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June 18, 2025

VIA ONLINE SUBMISSION

California Labor & Workforce Development Agency
ATTN: PAGA Administrator
(<https://dir.govfa.net/412>)

Subject: *Timothy Pryor v. Dollar Tree Stores, Inc., et al.*
LWDA Case No. LWDA-CM-1080215-25 – AMENDED NOTICE

Dear PAGA Administrator:

This office represents Timothy Pryor in connection with his claims under the California Labor Code, and this letter is sent in compliance with the notice requirements of the California Labor Code Private Attorneys General Act, California Labor Code section 2699.3. Mr. Pryor was an employee of DOLLAR TREE STORES, INC.; DOLLAR TREE MANAGEMENT, LLC; DOLLAR TREE DISTRIBUTION, INC.; and/or FAMILY DOLLAR STORES, LLC. For the purpose of this letter, Mr. Pryor collectively refers to these entities as “DOLLAR TREE.” We previously provided notice of Mr. Pryor’s claims to the California Labor and Workforce Development Agency (“LWDA”) on February 14, 2025, and submitted the applicable filing fee pursuant to Labor Code section 2699.3(a)(1)(B). This amended notice supplements Mr. Pryor’s prior LWDA notice and is intended to clarify the facts and theories supporting his claims.

The employers may be contacted directly at the addresses below:

DOLLAR TREE STORES, INC.
500 VOLVO PARKWAY
CHESAPEAKE, VA 23320

DOLLAR TREE MANAGEMENT, LLC
500 VOLVO PARKWAY
CHESAPEAKE, VA 23320

DOLLAR TREE DISTRIBUTION, INC.
500 VOLVO PARKWAY
CHESAPEAKE, VA 23320

FAMILY DOLLAR STORES, LLC
500 VOLVO PARKWAY
CHESAPEAKE, VA 23320

Mr. Pryor intends to seek civil penalties, attorneys’ fees, costs, and other available relief for violations of the California Labor Code, which are recoverable under sections 2698, *et seq.*, the Labor Code Private Attorneys General Act of 2004 (“PAGA”). Mr. Pryor seeks relief on behalf of himself, the State of California, and other persons who are or were employed by DOLLAR TREE as a non-exempt employee in a California retail store location (“aggrieved employees”). This letter is

sent in compliance with the notice and reporting requirements of California Labor Code section 2699.3.

DOLLAR TREE employed Mr. Pryor as a non-exempt employee from approximately November 2023 to January 2025. Mr. Pryor worked for DOLLAR TREE as a Cashier at its Dollar Tree store in Citrus Heights, California (7859 Lichen Drive, Citrus Heights, California 95621). Mr. Pryor typically worked four (4) to five (5) hours per day and five (5) days per week. Mr. Pryor's job duties included, without limitation, operating the cash register, handling customer transactions, providing customer service, and stocking shelves.

DOLLAR TREE committed each of the following Labor Code violations against Mr. Pryor, the facts and theories of which follow, making him an "aggrieved employee" pursuant to California Labor Code section 2699(c)(1).¹ Mr. Pryor's relevant claims are as follows:

DOLLAR TREE's Company-Wide and Uniform HR Practices

DOLLAR TREE STORES, INC. and DOLLAR TREE DISTRIBUTION, INC. are Virginia corporations. DOLLAR TREE MANAGEMENT, LLC is a Virginia limited liability company, and FAMILY DOLLAR STORES, LLC is a Delaware limited liability company. Together, they own and operate discount retail stores throughout the United States under the "Dollar Tree" and "Family Dollar" store brands. DOLLAR TREE operates approximately 16,526 retail locations in the United States, including approximately 880 locations in California.

Upon information and belief, DOLLAR TREE maintains a centralized Human Resources (HR) department at its corporate headquarters in Chesapeake, Virginia, for all non-exempt employees working for DOLLAR TREE at retail stores in California, including Mr. Pryor and other aggrieved employees. DOLLAR TREE maintained uniform practices with respect to its provision of seats (or lack thereof) in its retail stores for all non-exempt employees in California, including Mr. Pryor and other aggrieved employees, regardless of their location or position.

Violation of California Labor Code § 1198 and California Code of Regulations Title 8, Section 11070 Subdivision 14(A) – Failure to Provide Suitable Seating

California Labor Code section 1198 makes it illegal to employ an employee under conditions of labor that are prohibited by the applicable Industrial Welfare Commission ("IWC") Wage Order. California Labor Code section 1198 requires that "... the standard conditions of labor fixed by the commission shall be the ... standard conditions of labor for employees. The employment of any employee ... under conditions of labor prohibited by the order is unlawful." California Code of Regulations, Title 8, section 11070(14)(A) provides that "[a]ll working employees shall be provided with suitable seats when the nature of the work reasonably permits the use of seats."

¹ These facts, theories, and claims are based on Mr. Pryor's experience and counsel's review of those records currently available relating to Mr. Pryor's employment. Discovery conducted in litigation of wage and hour claims such as these often reveals additional claims that the aggrieved employee was not initially aware of (because the aggrieved employee was not aware of the law's requirements, the employer misinformed its employee of the law's requirements, or because the employer effectively hid the violations). Thus, Mr. Pryor reserves the right to supplement this letter with additional facts, theories, and claims if he becomes aware of them subsequent to the submission of this letter.

“The ‘nature of the work’ refers to an employee’s tasks performed at a given location for which a right to a suitable seat is claimed, rather than a ‘holistic’ consideration of the entire range of an employee’s duties anywhere on the jobsite during a complete shift. If the tasks being performed at a given location reasonably permit sitting, and provision of a seat would not interfere with performance of any other tasks that may require standing, a seat is called for.” *Kilby v. CVS Pharmacy, Inc.*, 368 P.3d 554, 558 (Cal. 2016). “Whether the nature of the work reasonably permits sitting is a question to be determined objectively based on the totality of the circumstances. An employer’s business judgment and the physical layout of the workplace are relevant but not dispositive factors. The inquiry focuses on the nature of the work, not an individual employee’s characteristics.” *Id.* The burden of proof to show suitable seating is not available is on the employer. *Id.* at 568. In other words, the employer must show that compliance is “infeasible because no suitable seating exists.” *See id.*

DOLLAR TREE’s California retail stores are generally similar in their layout and design and there was, and continues to be, space at cashwraps that could allow for the presence and use of a seat or stool by Mr. Pryor and other aggrieved employees during the performance of their work duties at these cashwraps. However, DOLLAR TREE designed its cashwraps to require Mr. Pryor and other aggrieved employees to stand while performing their cashwrap duties. DOLLAR TREE could have designed its cashwraps in a manner that allowed Mr. Pryor and other aggrieved employees to sit while performing cashwrap duties and could have placed suitable seats or stools at or near each cash wrap for use by Mr. Pryor and other aggrieved employees. Instead, DOLLAR TREE designed its cashwraps to require Mr. Pryor and other aggrieved employees to stand at the work area(s) and did not provide suitable seats or stools they could use while working at the cashwrap. In addition, DOLLAR TREE prohibited Mr. Pryor and other aggrieved employees from sitting while working, and DOLLAR TREE’s management failed to expressly advise Mr. Pryor and other aggrieved employees that they could utilize seats while performing their duties.

During his employment, Mr. Pryor performed cashiering duties at the cashwrap and spent a significant portion of his day behind the cashwrap. Other aggrieved employees similarly spent a portion of their day at cashwraps performing cash register duties. The nature of the work of an employee performing cashier duties can reasonably be accomplished from a seated position. Mr. Pryor and other aggrieved employees could have handled cash register transactions and performed other similar tasks at cashwraps at any of DOLLAR TREE’s retail stores while seated without affecting the quality and effectiveness of the performance of their job duties. However, as set forth herein, DOLLAR TREE systematically, and on a company-wide basis, designed cashwraps to require employees to stand while performing their cashier duties and did not provide suitable seats at cashwraps, forcing Mr. Pryor and other aggrieved employees to stand throughout their work shifts.

DOLLAR TREE violated California Labor Code section 1198 and California Code of Regulations, Title 8, section 11070(14)(A) because Mr. Pryor and other aggrieved employees were not allowed to sit, even when the nature of their work would reasonably permit the use of seats, nor were they provided with suitable seats. DOLLAR TREE’s management did not inform Mr. Pryor and other aggrieved employees that they were allowed to sit down, provide any means for them to sit down, or mention any policy regarding sitting. DOLLAR TREE’s failure to provide suitable seating to Mr. Pryor and other aggrieved employees violates California Labor Code section 1198 and IWC Wage Order No. 7-2001, subdivision 14(A).

Mr. Pryor and other aggrieved employees are entitled to recover civil penalties, attorneys’ fees, costs, and interest thereon, and seek injunctive relief to bring DOLLAR TREE into compliance with the

applicable IWC Wage Order and Labor Code section 1198, pursuant to Labor Code sections 1194.5 and/or 2699(a), (f), and (k).

Violation of California Labor Code § 1198 and California Code of Regulations Title 8, Section 11070 Subdivision 14(B) – Failure to Provide Suitable Seating

California Labor Code section 1198 makes it illegal to employ an employee under conditions of labor that are prohibited by the applicable IWC Wage Order. California Labor Code section 1198 requires that “. . . the standard conditions of labor fixed by the commission shall be the . . . standard conditions of labor for employees. The employment of any employee . . . under conditions of labor prohibited by the order is unlawful.” California Code of Regulations, Title 8, section 11070(14)(B) provides that “[w]hen employees are not engaged in the active duties of their employment and the nature of the work requires standing, an adequate number of suitable seats shall be placed in reasonable proximity to the work area and employees shall be permitted to use such seats when it does not interfere with the performance of their duties.”

The IWC states that subdivision 14(B) applies during “lulls in operation” when an employee, while still on the job, is not then actively engaged in any duties. *Kilby v. CVS Pharmacy, Inc.*, 368 P.3d 554, 565 (Cal. 2016), citing IWC, 1976 Wage Orders, Summary of Basic Provisions, Seats. When taken together, an employee is entitled to a seat under subdivision 14(A) if his or her actual tasks at a discrete location make seated work feasible, while working there. *Id.* However, if other job duties take the employee to a different location where he or she must perform tasks requiring standing, the employee would be entitled to a seat placed within reasonable proximity to their work area under subdivision 14(B) during “lulls in operation.” *Id.*

DOLLAR TREE has not placed an adequate number of suitable seats within reasonable proximity to the work areas of employees who perform duties whose nature require standing and therefore has not permitted employees to use those seats when not actively engaged in performing their standing duties (i.e., during “lulls in operations”), even though sitting would not interfere with the performance of their job duties.

During his employment, Mr. Pryor experienced lulls in his work at various times during a typical shift, especially when the store was not busy. During these lulls, when Mr. Pryor was not actively performing tasks (which, on information and belief, DOLLAR TREE would claim that the nature of the work requires standing), Mr. Pryor could have taken a moment to sit and rest his legs, back, and feet if seating was provided. DOLLAR TREE could provide Mr. Pryor and other aggrieved employees with a suitable seat or stool in its work areas but instead denies employees seating and forces Mr. Pryor and other aggrieved employees to stand throughout the day. Moreover, DOLLAR TREE did not inform Mr. Pryor and other aggrieved employees of their rights to a seat or stool under California law. DOLLAR TREE’s failure to provide suitable seating to Mr. Pryor and other aggrieved employees within reasonable proximity of their work areas and failure to permit them to use those seats when not actively engaged in what DOLLAR TREE claims are standing duties violates California Labor Code section 1198 and IWC Wage Order No. 7-2001, subdivision 14(B).

Mr. Pryor and other aggrieved employees are entitled to recover civil penalties, attorneys’ fees, costs, and interest thereon, and seek injunctive relief to bring DOLLAR TREE into compliance with the applicable IWC Wage Order and Labor Code section 1198, pursuant to Labor Code sections 1194.5 and/or 2699(a), (f), and (k).

Mr. Pryor, acting in the public interest as a private attorney general, seeks assessment and collection of civil penalties and injunctive relief for himself, all other aggrieved employees, and the State of California against DOLLAR TREE for violations of California Labor Code section 1198 and the applicable IWC Wage Order, pursuant to Labor Code sections 1194.5 and/or 2699(a), (f), and (k).

Therefore, on behalf of all aggrieved employees, Mr. Pryor seeks all applicable penalties related to these violations of the California Labor Code pursuant to PAGA.

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

Anthony Castillo
Capstone Law APC
1875 Century Park East, Suite 1000
Los Angeles, CA 90067
(310) 556-4811

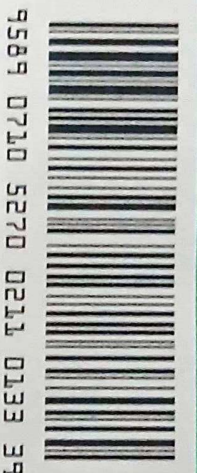
Best Regards,

A handwritten signature in black ink that reads "Anthony Castillo". The signature is stylized with a cursive script, featuring a large initial 'A' and a trailing flourish.

Anthony Castillo

Copy: DOLLAR TREE STORES, INC. (via U.S. Certified Mail); DOLLAR TREE MANAGEMENT, LLC (via U.S. Certified Mail); DOLLAR TREE DISTRIBUTION, INC. (via U.S. Certified Mail); FAMILY DOLLAR STORES, LLC (via U.S. Certified Mail); Tritia M. Murata, Kwan Park, Maya Harel, David Wright Tremaine LLP 350 South Grand Avenue, 27th Floor Los Angeles, CA 90071 (via U.S. Certified Mail)

Capstone Law, APC
1875 Century Park, East, 1000
Los Angeles, CA, 90067



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FAMILY DOLLAR STORES, LLC
500 VOLVO PARKWAY
CHESAPEAKE, VA 23320

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Tritia M. Murata, Kwan Park, Maya
Harel, David Wright Tremaine LLP
350 South Grand Avenue, 27th Floor
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Los Angeles, CA 90071



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