

LAW OFFICES OF
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May 22, 2024

**NOTICE OF LABOR CODE VIOLATIONS PURSUANT TO
LABOR CODE SECTION 2699.3**

To: California Labor and Workforce Development Agency
Attn. PAGA Administrator
1515 Clay Street, Suite 801
Oakland, California 94612
Via Online Submission Only

<u>MECHANICS BANK</u> Registered Agent for Process Service c/o Glenn Shrader 1111 Civic Drive, Suite 180 Walnut Creek, CA 94596 <u>Certified No.: 9589 0710 5270 0415 0366 39</u>	<u>MECHANICS BANK</u> Attn.: Legal Department 1111 Civic Dr. Suite 390 Walnut Creek, CA 94596 <u>Certified No.: 7022 3330 0002 1393 4079</u>
<u>MECHANICS BANK</u> Attn.: Legal Department 915 Highland Pointe Drive Roseville, CA 95678 <u>Certified No.: 9589 0710 5270 0415 0366 22</u>	

From: KATIE RICHARDSON, on behalf of herself and all other current and former aggrieved California-based employees of MECHANICS BANK.

c/o Joseph Lavi, Esq.
Vincent C. Granberry, Esq.
Jeffrey M. Schwartz, Esq.
Ashly Valenzuela, Esq.
LAVI & EBRAHIMIAN, LLP
8889 W. Olympic Boulevard, Suite 200
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Email: jlavi@lelawfirm.com
vgranberry@lelawfirm.com
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avalenzuela@lelawfirm.com

Our firm has been retained by aggrieved employee KATIE RICHARDSON concerning a representative action pursuant to the Private Attorneys General Act of 2004, Labor Code sections 2698, *et seq.* ("PAGA") against her employers, MECHANICS BANK.

We are filing this written notice with the Labor and Workforce Development Agency ("LWDA") pursuant to the provisions of the California Labor Code Sections 2699, 2699.3, and 2698, *et seq.* The purpose of this letter is to inquire whether LWDA intends to investigate and seek civil penalties associated with my client's allegations of violations of the Labor Code by her Employer. In addition to submitting this letter and the \$75.00 filing fee via the online PAGA filing system, I am causing a copy of this letter to be mailed to the Department of Industrial Relations – Accounting Unit.

FACTUAL STATEMENT AND THEORIES OF LABOR CODE VIOLATIONS

Aggrieved employee KATIE RICHARDSON ("Employee") was employed by MECHANICS BANK ("Defendants" or "Employers") as an employee from in or around January 2018 until on or about March 1, 2024.

1. *Failure to Indemnify Employees for Employment-Related Expenditures in Violation of Labor Code Section 2802*

Employees allege that during their employment, Employers failed to indemnify them and other current and former California-based employees for all necessary expenditures or losses incurred by them in the discharge of their duties. Labor Code section 2802(a) states, "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..."

Employees allege that during their employment, Employers failed to indemnify them and other current and former California-based employees for all necessary expenditures or losses incurred by them in the discharge of their duties due to Employers' policies, practices, and/or procedures including, but not limited to, requiring Employees and other current and former aggrieved California-based employees who work remotely to use or purchase their own tools and/or resources in order to work for Employers, including but not limited to their home internet service and cellular voice and data expenses (including both telephone use and cellular data use) for work-related purposes - without reimbursing Employees and other current and former aggrieved California-based employees for such use.

Employers' aforementioned policies, practices, and/or procedures resulted in Employees and other current and former aggrieved California-based employees not receiving indemnification for employment-related expenditures, in violation of Labor Code 2802.

Based on this violation, Employees will seek both restitution for themselves and other current and former aggrieved California-based employees for Employers' violations of Labor Code section 2802 and will seek civil penalties under PAGA, Labor Code sections 2698, *et seq.*,

on behalf of the LWDA against Employers if authorized to file a representative action on behalf of the State of California.

2. *Employer's Other Violations of the California Labor Code*

Finally, pursuant to *Huff v. Securitas Security Services USA, Inc.* (2018) 25 Cal.App.5th 745 (“*Huff*”), as an aggrieved employee, Employee has standing, and intends, on behalf of LWDA, to pursue civil penalties against Employer for any and all other Labor Code violations committed by Employer. In *Huff*, the California Court of Appeals held that an employee alleging a single violation of the Labor Code under PAGA may also bring PAGA claims against the employer for all other alleged Labor Code violations, even those suffered by other employees of the same employer. According to the *Huff* decision, Employee, as an “aggrieved” employee affected by at least one Labor Code violation may, and hereby does, pursue penalties on behalf of LWDA for unrelated Labor Code violations by Employer.

CONCLUSION

Our client intends to file a representative action pursuant to PAGA concerning her wage claims as warranted by Employer’s violations of Labor Code sections 223, 2802 and sections 3, 4, 11 and 12 of the applicable IWC Wage Orders. This letter is being sent to you as an inquiry into whether LWDA wishes to investigate my client's claims for civil penalties associated with Employer’s violations of the Labor Code, as alleged herein. Thank you for your assistance and cooperation in this matter. If you have any questions or concerns, please contact me at the above-listed information.

Very truly yours,
LAVI & EBRAHIMIAN, LLP

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

Ashly Valenzuela, Esq.

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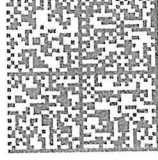
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RICHARDSON V. MECHANICS BANK
(PAGA)

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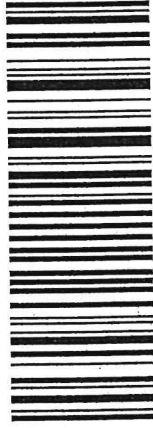
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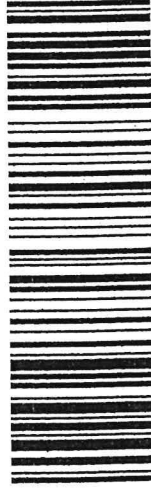
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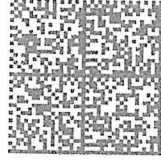
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