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September 12, 2025

File No. 793

**VIA INTERNET UPLOAD**

Department of Industrial Relations  
Labor Workforce Development Agency  
455 Golden Gate Avenue, 10th Floor  
Accounting Unit  
San Francisco, California 94102

**VIA CERTIFIED MAIL (HAND RECEIPT REQUESTED)(9589071052701973080904)**

President/CEO/HR Director  
Circle K Stores Inc.  
1130 W. Warner Road, Building B  
Tempe, Arizona 85284

**Re: *Pilkington, et al. v. Circle K Stores Inc., et al.*  
LWDA Case No. LWDA-CM-1120337-25**

Dear Sir or Madam:

This letter shall serve as a **first amended notice** pursuant to the California Private Attorney General Act (PAGA), California Labor Code Section 2699, *et seq.*, regarding Plaintiff **Savana Pilkington, et al.**'s notice sent on August 21, 2025. This amendment generally adds new Plaintiffs, **Cindy Rose Cunningham** and **Marilyn Rychart**.

**I. FACTS & NATURE OF THE DISPUTE.**

This is a representative action seeking penalties for Defendants' violations of various California Labor Code provisions. The details of our client's claims are discussed in the previously provided draft complaint, which allegations are incorporated by reference as though set forth herein.

## **II. § 2699, ET SEQ., LABOR CODE VIOLATIONS.**

Plaintiffs have numerous legal claims against the abovementioned parties. In summary, Defendants issued Plaintiffs and their fellow aggrieved employees inaccurate wage statements, failed to pay them in a timely manner, failed to pay them all wages including but not limited to overtime, minimum wage, meal and rest premium pay. Further investigation and formal discovery will likely uncover other claims and additional facts supporting the liability.

The details of our client's Labor Code § 2699 claims are discussed in the previously provided draft Complaint, which allegations are incorporated by reference and incorporated herein as though set forth herein. These violations include, but are not limited to the following: Labor Code subdivision (k) of Section 96, Sections 98.6, 201.5, 201.7, 203.1, 203.5, 204a, 204.1, 204.2, 205, 205.5, 206, 206.5, 208, 209, and 212, subdivision (d) of Section 213, Sections 221, 222, 222.5, 223, 224, 227, 227.3, 230, 230.1, 230.2, 230.3, 230.4, 230.7, 230.8, and 231, subdivision (c) of Section 232, subdivision (c) of Section 232.5, Sections 233, 234, 245-249, 351, 353, and 403, subdivision (b) of Section 404, Sections 432.2, 432.5, 432.7, 435, 450, 511, 513, 551, 552, 601, 602, 603, 604, 750, 751.8, 800, 850, 851, 851.5, 852, 921, 922, 923, 970, 973, 976, 1021, 1021.5, 1025, 1026, 1101, 1102, 1102.5, 1153, 1197.5, 1198 via the applicable Wage Order, subdivision (b) of Section 1198.3, Sections 1199.5, 1290, 1292, 1293, 1293.1, 1294, 1294.1, 1294.5, 1296, 1297, 1298, 1301, 1308, 1308.1, 1308.7, 1309, 1309.5, 1391, 1391.1, 1391.2, 1392, 1683, and 1695, subdivision (a) of Section 1695.5, Sections 1695.55, 1695.6, 1695.7, 1695.8, 1695.9, 1696, 1696.5, 1696.6, 1697.1, 1700.25, 1700.26, 1700.31, 1700.32, 1700.40, 1700.47, 1735, 1777.5, 2651, and 2673, subdivision (a) of Section 2673.1, Sections 2695.2, 2800, 2801, 2806, and 2810, subdivision (b) of Section 2929, and Sections 3073.6, 6310, 6311, and 6399.7 and the applicable Wage Order.

The only difference from Plaintiff Pilkington and Plaintiffs Cunningham and Rychart is that Plaintiffs Cunningham and Rychart did not witness or experience sexual abuse in the workplace.

## **III. CONCLUSION.**

Please take notice this letter is intended to exhaust the pre-litigation requirements set forth under California Labor Code §§ 2699, *et seq.* By law, an employee alleging a violation of one of the above referenced sections must notify his or her employer and the Labor and Workforce Development Agency (LWDA) before he or she can invoke the provisions of § 2699, *et seq.*, by seeking redress in court. (Labor Code § 2699.3(a)(1).) The LWDA must then notify the employer and the employee within the time required by statute regarding whether it intends to investigate the alleged violation. (Labor Code § 2699.3(a)(2)(B).) If the LWDA advises it will not investigate, or if no notice is provided within the time required by statute, the employee may file a lawsuit invoking the provisions under Labor Code § 2699. (Labor Code § 2699.3(a)(2)(A).) It is the intention of this office to file a civil complaint and to bring the appropriate claims under Labor Code § 2699 seeking

the remedies for the Labor Code violations referenced in this letter and its enclosure should your office not address these matters within the proscribed time.

We write this letter subject to and without waiver of our client's rights and remedies, all of which we expressly reserve. This letter is not an express statement of all facts and circumstances concerning this matter.

Very truly yours,

*/s/Thomas D. Rutledge*  
Thomas D. Rutledge

Cc: Savana Pilkington (via e-mail)  
Cindy Rose Cunningham (via e-mail)  
Marilyn Rychart (via e-mail)  
Maria Rodriguez, Esquire (via e-mail)