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VIA CERTIFIED U.S. MAIL—RETURN RECEIPT REQUESTED

March 15, 2019

Attention: PAGA Administrator  
Acting Agency Secretary  
California Labor & Workforce Development Agency  
[PAGAFilings@dir.ca.gov](mailto:PAGAFilings@dir.ca.gov)

Blaze Pizza/Damm Fine Pizza, LLC  
Attn: District Manager Mati (Last Name Unknown, "LNU"), Supervisor Kelly (LNU), Supervisor Hugo Cuevas, Chief Leader Sky (LNU) and Assistant Manager Kendal (LNU)  
892 E. Foothill Blvd, Suite 5A  
San Luis Obispo, CA 93405

Blaze Pizza/Damm Fine Pizza, LLC  
Headquarters  
Attn: Amanda Shaw, District Manager Mati (Last Name Unknown, "LNU"), Supervisor Kelly (LNU), Supervisor Hugo Cuevas, Chief Leader Sky (LNU) and Assistant Manager Kendal (LNU)  
35 N Lake Ave, Suite 710  
Pasadena, CA 91001

Damm Fine Pizza, LLC  
Attn: District Manager Mati (Last Name Unknown, "LNU"), Supervisor Kelly (LNU), Supervisor Hugo Cuevas, Chief Leader Sky (LNU) and Assistant Manager Kendal (LNU)  
1403 Hillman Street  
Tulare, CA 93274

Damm Fine Pizza, LLC  
Attn: Steven J. Adamski, District Manager Mati (Last Name Unknown, "LNU"), Supervisor Kelly (LNU), Supervisor Hugo Cuevas, Chief Leader Sky (LNU) and Assistant Manager Kendal (LNU)  
340 North Westlake Blvd Ste 260  
Westlake Village, CA 91362

March 15, 2019

Letter to PAGA Administrator, Blaze Pizza/Damm Fine Pizza, LLC and District Manager Mati (Last Name Unknown, "LNU"), Supervisor Kelly (LNU), Supervisor Hugo Cuevas, Chief Leader Sky (LNU) and Assistant Manager Kendal (LNU)

Re: Labor Code §2699 Notice by Aggrieved Employee Omar Ramirez

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**RE: Labor Code §2699 Notice by Aggrieved Employee Omar Ramirez (DOB [REDACTED])**

Dear PAGA Administrator and All Entities and Persons listed herein:

This constitutes statutory notice pursuant to Labor Code § 2699.3(a)(1) for purposes of bringing a claim under the Private Attorneys General Act, Cal. Labor Code § 2699, *et seq.* Please consider this a request for the California Labor & Workforce Development Agency ("LWDA" or "Agency") to take action against Blaze Pizza/Damm Fine Pizza, LLC. (and their agents, managers and supervisors – including owner(s), manager and District Manager Mati (Last Name Unknown, "LNU"), Supervisor Kelly (LNU), Supervisor Hugo Cuevas, Chief Leader Sky (LNU) and Assistant Manager Kendal (LNU) (collectively "Defendants"), for violations of the California Labor Code described below. I am writing on behalf of Omar Ramirez an aggrieved employee represented by this law firm (hereinafter "Aggrieved Plaintiff") who seeks to assert a PAGA claim on behalf of the State of California and all other current or former employees who have been employed by Defendants in California.

**PLEASE TAKE NOTICE THAT THIS IS ALSO A GENERAL LITIGATION PRESERVATION NOTICE** to preserve all documents relating to all employees, including but not limited to all timekeeping and payroll records in paper form, native electronic form and any other format in which they are generated and maintained in the regular course of business; all databases and computer or electronic systems that are used for timekeeping and payroll; all records and evidence in any way related to the facts and claims asserted in this letter; all records and evidence in any way related to claims of Aggrieved Plaintiffs, the state and other current or former employees under the California Labor Code Private Attorney General (including underlying Labor Code and IWC orders), the California Government Code, and the Equal Employment Opportunity Act. These documents include but are not limited to all schedules (both current and former) all timekeeping records, all rest and meal period records, all duty and responsibility records, all records of patients or the facilities which include employee signatures or initials, all payroll records, all state or federal withholding records, all personnel files and other employment records, all records concerning the payment or non-payment of wages, or provision or non-provision of state mandated labor code protections, as well as all documents pertaining to harassment or discrimination against employees, all communications relating to these records and documents, and all emails relating to these records and documents.

Further, pursuant to California Labor Code §§ 210, 558, 558.1, 1197.1, 2699(f) and other provisions of the Labor Code, please consider this a notice to Blaze Pizza/Damm Fine Pizza, LLC's owners, supervisors, managers, agents and all other person acting on behalf of Blaze Pizza/Damm Fine Pizza, LLC, including and particularly District Manager Mati (Last Name Unknown, "LNU"), Supervisor Kelly (LNU), Supervisor Hugo Cuevas, Chef Leader Sky (LNU) and Assistant Manager Kendal (LNU) and the employer who caused to be violated any provision of the California Labor Code or Wage Orders governing hours and days of work. District

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Manager Mati (Last Name Unknown, "LNU"), Supervisor Kelly (LNU), Supervisor Hugo Cuevas, Chef Leader Sky (LNU) and Assistant Manager Kendal (LNU) have complete authority to implement and carry out the illegal payroll policies at issue herein.

This investigation request and notice of California Labor Code violations concerns the systematic failure by Blaze Pizza/Damm Fine Pizza, LLC to pay current and former California non-exempt employees in conformance with the California Labor Code and Wage Orders. At the core of Blaze Pizza/Damm Fine Pizza's violations is a policy of failing to keep accurate time and payroll records; requiring, suffering or permitting employees to perform unpaid work outside their scheduled worktime, including time spent donning and doffing personal protective equipment, washing hands, walking to and from the work areas to designated break areas during meal periods, addressing human resources issues, walking from one work station to another, and waiting in line to clock in and/or out during normal work hours, meal periods and rest periods; failing to compensate employees for all hours worked; refusing to provide rest periods or to provide premium wages in lieu thereof; forcing employees to take late meal periods and failing to provide premium wages in lieu thereof; failing to provide accurate itemized wage statements; and failing pay of all wages owed upon separation from employment. These violations are uniform policy applied to all non-exempt personnel at Blaze Pizza/Damm Fine Pizza, LLC.

Liability under the Private Attorneys General Act (Cal. Labor Code §§ 2698 *et seq.*) ("PAGA") may be based on a wide variety of Labor Code predicate provisions, including but not limited to §§ 201, 202, 203, 210, 216, 218, 218.6, 223, 225, 226, 226.7, 510, 512, 6400, 6401, 6401.7, 6402, 6403, 6404, 1174, 1175, 1194, 1194.2, 1197, 1197.1 1199 and 2673.1(a), IWC wage orders, 2699 *et seq.* and all of the provisions listed in Labor Code 2699.5 (including the penalty provisions related to these predicate provisions), among others. Any violation of these or any other Labor Code provisions serves as the basis for a PAGA claim by an aggrieved employee on behalf of themselves and other current and former employees and pursuant to the underlying PAGA.

In particular, the policies described above and the violations set forth below relate to all the non-exempt employees employed at Blaze Pizza/Damm Fine Pizza, LLC locations and worksites in California, and include:

1. Failure to pay non-exempt employees all wages earned in violation of Cal. Labor Code §§ 201, 202, 221, 510, 1194, 558, 1197.1 and the Wage Orders. The failure to compensate for all hours worked stems from practices involving the inaccurate keeping time records; the inaccurate maintenance of wage records; requiring, suffering or permitting employees to work without compensation; and providing fixed compensation rather than compensation for actual hours worked including overtime resulting from the unpaid time.

For example, Mr. Ramirez and the other employees were required daily by management to prepare for work before clocking in by putting on their uniforms (company t-shirt, apron

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and hat), as instructed by management before clocking in. Mr. Ramirez and others also had to clock out at the end of their shifts before removing their uniforms (company t-shirt, apron and hat). This also occurred when employees took their lunch breaks, which shortened their breaktime. Therefore, Mr. Ramirez and the other employees were not paid for all time worked, which should include time preparing for and finishing work.

Mr. Ramirez and the other employees were instructed to do this unpaid work by their managers, Mati (LNU), Kelly (LNU) and Hugo Cuevas. Mr. Ramirez estimates that it took him 3-5 minutes to put on his work t-shirt, apron, and hat, and the same amount of time to take these items off, for a total of 12-20 minutes per day that he was not paid for work done preparing for and finishing work. Manager Kelly instructed Mr. Ramirez and other employees to perform their duties off-clock, and Manager Hugo Cuevas continued this practice when Manager Kelly left employment with Blaze Pizza/Damm Fine Pizza. This type of violation was widespread in the workforce and was a common policy.

2. Failure to properly provide/authorize and permit non-exempt employees all required paid 10-minute rest breaks and proper timely 30-minute lunch breaks to which non-exempt employees are entitled, and failure to pay premium rest period wages in lieu of rest breaks, in violation of Cal. Labor Code §§ 226.2, 226.7, 512 and Wage Orders and California case law.

Specifically, Mr. Ramirez and other employees were not consistently permitted to take 10-minute breaks as required. On many occasions, Mr. Ramirez and the other employees were not relieved by management for breaks to use the restroom. When Mr. Ramirez complained about this, or asked for a break, he was told by his manager, Kelly, that if she was unable to take breaks, then he also could not take breaks. This type of violation was widespread in the workforce and was common policy. This policy was first enforced by Manager Kelly, and later enforced by Manager Hugo Cuevas when Manager Kelly no longer worked for Blaze Pizza/Damm Fine Pizza.

Mr. Ramirez and other employees frequently had their 30-minute required lunch breaks shortened by at least 5 minutes because they were required to take off their work uniforms after clocking out, and required to put their work uniform back on before clocking back in. This policy was first enforced by Manager Kelly, and later enforced by Manager Hugo Cuevas when Manager Kelly no longer worked for Blaze Pizza/Damm Fine Pizza.

Mr. Ramirez was forced by his manager, Kelly to work more than 5 hours without a break, and then was written up for doing so.

3. Failure to keep accurate time records and failure to provide accurate wage statements. Employee wage statements failed to include total hours worked, applicable rates of pay, and accurate gross and net wages earned, in violation of Labor Code §§226, 1174 and the

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Wage Orders. Defendants failed to keep track of start and end of work periods in violation of the Wage Orders.

For example, Mr. Ramirez and the other employees were required daily by management to prepare for work before clocking in by putting on their uniforms (company t-shirt, apron and hat), as instructed by management before clocking in. Mr. Ramirez and others also had to clock out at the end of their shifts before removing their uniforms (company t-shirt, apron and hat). This also occurred when employees took their lunch breaks, which shortened their required breacktime. Therefore, Mr. Ramirez and the other employees were not paid for all time worked, which should include time preparing for and finishing work.

Mr. Ramirez and the other employees were instructed to do this unpaid work by their managers, Mati, Kelly and Hugo Cuevas. Mr. Ramirez estimates that it took him 3-5 minutes to put on his work t-shirt, apron, and hat, and the same amount of time to take these items off, for a total of 12-20 minutes per day that he was not paid for work done preparing for and finishing work. This type of violation was widespread in the workforce and was a common policy.

Mr. Ramirez was forced by his manager, Kelly to work more than 5 hours without a break, and then was written up for doing so.

4. Failure to reimburse for garments necessary for work in violation of Labor Code § 2802.

Mr. Ramirez and the other employees were issued a company t-shirt, apron and hat that they had to take home and wash on their own time. For example, Mr. Ramirez had to wash his uniform items 2-3 times per week because his garments were frequently soiled due to the nature of his work. He was not reimbursed for the costs that he incurred. Mr. Ramirez estimates that he paid 2.50 per wash load and 1.50 per each dryer load.

The above provisions do not include all of the derivative penalties associated with the above provisions, which are listed throughout the Labor Code and are PAGA penalties.

Aggrieved Plaintiff and employee who was a food preparer for defendants from approximately April of 2018 to approximately October of 2018 may be contacted through our office: Mallison & Martinez, Attorneys at Law, 1939 Harrison Street, Suite 730, Oakland, California 94612.

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If no action is taken within 65 days, we will assume that we may pursue this action under the theories described above against the Defendant described above and their managers, agents, owners and other liable persons and entities (pursuant to §210, 558, 1197.1, 2699(f) (and other provisions)).

Sincerely,

A handwritten signature in blue ink, appearing to read 'Stan Mallison', with a stylized flourish at the end.

Stan Mallison, Esq.  
MALLISON & MARTINEZ