPLOYERS, for which EMPLOYEES seek and is entitled to recover civil penalties from EMPLOYERS on behalf of EMPLOYEES and all other AGGRIEVED EMPLOYEES under section 210 separately for each current, former and future employee for each pay period a

violation of section 204 and/or 221 was/is committed, plus an award of reasonable attorney's fees and costs pursuant to section 2699(g)(1).

Sincerely,

LAW OFFICES OF STEPHEN GLICK



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ATTORNEY'S EYES ONLY