

Marta B. Almli (Cal. Bar 177306)  
1800 Vine Street  
Los Angeles, CA 90028

Registered Agent for Service of Process  
Northwest Registered Agent, Inc. (#C3184722)  
2108 N ST STE N  
Sacramento, CA 95816

8/13/2025

VIA ONLINE ELECTRONIC SUBMISSION  
California Labor & Workforce  
Development Agency  
455 Golden Gate Avenue, 9th Floor  
San Francisco, California 94102

Re: Notice Pursuant to California Labor Code § 2699.3 re Dignity Health Medical Foundation

Pursuant to the Private Attorneys General Act of 2004 ("PAGA"), Cal. Labor Code § 2698, *et seq.*, I provide this notice on behalf of all aggrieved employees in the State of California to the Labor and Workforce Development Agency ("LWDA") and to Dignity Health Medical Foundation, and any and all affiliates, subsidiaries, parents, directors, officers, agents, and executive employees of Dignity Health Medical Foundation including Foundation Physicians Medical Group, Inc. dba Dignity Health Medical Group - Northridge, Scott Robertson, MD, an individual and Theresa Hylen, CPA, an individual (collectively referred to as "DHMF") for violations of the Healthy Workplaces, Healthy Families Act, Labor Code section 246, 246.5 and 247 by DHMF. Please allow this letter to serve as a notice and a request pursuant to § 2699.3 of the California Labor Code that your agency investigate the claims described below. If the agency does not intend to investigate the alleged violations, I ask that you please notify me of that fact. If your agency decides not to investigate the below-described claims, I intend to pursue injunctive relief and civil penalties through court action on behalf the State of California and all aggrieved employees against whom Labor Code violations were committed.

Dignity Health Medical Foundation is a 501(c)(3) nonprofit corporation, organized and existing under the laws of the State of California, with its principal places of business in the County of Sacramento, State of California, at 3400 Data Drive, Rancho Cordova, CA 95670. According to its

online statements it is made up of 12 medical groups and 160+ clinics across California, employing between 1001 and 5000 employees.

Foundation Physicians Medical Group, Inc. dba Dignity Health Medical Group – Northridge (“FPMG”) is an affiliate of Dignity Health Medical Foundation, and on information and belief is one of the 12 medical groups that makes up Dignity Health Medical Foundation. It is a corporation, organized and existing under the laws of the State of California, also with its principal places of business in the County of Sacramento, State of California, at 3400 Data Drive, Rancho Cordova, CA 95670. On information and belief, FPMG has a Professional Services Agreement with Dignity Health Medical Foundation under which FPMG provides the services of FPMG’s employed physicians to Dignity Health Medical Foundation for purposes of caring for patients.

Scott Robertson, MD, is the Chief Executive Officer of DHMF. He was not the CEO at the time of the original violations described herein, but did allow the continued violations after he began his tenure, and from approximately May 2025 to the present was acting either individually or as an officer, owner, director, agent, or employee of DHMF, and from May 2025 on caused and continues to cause all of the violations alleged herein against the “aggrieved employees,” as defined herein, including without limitation violations of Labor Code sections 246, 246.5 and 247.

Theresa Hylan, CPA, is the Chief Financial Officer and on information and belief was the ranking officer acting as interim CEO from December 2024 to May 2025, and was acting either individually or as an officer, owner, director, agent, or employee of DHMF, who caused and continues to cause all of the violations alleged herein against the “aggrieved employees,” as defined herein, including without limitation Labor Code sections 246, 246.5 and 247.

I am an attorney duly licensed in the state of California. I am also a physician employed by FPMG as a hospitalist at Northridge Hospital Medical Center from January 2021 to the present.

The “aggrieved employees” that I seek injunctive relief on behalf of, and that I may seek civil penalties on behalf of, are all current and former employed physicians who worked for DHMF within the State of California.

Based on the following facts and theories, DHMF has violated and continues to violate, among other provisions of the California Labor Code, California Labor Code sections 246, 246.5 and 247.

The Healthy Workplaces, Healthy Families Act, Labor Code sections 245 *et seq.*, establishes minimum standards for paid sick leave for all covered employees in California. Because the statute was enacted for the protection and benefit of employees, its provisions must be “liberally construed with an eye to promoting such protection.” (Division of Labor Standards



Enforcement, Opinion Letter Re Paid Sick Leave, August 7, 2015, p. 1.) Exempt employees, which include professional employees like employed physicians, are expressly included within the protections of the statute. (See, e.g., Labor Code secs. 245.5(a) [listing the only exceptions], 246(b)(2).)

In November of 2024 the employed hospitalist physicians at Northridge Hospital were notified by representatives of DHMF that DHMF would be deducting monies from the employees' paychecks based on the number of sick days used in calendar year 2023. These were deducted from the 11/29/2024 paychecks. (Note that while the amounts were deducted in November 2024, there was no itemization at this time either of the amounts to be deducted or the basis for the deduction, and this was not done until a February 2025 email, after written demand made by the employees). The employees were also notified that for sick days taken in calendar year 2024, they would be expected to work extra, unpaid shifts in 2025. The employees immediately objected to this action and requested a meeting to discuss this action. This meeting was held on December 13, 2024. That meeting was attended by several representatives of DHMF including Anthony Quan, then Vice President of Operations of Dignity Health Medical Foundation, South and Central California, Brytani Garnett, Director of Clinical Operations for Dignity Health Medical Group - Northridge, and other representatives from Human Resources. These persons took the position, on behalf of DHMF, that the California law providing paid sick leave did not apply to the employed physicians based on the language in their contracts specifying the number of days to be worked. The employees then sent a letter to DHMF stating in detail the factual and legal arguments against DHMF's position. DHMF never responded in good faith to that letter and instead sent a memorandum to the employees on January 17, 2025 outlining how the 2024 sick days were expected to be made up in 2025 and stating, essentially, that while DHMF recognizes the employed physicians are entitled to five sick days under California law, DHMF's position was that these days are not allowed to be paid based on the terms of the physicians' contracts.

The Labor Code defines "paid sick days" as "time that is compensated at the same wage as the employee normally earns during regular work hours ... ." (Labor Code sec. 245.5(e).) "This provision reflects and embodies the Legislature's overall express intent that employees be entitled to take sick days without losing any of the compensation they would otherwise normally have earned for that day." Division of Labor Standards Enforcement, Opinion Letter Re Paid Sick Leave, August 7, 2015, p. 1. Sick days are treated like a regular work day and are paid in regular payroll in the regular pay period after the sick day is taken (Labor Code sec. 246(n)). The contract states "Physician agrees that Physician's Base Guarantee includes 183 12-hour shifts per year." The sick days permitted under the law are to be taken from these 183 shifts. Otherwise, they could not be considered "paid sick days".

With regard to extra shift pay, above the 183 shifts, the contract states "In the event Physician is approved to work shifts in excess of 183 12-hour shifts per year," the physician is entitled to pay according to a fee schedule (depending on whether the extra shift is a night shift, weekday day shift or weekend day shift). The moneys DHMF deducted from the November 2024 paychecks were for extra shifts *already approved and already paid* in 2023 according to this provision of the contract. Not only was this a violation of the express terms of the contract, it was in express violation of the California Labor Code, as it was on its face an attempt to force people to "pay back" sick days used. It was also an express violation of Labor Code section 246.5(c), which prohibits employers from discriminating in any way against an employee for using accrued sick days. For example, DHMF's proposed policy of allowing an employee who does not use any sick days to be paid for extra shift days, while not allowing an employee who uses sick days to be paid for the exact same extra shift days, is discrimination against the employee who has used the sick days. This is expressly prohibited by California law.

Finally, based on statements by officers and administrative employees of DHMF, it appears that DHMF is similarly depriving other employed physicians across California of their legally guaranteed sick days, not just those at Northridge Hospital. This claim is brought on their behalf as well.

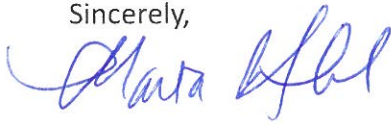
The clear intent of the Healthy Workplaces, Healthy Families Act was to permit all California workers, including "exempt" workers, to take paid sick days without any loss of their usual pay. With this law, the legislature has signaled that California has a broad public health interest in allowing employees who are ill or who must care for others to take a reasonable number of days off without penalty. The policy DHMF has attempted to impose would expressly undermine this legislation by effectively eliminating paid sick days for its physicians as well as impermissibly disadvantaging those who need to take sick days.

With the foregoing actions, DHMF has violated, caused to be violated, or is currently violating, numerous provisions of the California Labor Code, as described above. Therefore, I respectfully request that the agency investigate the above allegations, and, in any event, provide notice regarding its intent to investigate pursuant to Labor Code § 2699.3. If the agency does not intend to investigate the alleged violations, I respectfully request a letter confirming the same so that I may bring a civil action under PAGA against DHMF for the violations described in this letter. Please know that I intend to file a civil complaint and to bring the appropriate claims under Labor Code § 2699 should your office decline to investigate, or investigate but decline to issue citations, within the time frames set out in Labor Code § 2699.3. Should you require anything further or have questions, please do not hesitate to contact me. Thank you for your consideration.



PLEASE TAKE NOTICE THAT THIS IS ALSO A GENERAL LITIGATION PRESERVATION NOTICE to preserve all documents relating to all employees of DHMF, including but not limited to all 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 payroll; all records and evidence in any way related to the facts and claims asserted in this letter; all records and evidence in which the DHMF policy regarding sick days is discussed or addressed; and all records and evidence in any way related to claims of aggrieved employees, the state and other current or former employees under the California Labor Code. These documents include but are not limited to all schedules (both current and former), all duty and responsibility records, all records relating to sick days, all records relating to extra shift days and extra shift pay, all records discussing policies for sick days and sick pay, 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, and all documents and communications whether written or electronic (including databases, email, social media, text messages or other electronic communications) relating to the foregoing.

Sincerely,



Marta B. Almli, MD, JD

Via U.S. Certified Mail with Return Receipt Requested

Dignity Health Medical Foundation  
3400 Data Drive  
Rancho Cordova, CA 95670

Foundation Physicians Medical Group  
dba Dignity Health Medical Group –  
Northridge Family Medicine  
c/o Dignity Health Medical Foundation  
3400 Data Drive  
Rancho Cordova, CA 95670

Dr. Scott Robertson  
CEO, Dignity Health Medical Foundation  
3400 Data Drive  
Rancho Cordova, CA 95670

Theresa Hylen  
CFO, Dignity Health Medical Foundation  
3400 Data Drive  
Rancho Cordova, CA 95670

Agent for Service of Process  
1505 Corporation  
C T Corporation System  
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