SULLIVAN & YAECKEL

LAW GROUP

A PROFESSIONAL CORPORATION

2330 THIRD AVENUE
SAN DIEGO, CALIFORNIA 92101

PHONE 619-702-6760
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June 30, 2025

Labor and Workforce Development Agency
Attn. PAGA Administrator

Submitted Via Online Filing

Re: **Magdalena De La Torre Escobedo v. Automobile Club Of Southern California; Auto Club Enterprises; and Auto Club of Southern Calif**

Our File No.: 7480

Dear Administrator:

Please allow this correspondence to serve as "written notice," as required by California Labor Code section 2699.3(a)(1), of the specific provisions of the California Labor Code believed to have been violated by Automobile Club Of Southern California; Auto Club Enterprises; and Auto Club of Southern Calif (hereinafter collectively referred to as "AAA") in the above referenced matter. This "written notice" is filed on behalf of Magdalena De La Torre Escobedo ("Ms. Escobedo") (hereinafter referred to as "Plaintiff") and all current and former non-exempt employees employed by AAA. Thank you for your assistance and instruction on this issue.

Please Note: In providing said notice, the Plaintiff intends to proceed in a "representative capacity only." The Plaintiff is not seeking any individual relief. This is consistent with recent California Court of Appeal precedent. See *Balderas v Fresh Start Harvesting, Inc.* (2024) 101 Cal.App.5th 533; *Rodriguez v. Packers Sanitation Services Ltd., LLC* (2025) 109 Cal.App.5th 69. However, the Plaintiff is also aware of a potentially conflicting Court of Appeal Opinion in *Leeper v. Shipt, Inc.* (2024) 107 Cal.App.5th 1001. The *Leeper* Court required a PAGA Plaintiff to proceed on a representative and individual basis. Accordingly, the Plaintiff has also provided notice herein of individual labor code violations experienced by the Plaintiff. The Plaintiff will pursue penalties for these individual violations only in the event that future precedent, or a ruling from the Court, requires that the Plaintiff proceed in an individual and representative basis.

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The specific provisions alleged to have been violated by AAA are as follows:

> CALIFORNIA LABOR CODE SECTIONS 204, 226, 226(a), 226.7, 227.3, 510, 511, 512, 1194, and 2802, as well as IWC Wage Order 4, codified as Title 8, California Code of Regulations, section 11040 *et seq*., or any other applicable wage orders.

Facts and theories supporting the allegations: Ms. Escobedo was employed as an employee for AAA from approximately March 2020 through the current date.

Throughout the term of the Plaintiff's employment, AAA required the Plaintiff and all other non-exempt employees to experience actions illegal under the California Labor Code, including the following:

Minimum Wage and Overtime Violations

- AAA failed to provide all compensation, including minimum wage and overtime compensation, as well as compensation for work performed inside of Meal and Rest Periods, to its employees in violation of, *inter alia*, Labor Code sections 204, 1194, 510, IWC Wage Order 4, and/or any other applicable wage orders. This illegal action is due, in part, to AAA's policies of **(1)** failing to properly retain accurate Time Records, in violation of California law, and **(2)** failing to provide compensation (including both minimum and overtime compensation) for all time worked by the employees, or in control of the employer. For instance, AAA would instruct Plaintiff to report scheduled (as opposed to *actual*) work hours, resulting in a loss of compensation. Additionally, AAA would often require Plaintiff to work extended hours (beyond scheduled hours), without compensation. Further, AAA would regularly contact Plaintiff outside of normal work hours (*i.e.*, "after hours" or during lunch) without compensation.

- Additionally, among other issues, AAA has notice of Plaintiff, and others, working outside of their scheduled and/or reported hours, as well as *within* Meal and Rest Periods, but fails to provide any compensation for this work-time. Plaintiff was frequently scheduled to be "On Call" outside of when her work shifts ended, but was never compensated for this time. Further, AAA failed to properly calculate and pay overtime at the actual overtime rate of pay, as AAA ignores certain compensation, including incentive pay, shift differentials, and other non-discretionary compensation, when calculating the Regular Rate of Pay.

Failure to Provide Compliant Meal Periods

- AAA failed to provide compliant Meal Periods or requisite Meal Period penalty payments, in violation of, *inter alia*, Labor Code sections 226.7, 512, and IWC Wage Order 4, and/or any other applicable wage orders. For example, AAA does not possess a legal Meal Period policy and makes no attempt to ensure that its employees are either timely or wholly provided Meal Periods. The employees would often either miss a Meal Period entirely, or be provided a short or untimely Meal Period. Whether or not an employee was provided a Meal Period was often contingent upon how busy the employees were on a given day.

- AAA would pressure its employees to either skip, or cut short, a Meal Period as employees were expected to respond to supervisors and/or customers at all times. AAA has never provided a compliant Meal Period penalty payment to any employee as to the above referenced issues. Finally, on the rare occasions when employees *were* paid Meal Period penalties (*i.e.* California Meal Period Premiums), such payments do not "cure" the stated Labor Code violation under section 226.7. The California Supreme Court held that "An employer's failure to provide an additional hour of pay does not form part of a section 226.7 violation, and an employer's provision of an additional hour of pay does not excuse a section 226.7 violation. The failure to provide required meal and rest breaks is what triggers a violation of section 226.7." *Kirby v. Immoos Fire Protection, Inc.* (2012) 53 Cal.4th 1244, 1256, italics added. Even more recently, a 2020 California Supreme Court ruling stated that, "The remedy for a Labor Code violation, through settlement or other means, is distinct from the fact of the violation itself. For example, employers can pay an additional hour of wages as a remedy for failing to provide meal and rest breaks. (§ 226.7, subd. (c).) But we have held that payment of this statutory remedy 'does not excuse a section 226.7 violation.'" *Kim v. Reins International California, Inc.*, (2020) 9 Cal.5th 73. To be clear, payment of a Meal Period penalty to employees does not rectify the violation, it is in fact an admission of a Labor Code violation. Finally, AAA failed to pay Meal Period Premiums at the proper rate, as AAA fails to either **(1)** pay a full hours worth of pay, or **(2)** properly calculate the regular rate of pay for purposes of determining the premium rate owed. *Ferra v. Loews Hollywood Hotel, LLC*, (2021) 11 Cal.5th 858.

- AAA required its employees to constantly monitor their cell phones and be "on-call" at all times, specifically during Meal Periods. On occasion, AAA would interrupt, or cut short, its employees' Meal Periods and require them to return to work.

- AAA illegally retained control over its employees during Meal Periods. For example, AAA required its employees to "remain on the premises," and to remain "On Call" (*i.e.* monitor their phones) at all times, including during Meal Periods.

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<u>Failure to Provide Compliant Rest Periods</u>

- AAA failed to provide compliant Rest Periods or requisite Rest Period penalty payments, in violation of, *inter alia*, Labor Code sections 226.7, 512, and IWC Wage Order 4, and/or any other applicable wage orders. For example, AAA does not possess a legal Rest Period policy, as its Rest Period policy lacks required language under California law. AAA makes no attempt to ensure that its employees are either timely or wholly provided Rest Periods. The employees would often either miss a Rest Period entirely, be provided a short or untimely Rest Period, or be provided only one Rest Period, even when they were working in excess of 6.5 hours a day. AAA would pressure its employees to either skip, or cut short, a Rest Period as employees were expected to respond to supervisors and/or customers at all times. AAA has never provided a compliant Rest Period penalty payment to any employee as to the above referenced issues. Finally, on the rare occasions in which AAA would provide a Rest Period penalty, it would pay said penalty at an improper (and *lesser*) rate, due to the failure to properly calculate the Regular Rate of Pay.

- AAA required its employees to constantly monitor their cell phones and be "on-call" at all times, specifically during Rest Periods. On occasion, AAA would interrupt, or cut short, its employees' Rest Periods and require them to return to work. Plaintiff was required to respond to supervisors and/or customers during Rest Periods.

- Finally, AAA illegally retained control over its employees during Rest Periods. For example, AAA required its employees to "remain on the premises," and to remain "On Call" (*i.e.* monitor their telephones) at all times, including during Rest Periods.

Wage Statement Violations

- AAA violated Labor Code section 226(a)**(2)** by failing to furnish an accurate showing of all hours worked at each hourly rate by the employee. Plaintiff and other employees were not compensated for all hours worked (due in part to AAA's requirement that employees list only *scheduled* work-times, not actual work-times.)

- AAA violated Labor Code section 226(a)**(5)** by failing to furnish an accurate showing of the net wages earned by its employees. For example, AAA **(a)** would not provide compensation for all hours and minutes worked, **(b)** would use an improper (and lesser) Overtime Rate of Pay, and **(c)** would fail to pay Meal and/or Rest Period penalties when due. Further, on the rare occasions in which AAA would provide a Meal or Rest Period penalty, it would pay said penalty at an improper (and lesser) rate, due to the failure to properly calculate the Regular Rate of Pay.

- AAA violated Labor Code section 226(a)**(8)** by failing to provide an accurate showing of the name and address of the legal entity that is the employer. For example, "Auto Club Of Southern Calif" is listed on Ms. Escobedo's Earnings

Statement as her employer, however, another entity "Automobile Club of Southern California" appears on Ms. Escobedo's 2024 W-2. (See **Exhibit A**). Additionally "Auto Club Of Southern Calif" does not appear on the California Secretary of State business search website.

- AAA violated Labor Code section 226(a)**(9)** by failing to furnish an <u>accurate</u> showing of all applicable hourly rates in effect during the pay period and the corresponding number of hours worked at each hourly rate by the employee. As one example, for the Pay Period beginning December 1, 2024, the AAA Wage Statement indicates Ms. Escobedo was paid for ".90" Overtime hours. (Please see **Exhibit B**). AAA does <u>not</u> explain how its system describes "time worked" on the Wage Statement itself. As such, Plaintiff cannot "readily ascertain" what these figures mean. This is because AAA is apparently using a time-calculating system other than "minutes," but without explanation to the employees within the wage statement. As minutes are measured on a scale of 1 through 60, it is not apparent what these figures (*i.e.* ".90") are meant to represent. Without an explanation for how these figures were arrived at, employees cannot "readily ascertain" their total hours worked. Therefore, AAA failed to provide an <u>accurate</u> showing of the "total hours worked" by its employees pursuant to section 226(a)(2), due to all the aforesaid reasons.

<u>**Failure to Provide Compliant Expense Reimbursement Payments**</u>

- AAA failed to provide compliant expense reimbursement payments in violation of, *inter alia*, Labor Code section 2802, by failing to provide payments for expenses incurred by Plaintiff and other non-exempt employees, including expenses for cell-phone costs. Ms. Escobedo was routinely contacted during and after scheduled work hours by AAA regarding work related matters on her personal cell phone. She never received a cell phone reimbursement.

<u>**Failure to Comply with Personnel File Request**</u>

- AAA failed to provide a copy of Ms. Escobedo's personnel files. On May 20, 2025 and June 18, 2025, our office on behalf of Ms. Escobedo made requests for her personnel files. (Please see **Exhibit C and D**). As of the current date it has been **41 days** since Ms. Escobedo has requested a copy of her personnel files. Accordingly, AAA is liable to Ms. Escobedo under Cal. Civ. Code section 1198.5.

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To confirm, AAA is a "person" as defined within California Labor Code section 18.

Again, thank you for your assistance and instruction throughout this matter. Should you have any questions or comments, please do not hesitate to contact the undersigned.

Very Truly Yours,

Cody D. Archer, Esq.

Courtesy Copy Via Certified U.S. Mail

CSC -Lawyers Incorporating Service
Agent of Service of Process for
Auto Club Enterprises
2710 Gateway Oaks Drive #150
Sacramento, CA 95833-3505

CSC -Lawyers Incorporating Service
Agent of Service of Process for
Automobile Club Of Southern California
2710 Gateway Oaks Drive #150
Sacramento, CA 95833-3505

Exhibit A

Company Information

Name	Address
Auto Club Of Southern Calif	3333 Fairview Rd Costa Mesa, CA 92626-1610 United States of America

Payslip Information

Name	Employee ID	Pay Period Begin	Pay Period End	Check Date	Check Number
Magdalena Escobedo	[redacted]	12/16/2024	12/31/2024	01/10/2025	

Current and YTD Totals

Balance Period	Hours Worked	Gross Pay	Pre-Tax Deductions	Employee Taxes	Post-Tax Deductions	Net Pay
Current	45.60	1,927.85	0.00	287.92	41.10	1,598.83
YTD	45.60	1,927.85	0.00	287.92	41.10	1,598.83

Earnings

Description	Dates	Hours	Rate	Amount	YTD Hours	YTD Amount
Monthly/Quarterly Incentive	11/01/2024 - 11/30/2024	0.00	0.00	350.00	0.00	350.00
Eligible Wrk Hours	12/29/2024 - 12/31/2024	1.00	24.30	24.30	1.00	24.30
Holiday	12/16/2024 - 12/31/2024	8.00	24.30	194.40	8.00	194.40
OT at straight time	12/22/2024 - 12/28/2024	0.416667	24.30	10.13		
OT at straight time	12/29/2024 - 12/31/2024	0.033334	24.30	0.81	0.450001	10.94
Regular Pay	12/22/2024 - 12/28/2024	29.033333	24.30	705.51		
Regular Pay	12/29/2024 - 12/31/2024	15.116666	24.30	367.33	44.149999	1,072.84
Vacation	12/16/2024 - 12/31/2024	8.00	24.30	194.40	8.00	194.40
Imputed GTL	12/16/2024 - 12/31/2024	0.00	0.00	11.18	0.00	11.18
Saturday Shift 60%	12/22/2024 - 12/28/2024	5.033333	24.30	73.39		
Saturday Shift 60%	12/29/2024 - 12/31/2024	0.00	24.30	0.00	5.033333	73.39
OT Premium at .5	10/27/2024 - 11/02/2024	0.016667	(13.03)	(0.22)		
OT Premium at .5	10/27/2024 - 11/02/2024	0.033333	(13.03)	(0.44)		
OT Premium at .5	10/27/2024 - 11/02/2024	0.016667	13.37	0.23		
OT Premium at .5	10/27/2024 - 11/02/2024	0.033333	13.37	0.45		
OT Premium at .5	11/03/2024 - 11/09/2024	0.150001	(13.85)	(2.08)		
OT Premium at .5	11/03/2024 - 11/09/2024	0.150001	15.28	2.30		
OT Premium at .5	11/10/2024 - 11/16/2024	0.600001	(12.55)	(7.54)		

Description	Dates	Hours	Rate	Amount	YTD Hours	YTD Amount
OT Premium at .5	11/10/2024 - 11/16/2024	0.600001	13.83	8.30		
OT Premium at .5	11/17/2024 - 11/23/2024	0.133333	(13.90)	(1.86)		
OT Premium at .5	11/17/2024 - 11/23/2024	0.133333	15.08	2.02		
OT Premium at .5	11/24/2024 - 11/30/2024	0.25	(13.21)	(3.31)		
OT Premium at .5	11/24/2024 - 11/30/2024	0.25	14.93	3.74		
OT Premium at .5	12/22/2024 - 12/28/2024	0.416667	13.40	5.58		
OT Premium at .5	12/29/2024 - 12/31/2024	0.033334	12.15	0.41	0.450001	7.58
			Total:	1,939.03		1,939.03

Employee Taxes

Description	Amount	YTD
OASDI	120.22	120.22
Medicare	28.12	28.12
Federal Withholding	68.90	68.90
State Tax - CA	47.55	47.55
CA SDI - CASDI	23.13	23.13
Total:	287.92	287.92

Post-Tax Deductions

Description	Amount	YTD
LTD Buyup	8.01	8.01
Spouse Life	20.90	20.90
Vol Child Life	0.40	0.40
Vol Employee AD&D	0.82	0.82
Vol Life	10.97	10.97
Total:	41.10	41.10

Taxable Wages

Description	Amount	YTD
OASDI - Taxable Wages	1,939.03	1,939.03
Medicare - Taxable Wages	1,939.03	1,939.03
Federal Withholding - Taxable Wages	1,939.03	1,939.03
State Tax Taxable Wages - CA	1,939.03	1,939.03

Withholding

Description	Federal	Work State
[redacted]		

Absence Plans

Description	Accrued	Reduced	Available
Sick (ACE / PH)	1.486667	0.00	29.824561

Payment Information

Bank	Account Name	Account Number	Amount in Pay Group Currency	Pay Group Currency
BANK OF AMERICA	Main	[redacted]	1,598.83	USD
			Total: 1,598.83	

2024 W-2 and EARNINGS SUMMARY

Employee Reference Copy

W-2 Wage and Tax Statement **2024**

Copy C for employee's records. OMB No. 1545-0008

d Control number 0000017132 V1R	Dept.	Corp. WFY0	Employer use only 11161

c Employer's name, address, and ZIP code
AUTOMOBILE CLUB OF SOUTHERN CALIFORNIA
3333 FAIRVIEW ROAD A168
COSTA MESA, CA 92626

e/f Employee's name, address, and ZIP code
MAGDALENA ESCOBEDO
[redacted]

b Employer's FED ID number 95-0514585	a Employee's SSA number [redacted]
1 Wages, tips, other comp. 41513.65	2 Federal income tax withheld 1863.27
3 Social security wages 41513.65	4 Social security tax withheld 2573.85
5 Medicare wages and tips 41513.65	6 Medicare tax withheld 601.95
7 Social security tips	8 Allocated tips
9	10 Dependent care benefits
11 Nonqualified plans	[redacted]
14 Other 454.08 CA SDI	12c
	12d
	13 Stat emp / Ret. plan X / 3rd party sick pay
15 State CA Employer's state ID no. 001-0322 6	16 State wages, tips, etc. 41513.65
17 State income tax 1272.15	18 Local wages, tips, etc.
19 Local income tax	20 Locality name

The wages, tips, and other compensation reflected in box 1 are the sum of those wages shown on your last pay statement, plus any additional compensation or adjustments received after the payroll close.

Your gross pay may not match your box 1 totals due to adjustments made for GTL, 401(k), cafeteria plans, etc...

To change your employee W-4 profile information file a new W-4 with your payroll department.

MAGDALENA ESCOBEDO
[redacted]

Social Security Number: [redacted]

1 Wages, tips, other comp. 41513.65	2 Federal income tax withheld 1863.27
3 Social security wages 41513.65	4 Social security tax withheld 2573.85
5 Medicare wages and tips 41513.65	6 Medicare tax withheld 601.95
d Control number 0000017132 V1R / Dept.	Corp. WFY0 / Employer use only 11161

c Employer's name, address, and ZIP code
AUTOMOBILE CLUB OF SOUTHERN CALIFORNIA
3333 FAIRVIEW ROAD A168
COSTA MESA, CA 92626

b Employer's FED ID number 95-0514585	a Employee's SSA number [redacted]
7 Social security tips	8 Allocated tips
9	10 Dependent care benefits
11 Nonqualified plans	[redacted]
14 Other 454.08 CA SDI	12c
	12d
	13 Stat emp / Ret. plan X / 3rd party sick pay

e/f Employee's name, address and ZIP code
MAGDALENA ESCOBEDO
[redacted]

15 State CA Employer's state ID no. 001-0322 6	16 State wages, tips, etc. 41513.65
17 State income tax 1272.15	18 Local wages, tips, etc.
19 Local income tax	20 Locality name

Federal Filing Copy

W-2 Wage and Tax Statement **2024**

Copy B to be filed with employee's Federal Income Tax Return. OMB No. 1545-0008

1 Wages, tips, other comp. 41513.65	2 Federal income tax withheld 1863.27
3 Social security wages 41513.65	4 Social security tax withheld 2573.85
5 Medicare wages and tips 41513.65	6 Medicare tax withheld 601.95
d Control number 0000017132 V1R / Dept.	Corp. WFY0 / Employer use only 11161

c Employer's name, address, and ZIP code
AUTOMOBILE CLUB OF SOUTHERN CALIFORNIA
3333 FAIRVIEW ROAD A168
COSTA MESA, CA 92626

b Employer's FED ID number 95-0514585	a Employe[redacted]
7 Social security tips	8 Allocated tips
9	10 Dependent care benefits
11 Nonqualified plans	12a [redacted]
14 Other 454.08 CA SDI	12b
	12c
	12d
	13 Stat emp / Ret. plan X / 3rd party sick pay

e/f Employee's name, address and ZIP code
MAGDALENA ESCOBEDO
[redacted]

15 State CA Employer's state ID no. 001-0322 6	16 State wages, tips, etc. 41513.65
17 State income tax 1272.15	18 Local wages, tips, etc.
19 Local income tax	20 Locality name

CA. State Filing Copy

W-2 Wage and Tax Statement **2024**

Copy 2 to be filed with employee's State Income Tax Return. OMB No. 1545-0008

1 Wages, tips, other comp. 41513.65	2 Federal income tax withheld 1863.27
3 Social security wages 41513.65	4 Social security tax withheld 2573.85
5 Medicare wages and tips 41513.65	6 Medicare tax withheld 601.95
d Control number 0000017132 V1R / Dept.	Corp. WFY0 / Employer use only 11161

c Employer's name, address, and ZIP code
AUTOMOBILE CLUB OF SOUTHERN CALIFORNIA
3333 FAIRVIEW ROAD A168
COSTA MESA, CA 92626

b Employer's FED ID number 95-0514585	a Employee's SSA number [redacted]
7 Social security tips	8 Allocated tips
9	10 Dependent care benefits
11 Nonqualified plans	12a [redacted]
14 Other 454.08 CA SDI	12c
	12d
	13 Stat emp / Ret. plan X / 3rd party sick pay

e/f Employee's name, address and ZIP code
MAGDALENA ESCOBEDO
[redacted]

15 State CA Employer's state ID no. 001-0322 6	16 State wages, tips, etc. 41513.65
17 State income tax 1272.15	18 Local wages, tips, etc.
19 Local income tax	20 Locality name

City or Local Filing Copy

W-2 Wage and Tax Statement **2024**

Copy 2 to be filed with employee's City or Local Income Tax Return. OMB No. 1545-0008

Instructions for Employee

Box 1. Enter this amount on the wages line of your tax return.

Box 2. Enter this amount on the federal income tax withheld line of your tax return.

Box 5. You may be required to report this amount on Form 8959. See the Form 1040 instructions to determine if you are required to complete Form 8959.

Box 6. This amount includes the 1.45% Medicare tax withheld on all Medicare wages and tips shown in box 5, as well as the 0.9% Additional Medicare Tax on any of those Medicare wages and tips above $200,000.

Box 8. This amount is **not** included in box 1, 3, 5, or 7. For information on how to report tips on your tax return, see the Form 1040 instructions. You must file Form 4137 with your income tax return to report at least the allocated tip amount unless you can prove with adequate records that you received a smaller amount. If you have records that show the actual amount of tips you received, report that amount even if it is more or less than the allocated tips. Use Form 4137 to figure the social security and Medicare tax owed on tips you didn't report to your employer. Enter this amount on the wages line of your tax return. By filing Form 4137, your social security tips will be credited to your social security record (used to figure your benefits).

Box 10. This amount includes the total dependent care benefits that your employer paid to you or incurred on your behalf (including amounts from a section 125 (cafeteria) plan). Any amount over your employer's plan limit is also included in box 1. See Form 2441.

Box 11. This amount is (a) reported in box 1 if it is a distribution made to you from a nonqualified deferred compensation or nongovernmental section 457(b) plan, or (b) included in box 3 and/or box 5 if it is a prior year deferral under a nonqualified or section 457(b) plan that became taxable for social security and Medicare taxes this year because there is no longer a substantial risk of forfeiture of your right to the deferred amount. This box shouldn't be used if you had a deferral and a distribution in the same calendar year. If you made a deferral and received a distribution in the same calendar year, and you are or will be age 62 by the end of the calendar year, your employer should file Form SSA-131, Employer Report of Special Wage Payments, with the Social Security Administration and give you a copy.

Box 12. The following list explains the codes shown in box 12. You may need this information to complete your tax return. Elective deferrals (codes D, E, F, and S) and designated Roth contributions (codes AA, BB, and EE) under all plans are generally limited to a total of $23,000 ($16,000 if you only have SIMPLE plans; $26,000 for section 403(b) plans if you qualify for the 15-year rule explained in Pub. 571). Deferrals under code G are limited to $23,000. Deferrals under code H are limited to $7,000. However, if you were at least age 50 in 2024, your employer may have allowed an additional deferral of up to $7,500 ($3,500 for section 401(k)(11) and 408(p) SIMPLE plans). This additional deferral amount is not subject to the overall limit on elective deferrals. For code G, the limit on elective deferrals may be higher for the last 3 years before you reach retirement age. Contact your plan administrator for more information. Amounts in excess of the overall elective deferral limit must be included in income. See the Form 1040 instructions.

Note: If a year follows code D through H, S, Y, AA, BB, or EE, you made a make-up pension contribution for a prior year(s) when you were in military service. To figure whether you made excess deferrals, consider these amounts for the year shown, not the current year. If no year is shown, the contributions are for the current year.

A—Uncollected social security or RRTA tax on tips. Include this tax on Form 1040 or 1040-SR. See the Form 1040 instructions.

B—Uncollected Medicare tax on tips. Include this tax on Form 1040 or 1040-SR. See the Form 1040 instructions.

C—Taxable cost of group-term life insurance over $50,000 (included in boxes 1, 3 (up to the social security wage base), and 5)

D—Elective deferrals to a section 401(k) cash or deferred arrangement. Also includes deferrals under a SIMPLE retirement account that is part of a section 401(k) arrangement.

E—Elective deferrals under a section 403(b) salary reduction agreement

F—Elective deferrals under a section 408(k)(6) salary reduction SEP

G—Elective deferrals and employer contributions (including nonelective deferrals) to a section 457(b) deferred compensation plan

H—Elective deferrals to a section 501(c)(18)(D) tax-exempt organization plan. See the Form 1040 instructions for how to deduct.

J—Nontaxable sick pay (information only, not included in box 1, 3, or 5)

K—20% excise tax on excess golden parachute payments. See the Form 1040 instructions.

L—Substantiated employee business expense reimbursements (nontaxable)

M—Uncollected social security or RRTA tax on taxable cost of group-term life insurance over $50,000 (former employees only). See the Form 1040 instructions.

N—Uncollected Medicare tax on taxable cost of group-term life insurance over $50,000 (former employees only). See the Form 1040 instructions.

P—Excludable moving expense reimbursements paid directly to a member of the U.S. Armed Forces (not included in box 1, 3, or 5)

Q—Nontaxable combat pay. See the Form 1040 instructions for details on reporting this amount.

R—Employer contributions to your Archer MSA. Report on Form 8853.

S—Employee salary reduction contributions under a section 408(p) SIMPLE plan

T—Adoption benefits (not included in box 1). Complete Form 8839 to figure any taxable and nontaxable amounts.

V—Income from exercise of nonstatutory stock option(s) (included in boxes 1, 3 (up to the social security wage base), and 5). See Pub. 525 for reporting requirements.

W—Employer contributions (including amounts the employee elected to contribute using a section 125 (cafeteria) plan) to your health savings account. Report on Form 8889.

Y—Deferrals under a section 409A nonqualified deferred compensation plan

Z—Income under a nonqualified deferred compensation plan that fails to satisfy section 409A. This amount is also included in box 1. It is subject to an additional 20% tax plus interest. See the Form 1040 instructions.

AA—Designated Roth contributions under a section 401(k) plan

BB—Designated Roth contributions under a section 403(b) plan

DD—Cost of employer-sponsored health coverage. **The amount reported with code DD is not taxable.**

EE—Designated Roth contributions under a governmental section 457(b) plan. This amount does not apply to contributions under a tax-exempt organization section 457(b) plan.

FF—Permitted benefits under a qualified small employer health reimbursement arrangement

GG—Income from qualified equity grants under section 83(i)

HH—Aggregate deferrals under section 83(i) elections as of the close of the calendar year

II—Medicaid waiver payments excluded from gross income under Notice 2014-7.

Box 13. If the "Retirement plan" box is checked, special limits may apply to the amount of traditional IRA contributions you may deduct. See Pub. 590-A.

Box 14. Employers may use this box to report information such as state disability insurance taxes withheld, union dues, uniform payments, health insurance premiums deducted, nontaxable income, educational assistance payments, or a member of the clergy's parsonage allowance and utilities. Railroad employers use this box to report railroad retirement (RRTA) compensation, Tier 1 tax, Tier 2 tax, Medicare tax, and Additional Medicare Tax. Include tips reported by the employee to the employer in railroad retirement (RRTA) compensation.

Note: Keep **Copy C** of Form W-2 for at least 3 years after the due date for filing your income tax return. However, to help **protect your social security benefits**, keep Copy C until you begin receiving social security benefits, just in case there is a question about your work record and/or earnings in a particular year.

Department of the Treasury - Internal Revenue Service

NOTE: THESE ARE SUBSTITUTE WAGE AND TAX STATEMENTS AND ARE ACCEPTABLE FOR FILING WITH YOUR FEDERAL, STATE AND LOCAL/CITY INCOME TAX RETURNS.

This information is being furnished to the Internal Revenue Service. If you are required to file a tax return, a negligence penalty or other sanction may be imposed on you if this income is taxable and you fail to report it.

IMPORTANT NOTE:

In order to insure efficient processing, attach this W-2 to your tax return like this (following agency instructions):

TAX RETURN

THIS FORM W-2 | **OTHER W-2'S**

Department of the Treasury - Internal Revenue Service

Future developments. For the latest information about developments related to Form W-2, such as legislation enacted after it was published, go to *www.irs.gov/FormW2*.

Notice to Employee

Do you have to file? Refer to the Form 1040 instructions to determine if you are required to file a tax return. Even if you don't have to file a tax return, you may be eligible for a refund if box 2 shows an amount or if you are eligible for any credit.

Earned income tax credit (EITC). You may be able to take the EITC for 2024 if your adjusted gross income (AGI) is less than a certain amount. The amount of the credit is based on income and family size. Workers without children could qualify for a smaller credit. You and any qualifying children must have valid social security numbers (SSNs). You can't take the EITC if your investment income is more than the specified amount for 2024 or if income is earned for services provided while you were an inmate at a penal institution. For 2024 income limits and more information, visit *www.irs.gov/EITC*. See also Pub. 596. **Any EITC that is more than your tax liability is refunded to you, but only if you file a tax return.**

Employee's social security number (SSN). For your protection, this form may show only the last four digits of your SSN. However, your employer has reported your complete SSN to the IRS and the Social Security Administration (SSA).

Clergy and religious workers. If you aren't subject to social security and Medicare taxes, see Pub. 517.

Department of the Treasury - Internal Revenue Service

Corrections. If your name, SSN, or address is incorrect, correct Copies B, C, and 2 and ask your employer to correct your employment record. Be sure to ask the employer to file Form W-2c, Corrected Wage and Tax Statement, with the SSA to correct any name, SSN, or money amount error reported to the SSA on Form W-2. Be sure to get your copies of Form W-2c from your employer for all corrections made so you may file them with your tax return. If your name and SSN are correct but aren't the same as shown on your social security card, you should ask for a new card that displays your correct name at any SSA office or by calling 800-772-1213. You may also visit the SSA website at *www.SSA.gov*.

Cost of employer-sponsored health coverage (if such cost is provided by the employer). The reporting in box 12, using code DD, of the cost of employer-sponsored health coverage is for your information only. **The amount reported with code DD is not taxable.**

Credit for excess taxes. If you had more than one employer in 2024 and more than $10,453.20 in social security and/or Tier 1 railroad retirement (RRTA) taxes were withheld, you may be able to claim a credit for the excess against your federal income tax. See the Form 1040 instructions. If you had more than one railroad employer and more than $6,129.90 in Tier 2 RRTA tax was withheld, you may be able to claim a refund on Form 843. See the Instructions for Form 843.

Department of the Treasury - Internal Revenue Service

Exhibit B

Auto Club Enterprises

Payslip: Maggie Escobedo ([redacted]): 12/15/2024 (Regular) - Complete

Company Information

Name	Address
Auto Club Of Southern Calif	3333 Fairview Rd Costa Mesa, CA 92626-1610 United States of America

Payslip Information

Name	Employee ID	Pay Period Begin	Pay Period End	Check Date	Check Number
Magdalena Escobedo	[redacted]	12/01/2024	12/15/2024	12/24/2024	

Current and YTD Totals

Balance Period	Hours Worked	Gross Pay	Pre-Tax Deductions	Employee Taxes	Post-Tax Deductions	Net Pay
Current	59.25	1,638.52	0.00	222.89	31.39	1,384.24
YTD	1,334.333332	41,230.29	0.00	6,765.30	558.37	33,906.62

Earnings

Description	Dates	Hours	Rate	Amount	YTD Hours	YTD Amount
Credit Card Referral Bonus	11/01/2024 - 11/30/2024	0.00	0.00	30.00	0.00	180.00
Referral Award Life					0.00	670.00
Monthly/Quarterly Incentive					0.00	2,205.00
Unpaid Auth Time	12/01/2024 - 12/15/2024	16.00	0.00	0.00		
Float Flex /Holiday Comp					16.00	369.12
Funeral					24.00	545.04
Holiday					56.00	1,296.00
OT at straight time	12/01/2024 - 12/07/2024	0.90	24.30	21.87		
OT at straight time	12/08/2024 - 12/14/2024	0.15	24.30	3.65	25.90333	596.42
Regular Pay	12/01/2024 - 12/07/2024	37.116667	24.30	901.94		
Regular Pay	12/08/2024 - 12/14/2024	21.083333	24.30	512.32	1,308.430002	30,561.46
Sick					39.05	984.69
Vacation					73.096	1,704.29

Auto Club Enterprises

Payslip: Maggie Escobedo ([redacted]): 12/15/2024 (Regular) - Complete

Description	Dates	Hours	Rate	Amount	YTD Hours	YTD Amount
Spiff Award	11/01/2024 - 11/30/2024	0.00	0.00	80.00	0.00	275.00
Noncash Live Legendary Points					0.00	50.00
Imputed GTL	12/01/2024 - 12/15/2024	0.00	0.00	11.18	0.00	233.36
Saturday Shift 60%	12/01/2024 - 12/07/2024	5.116667	24.30	74.61		
Saturday Shift 60%	12/08/2024 - 12/14/2024	0.00	24.30	0.00	101.200002	1,422.25
Late Meal/Rest Premium					3.00	83.05
OT Premium at .5	11/03/2024 - 11/09/2024	0.150001	(13.40)	(2.02)		
OT Premium at .5	11/03/2024 - 11/09/2024	0.150001	13.85	2.08		
OT Premium at .5	11/10/2024 - 11/16/2024	0.600001	(12.15)	(7.30)		
OT Premium at .5	11/10/2024 - 11/16/2024	0.600001	12.55	7.54		
OT Premium at .5	11/17/2024 - 11/23/2024	0.133333	(13.54)	(1.81)		
OT Premium at .5	11/17/2024 - 11/23/2024	0.133333	13.90	1.86		
OT Premium at .5	11/24/2024 - 11/30/2024	0.25	(12.67)	(3.17)		
OT Premium at .5	11/24/2024 - 11/30/2024	0.25	13.21	3.31		
OT Premium at .5	12/01/2024 - 12/07/2024	0.90	13.13	11.82		
OT Premium at .5	12/08/2024 - 12/14/2024	0.15	12.15	1.82	25.90333	337.97
				Total: 1,649.70		41,513.65

Employee Taxes

Description	Amount	YTD
OASDI	102.29	2,573.85
Medicare	23.92	601.95
Federal Withholding	43.30	1,863.27
State Tax - CA	35.36	1,272.15
CA SDI - CASDI	18.02	454.08
Total:	222.89	6,765.30

Auto Club Enterprises

Payslip: Maggie Escobedo (677699): 12/15/2024 (Regular) - Complete

Post-Tax Deductions

Description	Amount	YTD
LTD Buyup	8.01	138.04
Spouse Life	11.60	216.34
Vol Child Life	0.40	7.20
Vol Employee AD&D	0.41	7.12
Vol Life	10.97	189.67
Total:	31.39	558.37

Taxable Wages

Description	Amount	YTD
OASDI - Taxable Wages	1,649.70	41,513.65
Medicare - Taxable Wages	1,649.70	41,513.65
Federal Withholding - Taxable Wages	1,649.70	41,513.65
State Tax Taxable Wages - CA	1,649.70	41,513.65

Withholding

Description	Federal	Work State
[redacted]		

Absence Plans

Description	Accrued	Reduced	Available
Sick (ACE / PH)	1.975	0.00	28.337894

Payment Information

Bank	Account Name	Account Number	Amount in Pay Group Currency	Pay Group Currency
BANK OF AMERICA	Main	[redacted]	1,384.24	USD
		Total:	1,384.24	

Exhibit C

SULLIVAN & YAECKEL

LAW GROUP

A PROFESSIONAL CORPORATION

2330 THIRD AVENUE
SAN DIEGO, CALIFORNIA 92101

PHONE 619-702-6760
FACSIMILE 619-702-6761

May 20, 2025

CSC -Lawyers Incorporating Service *Via Certified Mail*
Agent of Service of Process for
Auto Club Enterprises
2710 Gateway Oaks Drive #150
Sacramento, CA 95833-3505

Re: **Magdalena De La Torre Escobedo**
Our File no.: 7480

Dear Human Resources Director:

Please allow this correspondence to serve as a request for personnel records in possession of Auto Club Enterprises; and (hereinafter, referred to as "ACE"). Our client, Magdalena De La Torre Escobedo ("Ms. De La Torre"), requests (a) to inspect her personnel files and records, (b) to copy payroll records pertaining to her employment, and (c) that ACE produce copies of all instruments Ms. De La Torre signed relating to her employment. Thank you for your assistance in this matter.

Please find attached a copy of an Authorization to Disclose Information, signed by Ms. De La Torre.

The instant request is made pursuant to, among others, California Labor Code section 1198.5:

> (a) Every employee has **the right to inspect the personnel records** that the employer maintains relating to the employee's performance or to any grievance concerning the employee.

> (b) The employer shall make the contents of those personnel records **available to the employee at reasonable intervals and at reasonable times**. Except as provided in paragraph (3) of subdivision (c), the employer shall not be required to make those personnel records available at a time when the employee is actually required to render service to the employer.
>
> (c) The employer **shall** do one of the following:
>
> (1) Keep a copy of each employee's personnel records at the place where the employee reports to work.
>
> (2) Make the employee's personnel records available at the place where the employee reports to work within a reasonable period of time following an employee's request.
>
> (3) Permit the employee to inspect the personnel records at the location where the employer stores the personnel records, with no loss of compensation to the employee.

Additionally, Ms. De La Torre requests that ACE make her payroll records available for copying, pursuant to California Labor Code sections 226(a)-(b):

> (a) Every employer shall, semimonthly or at the time of each payment of wages, furnish each of his or her employees, either as a detachable part of the check, draft, or voucher paying the employee's wages, or separately when wages are paid by personal check or cash, an accurate itemized statement in writing showing (1) gross wages earned, (2) total hours worked by the employee, except for any employee whose compensation is solely based on a salary and who is exempt from payment of overtime under subdivision (a) of Section 515 or any applicable order of the Industrial Welfare Commission, (3) the number of piece-rate units earned and any applicable piece rate if the employee is paid on a piece-rate basis, (4) all deductions, provided that all deductions made on written orders of the employee may be aggregated and shown as one item, (5) net wages earned, (6) the inclusive dates of the period for which the employee is paid, (7) the name of the employee and his or his social security number, except that by January 1, 2008, only the last four digits of his or her social security number or an employee identification number other than a social security number may be shown on the itemized statement, (8) the name and address of the legal entity that is the employer, and (9) all applicable hourly rates in effect during the pay period and the corresponding number of hours worked at each hourly rate by the employee. The deductions made from payments of wages shall be recorded in ink or other indelible form, properly dated, showing the month, day, and year, and a copy of the

statement or a record of the deductions shall be kept on file by the employer for at least three years at the place of employment or at a central location within the State of California.

(b) **An employer that is required** by this code or any regulation adopted pursuant to this code to **keep the information required by subdivision (a) shall afford** current and **former employees the right to inspect or copy the records pertaining to that current or former employee**, upon reasonable request to the employer. The employer may take reasonable steps to assure the identity of a current or former employee. If the employer provides copies of the records, the actual cost of reproduction may be charged to the current or former employee.

Further, Ms. De La Torre requests that ACE make her time records available for copying, pursuant to California Code of Regulations, title 8, section 11090(7)(A)-(C):

(A) Every employer shall keep accurate information with respect to each employee including the following:

(1) Full name, home address, occupation and social security number.

(2) Birth date, if under 18 years, and designation as a minor.

(3) **Time records showing when the employee begins and ends each work period. Meal periods, split shift intervals and total daily hours worked shall also be recorded.** Meal periods during which operations cease and authorized rest periods need not be recorded.

(4) Total wages paid each payroll period, including value of board, lodging, or other compensation actually furnished to the employee.

(5) **Total hours worked in the payroll period and applicable rates of pay. This information shall be made readily available to the employee upon reasonable request.**

(6) When a piece rate or incentive plan is in operation, piece rates or an explanation of the incentive plan formula shall be provided to employees. An accurate production record shall be maintained by the employer.

(B) Every employer shall semimonthly or at the time of each payment of wages furnish each employee, either as a detachable part of the check, draft, or voucher paying the employee's wages, or separately, an itemized statement in writing showing: (1) all deductions; (2) the inclusive dates of the period for which the employee is paid; (3) the name of the employee or the employee's social security number; and (4) the name of the employer, provided all deductions made on written orders of the employee may be aggregated and shown as one item.

> (C) All required records shall be in the English language and in ink or other indelible form, properly dated, showing month, day and year, and shall be kept on file by the employer for at least three years at the place of employment or at a central location within the State of California. **An employee's records shall be available for inspection by the employee upon reasonable request.**

Ms. De La Torre also requests that ACE produce copies of any instrument she signed relating to her employment with ACE pursuant to California Labor Code section 432:

> If an employee or applicant signs any instrument relating to the obtaining or holding of employment, **she shall be given a copy of the instrument upon request**.

Finally, please be aware of Labor Code sections 226, 432, and 1198.5. Section 226(c) states:

> An employer who receives a written or oral request to inspect or copy records pursuant to subdivision (b) pertaining to a current or former employee shall comply with the request as soon as practicable, but **no later than 21 calendar days** from the date of the request. A violation of this subdivision is an infraction.

Given the above, we respectfully request that you provide Ms. De La Torre's personnel files and Time Records for her inspection, and produce copies of all instruments signed by her relating to her employment with ACE. Please understand that unless we receive a formal reply by **Tuesday, June 10, 2025** we will have no option but to proceed formally, seeking all available remedies.

Again, thank you for your assistance throughout this matter. Should you have any questions or comments, please do not hesitate to contact the undersigned.

Very truly yours,

Ryan T. Kuhn, Esq.

AUTHORIZATION TO DISCLOSE INFORMATION

This will authorize all employers, attorneys, government agencies, including the California Department of Motor Vehicles and the City of San Diego, credit bureaus, credit grantors, debt collection agencies and any and all persons to whom it may be presented to disclose to my attorneys Sullivan & Yaeckel Law Group, APC or to any authorized representative; any and all information records and reports concerning me, or any matter in which I am interested, including any and all debts, collections, employment, credit, debts, or any other matters, all as fully and as freely as you would disclose the same to me personally, it being my intent that this authorization is to serve as my consent to a full disclosure in any circumstances where my consent may be requested or required.

A copy of this authorization shall be accepted as the original. This authorization shall expire one year from the date of signature.

DATED: 5/15/2025

Magdalena De La Torre Escobedo

Magdalena De La Torre Escobedo

Exhibit D

SULLIVAN & YAECKEL

LAW GROUP

A PROFESSIONAL CORPORATION

2330 THIRD AVENUE
SAN DIEGO, CALIFORNIA 92101

PHONE 619-702-6760
FACSIMILE 619-702-6761

June 18, 2025

CSC -Lawyers Incorporating Service *Via Certified Mail*
Agent of Service of Process for
Auto Club Enterprises dba Automobile Club of
Southern California
2710 Gateway Oaks Drive #150
Sacramento, CA 95833-3505

Human Resources Director *Via Certified Mail*
Auto Club Enterprises dba Automobile Club of
Southern California
3333 Fairview Rd
Costa Mesa, CA 92626-1610

Re: **(2nd Attempt) for Records Request for Magdalena De La Torre Escobedo**
Our File No.: 7480

Dear Human Resources Director:

Please allow this correspondence to serve as **(1)** a **Second** request for personnel records in possession of Auto Club Enterprises dba Automobile Club of Southern California, (hereinafter referred to as "ACE"), **(2)** notice that ACE is in violation of California Labor Code sections 226, 432, and 1198.5, and **(3)** notice that ACE is now liable to Ms. De La Torre for **$750.00** as a result of said violations. Thank you for your assistance in this matter.

A. NOTICE OF VIOLATION OF CALIFORNIA LABOR CODE

Please note that on **May 20, 2025**, this office sent - *via Certified Mail* - Ms. De La Torre's original request for documents and information to ACE. The current date is June 18, 2025. As 29 days have elapsed since May 20th the notice was mailed out, ACE is currently in violation of Labor Code sections 226, 432, and 1198.5. Section 226(c) states:

> An employer who receives a written or oral request to inspect or copy records pursuant to subdivision (b) pertaining to a current or former employee shall comply with the request as soon as practicable, but **no later than 21 calendar days** from the date of the request. A violation of this subdivision is an infraction.

As ACE has made no attempt to comply with Ms. De La Torre's request in the 29 calendar days since the initial letter was mailed, it is in violation of section 226(c).

Labor Code sections 432 and 433 state, respectively:

> If an employee or applicant signs any instrument relating to the obtaining or holding of employment, he/she **shall be given a copy** of the instrument upon request.
>
> Any person violating this article is guilty of a misdemeanor.

Further, Labor Code section 1198.5(k) states:

> If an employer fails to permit a current or former employee, or his or her representative, to inspect or copy personnel records within the times specified in this section, or times agreed to by mutual agreement as provided in this section, **the current or former employee** or the Labor Commissioner **may recover a penalty of seven hundred fifty dollars ($750) from the employer.**

B. DEMAND FOR LABOR CODE COMPLIANCE

The instant request is made pursuant to, among other statutes, California Labor Code section 1198.5:

> (a) Every employee has **the right to inspect the personnel records** that the employer maintains relating to the employee's performance or to any grievance concerning the employee.
> (b) The employer shall make the contents of those personnel records **available to the employee at reasonable intervals and at reasonable times**. Except as provided in paragraph (3) of subdivision (c), the employer shall not be required to make those personnel records available at a time when the employee is actually required to render service to the employer.
> (c) The employer **shall** do one of the following:
> (1) Keep a copy of each employee's personnel records at the place where the employee reports to work.

> (2) Make the employee's personnel records available at the place where the employee reports to work within a reasonable period of time following an employee's request.
> (3) Permit the employee to inspect the personnel records at the location where the employer stores the personnel records, with no loss of compensation to the employee.

Additionally, Ms. De La Torre requests ACE makes her payroll records available for copying, pursuant to California Labor Code sections 226(a)-(b):

> (a) Every employer shall, semimonthly or at the time of each payment of wages, furnish each of his or her employees, either as a detachable part of the check, draft, or voucher paying the employee's wages, or separately when wages are paid by personal check or cash, an accurate itemized statement in writing showing (1) gross wages earned, (2) total hours worked by the employee, except for any employee whose compensation is solely based on a salary and who is exempt from payment of overtime under subdivision (a) of Section 515 or any applicable order of the Industrial Welfare Commission, (3) the number of piece-rate units earned and any applicable piece rate if the employee is paid on a piece-rate basis, (4) all deductions, provided that all deductions made on written orders of the employee may be aggregated and shown as one item, (5) net wages earned, (6) the inclusive dates of the period for which the employee is paid, (7) the name of the employee and his or her social security number, except that by January 1, 2008, only the last four digits of his or her social security number or an employee identification number other than a social security number may be shown on the itemized statement, (8) the name and address of the legal entity that is the employer, and (9) all applicable hourly rates in effect during the pay period and the corresponding number of hours worked at each hourly rate by the employee. The deductions made from payments of wages shall be recorded in ink or other indelible form, properly dated, showing the month, day, and year, and a copy of the statement or a record of the deductions shall be kept on file by the employer for at least three years at the place of employment or at a central location within the State of California.
> (b) **An employer that is required** by this code or any regulation adopted pursuant to this code to **keep the information required by subdivision (a) shall afford** current and **former employees the right to inspect or copy the records pertaining to that current or former employee**, upon reasonable request to the employer. The employer may take reasonable steps to assure the identity of a current or former employee. If the employer provides copies of the records, the actual cost of reproduction may be charged to the current or former employee.

Further, Ms. De La Torre requests ACE makes her time records available for copying, pursuant to California Code of Regulations, title 8, section 11090(7)(A)-(C):

> (A) Every employer shall keep accurate information with respect to each employee including the following:
> (1) Full name, home address, occupation and social security number.
> (2) Birth date, if under 18 years, and designation as a minor.
> (3) **Time records showing when the employee begins and ends each work period. Meal periods, split shift intervals and total daily hours worked shall also be recorded.** Meal periods during which operations cease and authorized rest periods need not be recorded.
> (4) Total wages paid each payroll period, including value of board, lodging, or other compensation actually furnished to the employee.
> (5) **Total hours worked in the payroll period and applicable rates of pay. This information shall be made readily available to the employee upon reasonable request.**
> (6) When a piece rate or incentive plan is in operation, piece rates or an explanation of the incentive plan formula shall be provided to employees. An accurate production record shall be maintained by the employer.
> (B) Every employer shall semimonthly or at the time of each payment of wages furnish each employee, either as a detachable part of the check, draft, or voucher paying the employee's wages, or separately, an itemized statement in writing showing: (1) all deductions; (2) the inclusive dates of the period for which the employee is paid; (3) the name of the employee or the employee's social security number; and (4) the name of the employer, provided all deductions made on written orders of the employee may be aggregated and shown as one item.
> (C) All required records shall be in the English language and in ink or other indelible form, properly dated, showing month, day and year, and shall be kept on file by the employer for at least three years at the place of employment or at a central location within the State of California. **An employee's records shall be available for inspection by the employee upon reasonable request.**

Finally, Ms. De La Torre requests that ACE produces copies of any instrument she signed relating to her employment with ACE, pursuant to California Labor Code section 432:

> If an employee or applicant signs any instrument relating to the obtaining or holding of employment, **he/she shall be given a copy of the instrument upon request**.

Given the above, we respectfully request that you provide Ms. De La Torre's personnel file and records for her inspection, and produce copies of all instruments signed by her relating to her employment with ACE. Please understand that unless we receive a formal reply by **Wednesday, July 2, 2025**, we will have no option but to proceed formally, seeking all available remedies.

Again, thank you for your assistance throughout this matter. Should you have any questions or comments, please do not hesitate to contact the undersigned.

Very truly yours,

Cody D. Archer, Esq.

AUTHORIZATION TO DISCLOSE INFORMATION

This will authorize all employers, attorneys, government agencies, including the California Department of Motor Vehicles and the City of San Diego, credit bureaus, credit grantors, debt collection agencies and any and all persons to whom it may be presented to disclose to my attorneys Sullivan & Yaeckel Law Group, APC or to any authorized representative; any and all information records and reports concerning me, or any matter in which I am interested, including any and all debts, collections, employment, credit, debts, or any other matters, all as fully and as freely as you would disclose the same to me personally, it being my intent that this authorization is to serve as my consent to a full disclosure in any circumstances where my consent may be requested or required.

A copy of this authorization shall be accepted as the original. This authorization shall expire one year from the date of signature.

DATED: 5|15|2025

Magdalena DeLaTorre Escobedo
Magdalena De La Torre Escobedo