

FELAHY TRIAL GROUP

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June 27, 2025

Via Online Submission

California Labor and Workforce Development Agency

Via Certified Mail

Bakersfield Memorial Hospital
420 34th Street
Bakersfield, CA 93301

Dignity Community Care
185 Berry Street, Suite 200
San Francisco, CA 94107

RE: McIntyre v. Bakersfield Memorial Hospital; Dignity Community Care
Notice of Labor Code § 2699, et seq., "PAGA" Violations

To Whom it May Concern:

This office serves as legal counsel for Melissa McIntyre ("Ms. McIntyre") with respect to her claims against her employer(s) Bakersfield Memorial Hospital ("BMH") and Dignity Community Care ("Dignity"). Pursuant to Labor Code § 2699.3, this letter provides notice to the Labor and Workforce Development Agency ("LWDA"), as well as BMH and Dignity and all affiliated entities (the "Company"), that Ms. McIntyre intends to file a civil lawsuit against the Company based on claims, among others, arising under the Private Attorney General Act, California Labor Code §§ 2699, et seq., ("PAGA"), if the LWDA declines to pursue the matter on its own. Ms. McIntyre provides further notice that she, on behalf of herself and all other similarly aggrieved current and former non-exempt employees of the Company, intends to utilize the protection(s) and remedies granted by PAGA (Cal. Lab. Code §§ 2698, et seq.).

Ms. McIntyre is an aggrieved employee within the meaning of California Labor Code section 2699, subdivision (c). The Company employed Ms. McIntyre in the State of California, within one year of the filing of this PAGA Notice. The Company provides hospital care/services and employs over 15,000 workers statewide and has employed Ms. McIntyre in a non-exempt position since August of 2007, as a Radiology Technician, in Bakersfield, California. The other similarly

aggrieved employees also hold and have held similar non-exempt positions with the Company throughout California. The Company has engaged, and continues to engage, in policies and practices that violate numerous provisions of the California Labor Code and Industrial Welfare Commission Order No. 4-2001.

For example, throughout Ms. McIntyre's employment, the Company required her and other similarly aggrieved employees to work standby time and/or on-call time. This standby and/or on-call time is controlled by the Company as they require Ms. McIntyre and other similarly aggrieved employees to report to work within one-half hour from the "call," refrain from certain activities (such as alcohol consumption) while on standby, and geographic limitations are imposed while on standby (i.e. employee must have cell phone reception, must remain close enough to the hospital to be at work within 30 minutes, etc.) Despite the foregoing, Ms. McIntyre and other similarly aggrieved employees were/are paid less than minimum wage for standby time and were/are deprived of overtime wages earned. The foregoing has resulted in unpaid wages (including but not limited to minimum and overtime wages), inaccurate wage statements, untimely payment of all wages; and corresponding violations of California Labor Code §§ 204, 210, 226, 510, 511, 1174, 1194 & 1198, and IWC Wage Order 4-2001 §§ 3 & 4.

The Company also required Ms. McIntyre and all similarly aggrieved employees to carry a personal cell phone for work and to carry one at all times during standby time. The frequency of calls/alerts from the Company while on standby is high; and any call/alert that is missed, triggers an automatic robocall that sends repeated phone calls and messages. Despite this fact, it is/was the Company's policy and practice to not reimburse Ms. McIntyre and all similarly aggrieved employees for expenses resulting from using their personal cellular phones for work. This is a violation of California Labor Code § 2802.

Accordingly, unless the LWDA pursues the matter on its own, Ms. McIntyre intends to bring a private civil action against the Company asserting claims on behalf of herself and all other similarly aggrieved past and current employees of the Company under PAGA for the Company's aforementioned violations of the California Labor Code and IWC Wage Order 4-2001. In her action, Ms. McIntyre will seek penalties and other relief provided under PAGA on behalf of herself and all other past and current employees similarly aggrieved.

Please direct all communications in this matter to my office, as follows:

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Thank you for your anticipated courtesy and consideration.

Sincerely,

FELAHY TRIAL GROUP

By: *Farbod Nourian*
Allen B. Felahy, Esq.,
Farbod Nourian, Esq.,
Attorney for Melissa McIntyre