



April 17, 2025

VIA ONLINE SUBMISSION

California Labor and Workforce Development Agency
800 Capitol Mall, MIC-55
Sacramento, CA 95814

VIA CERTIFIED U.S. MAIL

Super Micro Computer, Inc.
980 Rock Avenue
San Jose, CA 95131

Re: PAGA Notice of California Labor Code Claims Against
Super Micro Computer, Inc.

Dear PAGA Administrator:

Shavitz Law Group, P.A. represents Eric Gonzalez, a former Inside Sales Representative employed by Super Micro Computer, Inc. ("Supermicro"). Mr. Gonzalez was employed by Supermicro in California as an Inside Sales Representative from approximately February 2023 through May 2024.

As set forth below, Mr. Gonzalez alleges that Supermicro failed to pay him and other similarly-situated, overtime wage exempt classified Inside Sales Representatives, however variously titled, including but not limited to Inside Sales Representatives, Account Managers, Sales Directors, and Sales Managers (collectively, "Aggrieved Employees") as required by California law. Specifically, Mr. Gonzalez alleges that Supermicro misclassified Aggrieved Employees as exempt and failed to pay Aggrieved Employees overtime for hours over 8 in a day or over 40 in a week, failed to provide them with legally compliant meal and rest breaks, failed to furnish them with accurate wage statements, and failed to pay them all earned wages timely and upon discharge.

Supermicro classifies Aggrieved Employees as exempt employees who are not entitled to overtime pay. However, Aggrieved Employees are primarily salespeople spending less than 50% of their time performing outside sales work, earn less than 50% of their pay from commissions, and to whom no exemption from California overtime laws applies. Aggrieved Employees regularly spend a significant amount of time beyond 40 hours per week and 8 hours per day completing their sales duties. Supermicro does not pay them for this overtime work. Additionally, Aggrieved Employees are not provided with *bona fide* meal breaks and legally complaint rest breaks despite entitlement to same, such that Aggrieved Employees regularly work through meal breaks and rest breaks.

This letter serves as notice of our intent to seek civil penalties pursuant to the Private Attorneys General Act ("PAGA"), Cal. Lab. Code §§ 2698 *et seq.*, on behalf of Mr. Gonzalez as well as all similarly-situated Aggrieved Employees who worked for Supermicro in the State of California at any time since April 17, 202. Mr. Gonzalez alleges that Supermicro violated numerous provisions of the California Labor Code, including, but not limited to: §§ 201-204, 210, 218.5, 226, 226.3, 226.7, 510, 512, 558, 1174, 1174.5, 1194, 1198, and provisions of the applicable Wage Order. Mr. Gonzalez will seek all applicable civil penalties on behalf of himself and all similarly-situated Aggrieved Employees, including but not limited to, penalties pursuant to the aforementioned statutes and the applicable Wage Order.

The facts and claims contained herein are based on the information available at the time of this writing. Therefore, if through further review or informal or formal discovery, Mr. Gonzalez becomes aware of additional compensation or penalties owed to him and other current or former Aggrieved Employees or of additional claims against Supermicro, he reserves the right to revise these facts and/or add any new claims by amending this letter.

Based on the foregoing, Mr. Gonzalez intends to file a civil action to pursue claims against Supermicro and to seek PAGA remedies for these violations. Mr. Gonzalez respectfully requests that the Labor & Workforce Development Agency notify him if it intends to investigate the above allegations pursuant to PAGA.

Thank you for your attention to this matter. Please direct all communications and correspondence to our office going forward. If you have any questions, please do not hesitate to contact us at 561-447-8888.

Very truly yours,

A handwritten signature in dark ink, appearing to read 'ALQ', is written over a light gray rectangular background.

Alan L. Quiles

cc: Michael D. Weil (via email)