

PAGA Claim Notice – Description of Alleged Violations

From approximately March 14, 2023 through May 29, 2025, BD&J Injury Lawyers (“Employer”) issued to me, Lord Maison Phibonaccii, 34 separate payments totaling approximately \$89,500. These payments were issued regularly, often monthly, and functioned as remuneration for services rendered and ongoing cooperation in connection with my case.

Although the Employer labeled these payments as “advances” in internal documents, including “Client Advance Agreements” dated April 18, 2024 (\$29,000 cap) and May 9, 2024 (\$33,000 cap), the actual amounts paid exceeded these caps by more than \$56,000 without updated agreements, proper accounting, or repayment terms for the excess.

In the May 9, 2024 agreement, the signature block designates me as the “BD&J Law Firm Representative” while the “Client” signature line is left blank, demonstrating that the Employer treated me as acting in a representative/agent capacity. This, combined with regular payments and direction from the Employer, indicates I was misclassified as a non-employee while performing services and receiving compensation.

Labor Code Violations Alleged:

1. Labor Code § 226 – Failure to furnish accurate, itemized wage statements with each payment.
2. Labor Code § 201, § 202, § 203 – Failure to pay all wages due upon separation and waiting time penalties.
3. Labor Code § 204 – Failure to pay wages on the regular pay schedule required by law.
4. Labor Code § 2750.5 – Willful misclassification as a non-employee while exercising control over my work.
5. Labor Code § 432 – Failure to provide a signed copy of an employment agreement.

Time Period: March 14, 2023 through May 29, 2025.

Facts Supporting Violations:

- Payments were issued from the Employer’s business account without payroll processing, wage statements, or tax withholdings.
- Payments were regular and ongoing, averaging approximately \$3,375.94 per month over 26.5 months.
- No itemized wage statements or pay stubs were ever provided.
- The Employer maintained contractual control over my role and duties while labeling me as

their “representative” in signed agreements.

- Excess payments beyond the documented “advance” caps were not documented by updated contracts, showing a lack of lawful recordkeeping.

Penalties Sought Under PAGA:

Civil penalties under Labor Code § 2699(f) and applicable sections for each pay period in which violations occurred, including but not

limited to \$100 for the initial pay period and \$200 for each subsequent pay period per aggrieved employee, multiplied by each violation type.