

FREIMAN LAW

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February 10, 2014

CERTIFIED MAIL – RETURN RECEIPT REQUESTED

Beverages & More, Inc.
c/o Denise M. Rowan
1401 Willow Pass Rd., Ste. 900
Concord, CA 94520

Marty Morgenstern
Secretary
Labor and Workforce Development Agency
801 K Street, Suite 2101
Sacramento, California 95814

RECEIVED**FEB 12 2014****RE: Brian Nicklaus v. Beverages & More, Inc.**

State of California
Labor & Workforce Development Agency

To Whom It May Concern:

Please be advised that this office represents Brian Nicklaus. Please take notice this letter is intended to exhaust the pre-litigation requirements set forth under California Labor Code §§ 2699, et seq. You are hereby put on notice of Nicklaus's claims for failure to provide meal and rest breaks pursuant to Labor Code §§ 226.7 and 512; and waiting time penalties pursuant to California Labor Code § 203 as well as California Labor Code § 204, 1194, 1194.2, 1197, 1198, 226, 201, 202, 226, and 227. You are required to provide a ten-minute rest period during each four-hour segment of work. Failure to do so entitles Nicklaus one (1) hour of wages for each day that he was denied at least one rest period. An employer may not employ an employee for a work period of more than five hours per day without providing the employee with a meal period of not less than 30 minutes. An employer may not employ an employee for a work period of more than 10 hours per day without providing the employee with a second meal period of not less than 30 minutes. See Labor Code § 226.7.

The above-mentioned entity violated these sections of the California Labor Code by not providing Nicklaus and other employees' meal/rest breaks and not paying Nicklaus and other employees meal/rest break premiums on days where they were not relieved for required breaks. These actions caused the employer's payroll records to be inaccurate and resulted in the failure to pay all wages due each pay period and upon termination.

By law, an employee alleging a violation of one of the above referenced sections must notify his or her employer and the Labor and Workforce Development Agency (LWDA) before he or she can invoke the provisions of § 2699, et seq., by seeking redress in court. (Labor Code § 2699.3(a)(1).) The LWDA must then notify the employer and the employee within 33 calendar days regarding whether it intends to investigate the alleged violation. (Labor Code § 2699.3(a)(2)(B).) If the LWDA advises it will not investigate, or if no notice is provided within 33 calendar days, the employee may file a lawsuit invoking the provisions under Labor Code § 2699. (Labor Code § 2699.3(a)(2)(A).) It is the intention of this office

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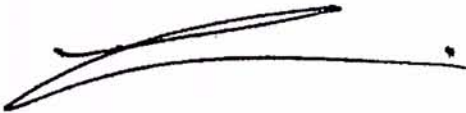
to file a civil complaint and to bring the appropriate claims under Labor Code § 2699 should your office not address these matters within this time.

Pursuant to the Cal. Lab. Code, Nicklaus requests all personnel records. The amended statute defines "personnel records" broadly to include all documents pertaining to "performance" and "any grievance concerning the employee." Pursuant to Cal Lab. Code section 432, Nicklaus requests all documents he has signed. This would include the complete document of any signature page from a policy, procedure, handbook or other agreement. Nicklaus also requests payroll records in accordance with Cal. Lab. Code Section 226. Please direct all correspondence in this matter directly to this office.

If you have any questions regarding any of the above, please feel free to contact me.

Best regards,

FREIMAN LAW

A handwritten signature in black ink, appearing to read 'Lawrence W. Freiman', with a long horizontal flourish extending to the right.

LAWRENCE W. FREIMAN, ESQ.

lawrence@freimanlaw.com

FREIMAN LAW
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Santa Monica, CA 90401

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