

Supplemental Narrative: Interrelated Entity Violations and Systemic Conduct

Submitted by: Jason Dutch Foy

Re: **PAGA Claim and Related Proceedings**

Against: **Quorum Hotels & Resorts Ltd. (aka Quorum Hospitality), Kirkwood Collection, and Somera Capital Management**

I. Introduction

This supplemental narrative is submitted in support of the PAGA complaint and related legal proceedings initiated by Jason Dutch Foy, concerning systemic labor, wage, safety, and retaliatory violations committed by interconnected entities: **Quorum Hotels & Resorts Ltd. (also operating as Quorum Hospitality), Kirkwood Collection, and Somera Capital Management**. This statement documents operational structures and legal responsibilities that indicate a coordinated enterprise model affecting multiple properties in California.

II. Employment Scope and Assigned Properties

In October 2024, I was hired as **Rooms Division Manager** under the Kirkwood Collection brand. My official scope of responsibilities included **oversight and coordination of guest operations, staffing, and compliance across four active properties** in Palm Springs, California:

- **La Serena Villas**
- **Del Marcos Hotel**
- **The Three Fifty Hotel**

While nominally employed through the Kirkwood Collection, operational directives, payroll management, and policy enforcement were administered by **Quorum Hospitality**, acting as the managing operator. Somera Capital Management was involved as the asset holder and financial stakeholder.

III. Entity Overview and Operational Roles

A. Quorum Hotels & Resorts Ltd. (aka Quorum Hospitality)

Quorum is a national hotel management company serving as co-employer, HR administrator, and payroll processor. Quorum had full operational control over staff scheduling, wage policies, terminations, HR files, and reporting protocols. Quorum managers directly supervised on-site and regional management staff, including my own position.

B. Kirkwood Collection INC

Kirkwood functioned as the brand umbrella and held itself out as the primary employer to the public and staff. However, its managerial personnel often operated under policy and oversight dictated by Quorum. This includes timekeeping systems, documentation standards, and employment terminations.

C. Somera Capital Management LLC

Somera acted as financial owner/investor across the same properties. Its representatives communicated directly regarding performance, staffing, and operational concerns. Somera also received and discussed property-level HR matters and reports, and held decision-making power regarding employment structures.

IV. Collaborative Violations Across Entities

Systemic violations occurred as a result of unified direction and control among these three entities. These violations were not isolated to one location but spanned **La Serena Villas, Del Marcos Hotel, The Three Fifty Hotel**, as follows:

- **Wage theft and unpaid overtime** (Labor Code §§ 510, 1194)
- **Off-the-clock labor** for pre-opening, closing, or coverage tasks (Labor Code § 204)
- **Meal and rest period violations**, often without waiver documentation (Labor Code § 512)
- **Improper or incomplete wage statements** (Labor Code § 226)
- **Delayed final paychecks** and applicable penalties (Labor Code §§ 201–203)
- **Retaliation for protected reports** regarding payroll, ADA compliance, safety (Labor Code §§ 98.6, 1102.5)
- **Unsafe working conditions**, including failures under Cal/OSHA regulations (Labor Code § 6300 et seq)
- **Unlawful withholding of personnel and payroll records** (Labor Code §§ 432, 1198.5)

These violations were not isolated or incidental—they were structural, system-wide, and extended across multiple locations under common operational control.

V. Relevant Regulatory Agencies

Based on the scope and type of violations described, the following agencies are relevant and potentially have jurisdiction:

- **California Labor Commissioner (DLSE)** – wage and hour enforcement
- **California Division of Occupational Safety and Health (Cal/OSHA)** – workplace safety violations
- **California Civil Rights Department (CRD)** – retaliation, whistleblower retaliation
- **U.S. Department of Labor – Wage and Hour Division** – federal wage claims and co-employment liability

VI. Remedies Sought

Given the systemic, multi-property nature of the misconduct and the collaborative liability of the entities involved, I seek the following remedies:

- Civil penalties under PAGA for each affected employee and pay period
- Compensatory damages for unpaid wages, missed breaks, and waiting time penalties
- Mandatory injunctive relief, including audits and policy correction across all managed properties
- Recovery of attorney's fees and costs pursuant to applicable California Labor Code sections
- Restitution and damages for affected employees at all impacted locations under joint employer control

I am not seeking reinstatement. This complaint is brought for redress, accountability, and systemic correction—not for personal reemployment.

Respectfully,

Jason D Foy.