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6 Attorneys for Claimant
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8 **IN ARBITRATION BEFORE JAMS**
9
10 **EMPLOYMENT ARBITRATION**

11
12 ELIZABETH PEPITO, on behalf of the State of
California and Aggrieved Employees, as a private
13 attorney general,

14 Claimant,

15 vs.

16 DENTAL OFFICES OF DR. ROGER CHANG
17 AND THOMAS WONG, a partnership; ROGER
CHANG, an individual; THOMAS WONG, an
18 individual,

19
20 Respondent.

Case No.:

ARBITRATION CLAIMS:

**VIOLATION OF THE PRIVATE
ATTORNEYS GENERAL ACT (“PAGA”)
– LABOR CODE SECTION 2698 *ET SEQ.*
FOR VIOLATIONS OF LABOR CODE
SECTIONS 201, 202, 203, 204, 226(a), 226.3,
226.7, 226.8, 256, and 1197.1.**

21
22 Claimant Elizabeth Pepito, on behalf of the State of California, and as an aggrieved employee
23 pursuant to Labor Code Section 2698 et seq. (“PAGA”) alleges against the Dental offices of Dr. Roger
24 Chang and Dr. Thomas Wong, Roger Chang, Thomas Wong (collectively “Respondents”), and each
of them as follows:

25 **THE PARTIES**

26 1. At all times mentioned herein, Claimant Elizabeth Pepito is an individual residing in
27 Contra Costa County, California.
28

1 2. At all times mentioned herein, Respondent Dental Offices of Dr. Roger Chang and Dr.
2 Thomas Wong (“DOCW” or “Respondent”) is a California partnership doing business in Contra
3 Costa County, California with a principal business address of 1131 Newpark Mall, Newark, CA
4 94560.

5 3. At all times mentioned herein, Respondent Dr. Roger Chang (“Dr. Chang” or
6 “Respondent”) is an individual doing business in Contra Costa County, California, including at
7 dental offices located at 1003 Newpark Mall, Newark, CA 94560, 11040 Bollinger Canyon Road,
8 San Ramon, CA 94582, and 4101 Dublin Blvd., Dublin, CA 94568.

9 4. At all times mentioned herein, Respondent Dr. Thomas Wong (“Dr. Wong” or
10 “Respondent”) is an individual doing business in Contra Costa County, California, including at
11 dental offices located at 1003 Newpark Mall, Newark, CA 94560, 11040 Bollinger Canyon Road,
12 San Ramon, CA 94582, and 4101 Dublin Blvd., Dublin, CA 94568.

13 **PAGA EXHAUSTION**

14 5. Claimant met all jurisdictional requirements in order to exhaust administrative
15 remedies prior to filing her PAGA claim.

16 6. Specifically, she electronically filed a PAGA notice of her claims and theories of
17 Labor Code violations with the Labor and Workforce Development Agency (“LWDA”) at least 65
18 days prior to filing the instant action. The PAGA notice was filed with the LWDA, and provided to
19 Respondents’ counsel, on August 12, 2022. A copy of the PAGA notice was also mailed to
20 Respondents via Certified Mail on August 12, 2022.

21 7. The LWDA has not expressed interest in investigating the matter. Claimant seeks
22 PAGA remedies on behalf of all exempt or non-exempt employees of Respondents that were
23 subjected to at least the following Labor Code Section violations: Labor Code Sections 201, 202,
24 203, 204, 226(a), 226.3, 226.7, 226.8, 256, and 1197.1.

25 **VIOLATION OF THE PRIVATE ATTORNEYS GENERAL ACT (“PAGA”)**

26 **(Violation Labor Code Section 2698, *et seq.* California Private Attorneys General Act –**
27 **(“PAGA”)**
28

1 8. PAGA permits an “aggrieved employee” to bring a civil action on behalf of him or
2 herself and on behalf of all other aggrieved employees to recover civil penalties for an employer’s
3 violation of sections enumerated in Labor Code Section 2699.5 and 2699.3. An “aggrieved
4 employee” is defined in Labor Code Section 2699, subdivision (c), as “any person who was
5 employed by the alleged violator and against whom one or more of the alleged violations was
6 committed.”

7 9. Claimant and other aggrieved employees are “aggrieved employees” as defined by
8 California Labor Code Section 2699, subdivision (c) because they are all current or former
9 employees of Respondents and were subject to Respondents’ violations of various labor code
10 sections.

11 10. Claimant satisfied the requirements of Labor Code Section 2699.3(a)(1)(A) and
12 (a)(1)(B). Additionally, the LWDA provided no notice it was investigating the violations within 65
13 days of postmark date of the notice provided in Section 2699.3(a)(1)(A).

14 11. Claimant and other aggrieved employees were subject to violations of the following
15 Labor Code Sections, entitling them to penalties under PAGA: Labor Code Sections 201, 202, 203,
16 204, 226(a), 226.3, 226.7, 226.8, 256, and 1197.1. In particular, Respondents’ unlawful policies,
17 practice, and procedures comprising the violations include:

18 a. Respondents’ failure to provide Claimant and other non-exempt aggrieved
19 employees with meal and rest periods compliant with Labor Code Sections 226.7 and 512, or
20 pay premium rates for non-compliant or missed meal or rest breaks;

21 b. Respondents’ failure to pay Claimant and other non-exempt aggrieved
22 employees all wages due and earned during employment and at the time of their resignations
23 or termination in violation of Labor Code Sections 201, 202, 203, and 204;

24 c. Respondents’ failure to pay final pay Claimant and aggrieved employees at the
25 proper location and time in violation of Labor Code Section 208;

26 d. Respondents’ failure to provide complete and accurate wage statements at the
27 time of payment of wages to Claimant and the exempt and non-exempt aggrieved employees
28 in violation of Labor Code Section 226(a) and 226.3;

1 e. Respondents' failure to keep complete and accurate payroll records relating to
2 Claimant and other non-exempt aggrieved employees, in violation of Labor Code Section
3 1174 (d);

4 Accordingly, Claimant and the aggrieved employees are entitled to penalties against
5 Respondents under Labor Code Section 2699(f) as well as attorneys' fees and costs pursuant to Labor
6 Code Section 2699(g) and Code of Civil Procedure Section 1021.5.

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8 DATED: October 21, 2022

SHALCHI BURCH LLP

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10 By: /Ali Shalchi/
11 Ali Shalchi, Esq.
12 Attorneys for Claimant Elizabeth Pepito
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I am employed in the County of Orange, State of California. I am over the age of 18 and not a party to the within action; my business address is 23 Corporate Plaza, Suite 150, Newport Beach, California 92660.

On **October 21, 2022**, I served the foregoing document(s) described as **ARBITRATION CLAIMS** on the interested parties in this action by placing a true copy thereof enclosed in a sealed envelope addressed as set forth below:

Attorneys for Respondents Dental Offices of
Dr. Roger Chang and Dr. Thomas Wong,
Roger Chang, and Thomas Wong

[X] **BY EMAIL:** On October 21, 2022 I electronically served the above-described documents via electronic mail transmittal to the email addresses herein described.

Executed on **October 21, 2022**, at Newport Beach, California. I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

BY: /ali shalchi/
ALI SHALCHI