

June 16, 2025

Filed via online system with the LWDA

California Labor and Workforce Development Agency
Attn. PAGA Administrator
800 Capital Mall Ste. 1022
Sacramento, CA 95814

Sent via Certified Mail

CSC - Lawyers Incorporating Service
2710 Gateway Oaks Drive, Suite 150N
Sacramento, CA 95833-3505
(Registered Agent for Ralphs Grocery Company)

Ralphs Grocery Company
1014 Vine Street
Cincinnati, OH 45202

Re: **Written Notice Pursuant to Labor Code sections 2698, et seq. – William W. Cosby VI v. Ralphs Grocery Store**

To Whom It May Concern:

Labor Code section 2699.3(a) requires employees seeking to file a claim under PAGA to provide written notice to the Labor and Workforce Development Agency and the employer for violations of codes identified in Section 2699.5. Thus, Claimant William W. Cosby VI ("Claimant") hereby submits this written notice of Labor and Industrial Welfare Commission Wage Order violations by Defendant Ralphs Grocery Company ("Ralphs.")

Ralphs is a California corporation conducting business in the State of California, including hiring California residents as employees. Ralphs and its managing agents own and operate grocery retail locations throughout California. Claimant is informed and believes that Ralphs regularly employs more than 50 employees within California. Claimant is further informed and believes that Ralphs, along with any relevant affiliates or subsidiaries, constitutes a "joint employer" for all relevant purposes under California law. Claimant is informed and believes that Ralphs' managing agents, officers, or directors constitute "persons acting on behalf of the employer" within the meaning of Labor Code section 558.1.

Claimant worked as a non-exempt, hourly employee at multiple Ralphs locations located in California. Pursuant to Labor Code sections 2698 et seq., Claimant seeks to represent himself and other similarly situated aggrieved employees in California for PAGA penalties in a civil action against Ralphs. For the purposes of this notice, "aggrieved employees" includes Claimant and other current or former non-exempt employees of Ralphs within the relevant statutory period.

Claimant alleges Ralphs violated the following provisions, all enumerated in Labor Code section 2699.5 and thus requiring written notice pursuant to Labor Code section 2699.3(a):

- Labor Code Sections 201-203, 1182.12, 1194, 1194.2, 1197 and 1198: Failure to Pay Minimum Wage for All Hours Worked
- Labor Code Sections 204, 21-: Failure to Timely Pay Wages During Employment
- Labor Code Sections 226.7, 512, and 516: Failure to Provide Meal and Rest Breaks
- Labor Code Section 226, 226.3: Failure to Provide Accurate, Itemized Wage Statements
- Labor Code Sections 6400, 6401, and 6403: Failure to provide a safe and healthful workplace
- Labor Code Section 2802: Failure to Reimburse Necessary Business Expenses
- Labor Code Sections 1174, 1174.5: Failure to maintain accurate payroll records
- Labor Code Section 558: Statutory Penalties for PAGA Violations

Legal and Factual Basis to Support Claims:

Claimant William W. Cosby VI was hired by Defendant Ralphs Grocery Company ("Ralphs") in August, 2023, as a non-exempt, hourly Grocery Clerk. He remained continuously employed by Ralphs until his termination on May 7, 2025. Claimant seeks civil penalties under PAGA on behalf of himself and other similarly situated aggrieved employees for Ralphs' violations of California wage and hour laws, including: 1.) failure to pay minimum wage for all hours worked; 2.) failure to provide required meal and rest breaks and associated premium pay; 3.) failure to timely pay wages earned during employment; 4.) failure to provide accurate, itemized wage statements; 5.) failure to reimburse necessary business expenses; 7.) all related statutory penalties; 8.) Disability Discrimination, Failure to Accommodate, and Failure to Engage in Interactive Process; 9.) Retaliation and Wrongful Termination in Violation of Public Policy; 10.) Failure to Provide a Safe and Healthful Workplace

Throughout his employment at multiple Ralphs locations—including Ralphs Point Loma, Ralphs Pacific Beach, and Ralphs La Jolla—Claimant routinely experienced violations of California's meal and rest break laws. Specifically, Claimant and other aggrieved employees frequently worked through or missed meal and rest breaks due to inadequate staffing, high customer traffic, and management's refusal to permit breaks during designated peak business hours. Claimant regularly witnessed supervisors and coworkers working through mandated breaks because staffing shortages left no adequate coverage for essential tasks. Additionally, Claimant's own meal and rest periods were often delayed or interrupted by supervisors requesting immediate assistance with job duties, resulting in missed or untimely meal breaks for which Ralphs failed to provide required premium wages.

Further, Ralphs repeatedly required Claimant and similarly situated employees to perform substantial off-the-clock work without compensation. Claimant frequently received work-related calls, emails, and text messages outside of his scheduled shifts concerning scheduling, assignments, and operational issues. Ralphs did not compensate Claimant or aggrieved employees for this additional off-the-clock labor, resulting in unpaid wages and wage statements that inaccurately reflected total hours worked.

Additionally, Ralphs required Claimant and other employees to utilize their personal cell phones and cellular data plans regularly for work-related communications without reimbursement for these expenses, in violation of Labor Code §2802.

As a result of these unlawful practices, Claimant and other aggrieved employees did not receive all legally mandated wages and premium pay, were denied accurate wage statements, incurred unreimbursed business expenses, and were subjected to unlawful wage-payment delays. Claimant seeks civil penalties, unpaid wages, statutory damages, attorneys' fees, and costs pursuant to the applicable provisions of the California Labor Code and PAGA.

A. FAILURE TO PROVIDE MEAL AND REST BREAKS AND FAILURE TO PAY PREMIUM WAGE FOR MISSED MEAL AND REST BREAKS

Industrial Welfare Commission Wage Order 4 ("Wage Order 4"), section 12 and California Labor Code sections 226.7 and 516 establish the right of employees to be authorized and permitted to take a paid rest period of at least ten minutes of net rest time for each four-hour period worked, or major fraction thereof.

Wage Order 4, section 11 and California Labor Code sections 226.7, 512 and 516 establish the right of employees to be authorized and permitted to take a 30-minute uninterrupted meal period for each employee who works a period of more than five hours. Furthermore, an employer may not employ an employee for a work period of more than ten hours per day without providing the employee with a second meal period of not less than 30 minutes.

As alleged above, Ralphs failed to authorize and permit Claimant and other aggrieved employees to take all required meal periods. Ralphs also failed to authorize other aggrieved employees to take all legally required rest breaks. Claimant has witnessed other aggrieved employees, including supervisors, work through their meal and rest breaks. Claimant himself has had his meal breaks interrupted to discuss work related matters. Ralphs also failed to compensate Claimant for each meal period to which she was entitled while working.

The foregoing violations create an entitlement to recovery by Claimant in a civil action for the unpaid amount of meal and rest period premiums owing, including interest thereon, as well as statutory penalties, civil penalties, and costs of suit according to California Labor Code sections 226.7, 512, 516, and 558 and Civil Code sections 3287(b) and 3289.

B. FAILURE TO PAY MINIMUM WAGE FOR ALL HOURS WORKED

This cause of action is brought pursuant to Labor Code sections 558, 1182.12, 1194, 1194.2, 1197, and 1198 which provide that all non-exempt employees are entitled to all minimum wages for all hours worked, and provide a private right of action for the failure to pay all minimum wage compensation for all work performed.

At all relevant times, Ralphs was required to compensate Claimant for all hours worked pursuant to California Labor Code sections 1194, 1197 and 1198 and Wage Order 4. Wage Order 4 section 4 requires an employer to pay every employee on the established payday for the period involved not less than the applicable minimum wage for all hours worked in the payroll period. As detailed above, Ralphs caused Claimant to work hours in a workweek but did not properly compensate

Claimant at least minimum wages for such hours. For instance, Ralphs routinely contacted Claimant outside of work, including his days off, to discuss work related matters but did not compensate him for that time. Claimant believes that it is the custom and practice of Ralphs management to contact employees outside their regular work hours for work-related issues, without compensating them for the additional time worked.

At all times relevant herein, Ralphs lacked good faith and had no reasonable grounds for believing that their practices in failing to pay all minimum wages owed at the applicable rate was not a violation of any provision of the Labor Code relating to minimum wage, or an order of the Industrial Welfare Commission. Defendants, in addition to owing minimum wages to Claimant, also owe liquidated damages in an amount equal to the wages unlawfully unpaid, and interest thereon, pursuant to Labor Code section 1194.2.

The foregoing practices and policies are unlawful and create entitlement to recovery by Claimant in a civil action for the unpaid amount of minimum wages owing, including interest thereon, as well as statutory penalties, liquidated damages, civil penalties, and attorneys' fees and costs of suit, pursuant to Labor Code section 558, 1182.12, 1194, 1194.2, 1197, and 1198 and Wage Order 4, California Code of Civil Procedure section 1021.5 and Civil Code sections 3287(b) and 3289.

C. FAILURE TO TIMELY PAY WAGES DURING EMPLOYMENT

California Labor Code Section 204 mandates timely payment of all wages earned by employees. Specifically, wages earned from the 1st through the 15th day of any calendar month must be paid between the 16th and the 26th day of that month, and wages earned from the 16th through the final day of any month must be paid between the 1st and 10th day of the following month. Further, Section 204 requires that all overtime wages must be paid no later than the payday for the next regular payroll period. Alternatively, compliance with Section 204 is met if wages for weekly, biweekly, or semimonthly payroll periods are paid no more than seven calendar days after the close of the payroll period.

During the relevant period, Ralphs consistently failed to timely compensate Claimant William Cosby and other aggrieved employees for all wages due to them. This includes, but is not limited to, compensation for overtime hours worked, wages earned during off-the-clock communications, and meal and rest period premium wages. Ralphs did not pay these wages within the deadlines explicitly mandated by California Labor Code Section 204.

Claimant and other aggrieved employees are therefore entitled to recover applicable civil penalties, attorneys' fees, costs, and interest pursuant to Labor Code sections 210 and 2699(a), (f), and (g).

D. FAILURE TO PROVIDE ACCURATE WAGE STATEMENTS

Claimant is informed and believes, and based thereon alleges, that Ralphs knowingly and intentionally, as a matter of uniform practice and policy, failed to furnish Claimant with complete and accurate, itemized wage statements that included, among other requirements, all applicable hourly rates in effect during the pay period along with the corresponding number of hours worked at each hourly rate, and all wages earned during the pay period, in violation of Labor Code section 226(a).

Ralphs' failure to furnish Claimant with complete and accurate, itemized wage statements resulted in actual injury, as said failures led to, among other things, the non-payment of all his minimum wages, meal and rest break premium wages and deprived him of the information necessary to identify the discrepancies in Ralphs's reported data. As noted above, Claimant was often contacted via text or email by his supervisors to discuss work matters while Claimant was off the clock. These hours are not accurately reflected in Claimant's wage statements.

Ralphs's failure creates an entitlement to Claimant in a civil action for damages and/or penalties pursuant to Labor Code section 226, including statutory penalties and reasonable attorneys' fees and costs.

E. FAILURE TO REIMBURSE NECESSARY BUSINESS EXPENSES

California Labor Code Section 2802 mandates that employers reimburse employees for all necessary expenditures and losses incurred in direct consequence of performing their job duties. The fundamental purpose of Section 2802 is to prevent employers from shifting their costs of doing business onto their employees. (*Cochran v. Schwan's Home Service, Inc.* (2014) 228 Cal. App. 4th 1137, 1144.)

During the relevant period, Ralphs required Claimant William Cosby and other aggrieved employees to regularly utilize their personal cell phones and cellular data plans to perform necessary job functions, yet Ralphs consistently failed to reimburse them for these expenses. Ralphs mandated that Claimant and aggrieved employees use their personal cellular phones to perform numerous essential work duties, including making and receiving work-related phone calls, sending and receiving business-related text messages, and accessing job-related applications or data necessary for their roles. Despite these explicit requirements, Ralphs never reimbursed Claimant or other aggrieved employees for their incurred cell phone costs.

Ralphs had the ability to provide Claimant and other aggrieved employees with appropriate equipment necessary to carry out their duties, including company-provided phones or reimbursement for the actual business-related usage of their personal phones. However, Ralphs instead chose to improperly shift these operating expenses onto Claimant and aggrieved employees, violating Labor Code Section 2802. Ralphs's company-wide practice of failing to reimburse necessary business expenses unlawfully forced employees to bear business operating costs themselves.

As a result of these violations, Claimant and other aggrieved employees are entitled to recover civil penalties, attorneys' fees, costs, and interest thereon pursuant to Labor Code sections 2699(a), (f), and (g).

F. FAILURE TO PROVIDE A SAFE AND HEALTHFUL PLACE OF EMPLOYMENT

These claims are brought pursuant to California Labor Code sections 6400, 6402, and 6403. Ralphs Grocery Company ("Ralphs") operates high-traffic retail grocery stores, requiring employees, including Claimant William Cosby and other aggrieved employees, to regularly interact closely with the public and manage situations involving potentially hostile customers, shoplifting, and confrontations. Ralphs failed to adequately ensure employee safety by neglecting to adopt,

implement, or enforce reasonable security measures, safety protocols, or staffing practices designed to protect employees from violent or dangerous workplace situations.

During his employment, Claimant repeatedly experienced unsafe working conditions, including multiple incidents of physical threats and assaults by customers. Despite Claimant's and other employees' repeated notifications to Ralphs management regarding these safety concerns, Ralphs did not consistently implement effective protective measures, safety training, or provide adequate staffing to reduce these hazards.

Specifically, Claimant was involved in at least two known incidents involving violent confrontations with shoplifters or customers exhibiting threatening behavior. Ralphs did not adequately address these security risks, did not provide sufficient support or intervention when Claimant was assaulted by customers, and instead placed Claimant and other employees at continued risk of harm.

Ralphs' actions and omissions constitute a failure to provide a safe and healthful workplace and a failure to implement necessary and appropriate safety measures, safeguards, and processes to protect the life, safety, and health of Claimant and similarly situated aggrieved employees, in violation of Labor Code §§ 6400, 6402, and 6403.

G. CIVIL PENALTIES UNDER THE PRIVATE ATTORNEYS GENERAL ACT (P.A.G.A.) UNDER LABOR CODE SECTION 2698, ET. SEQ.

Ralphs has committed several Labor Code violations against Claimant and other aggrieved employees. Claimant is an "aggrieved employee" within the meaning of Labor Code section 2698 *et seq* ("PAGA"), acting on behalf of himself and other aggrieved employees, brings this representative action against Ralphs to recover the civil penalties due to Claimant, other aggrieved employees, and the State of California according to proof, pursuant to Labor Code sections 558 and 2699 (a) and (f) including, but not limited to: (1) civil penalties pursuant to Labor Code section 558 for initial and subsequent violations per employee per pay period; (2) \$100 for each initial violation and \$250 for each subsequent violation pursuant to Labor Code section 1197.1 per employee per pay period; (3) \$250 for each initial violation and \$1,000 for each subsequent violation pursuant to Labor Code section 226.3 per employee per pay period for violations of Labor Code section 226; (4) \$100 for each initial violation and \$200 for each subsequent or willful violation pursuant to Labor Code section 225.5, plus 25% of amounts unlawfully withheld; and (5) \$100 for each initial violation and \$200 for each subsequent violation per employee per pay period for Labor Code violations for which no specific penalty is provided. These penalties are based on the following alleged violations of the Labor Code:

1. Failing to compensate Claimant and other aggrieved employees at least the statutory minimum wage for all hours worked in violation of Labor Code sections 1182.12, 1194, 1194.2, 1197 and 1198;
2. Failing to provide Claimant and other aggrieved employees with their statutorily mandated meal periods and failing to pay meal period premiums in violation of Labor Code sections 226.7, 512, 558 and 1198;
3. Failing to authorize and permit aggrieved employees to take their statutorily

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mandated rest periods and failing to pay rest period premiums in violation of Labor Code sections 226.7, 516, 558 and 1198;

4. Failing to furnish Claimant and other aggrieved employees with complete and accurate itemized wage statements in violation of Labor Code section 226;
5. Failure to timely pay all wages owed during employment in violation of Labor Code § 204.
6. Failure to timely pay final wages upon termination or resignation in violation of Labor Code §§ 201-203.
7. Failure to reimburse necessary business-related expenses (e.g., cell phone usage, uniforms, or equipment) in violation of Labor Code § 2802.
8. Failure to maintain accurate payroll records in violation of Labor Code §§ 1174 and 1174.5.
9. Failure to provide a safe and healthful workplace

Claimant was compelled to retain the services of counsel to file this court action to protect his interests and the interests of other aggrieved employees, and to assess and collect the civil penalties owed by Ralphs. Claimant has thereby incurred attorneys' fees and costs, which she is entitled to recover under California Labor Code section 2699(g).

Pursuant to Labor Code section 2699(a), if the LWDA does not respond to this Notice, Claimant will file for PAGA claims on behalf of himself and the State of California.

Sincerely,

CALLAHAN, THOMPSON, SHERMAN & CAUDILL LLP

A handwritten signature in black ink, appearing to read "Robert W. Thompson", with a long horizontal line extending to the right.

ROBERT W. THOMPSON