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November 17, 2025

VIA ONLINE SUBMISSION TO THE LWDA

VIA CERTIFIED MAIL

Matern Law Group, PC

Olivia Green, Esq.

2101 E. El Segundo Blvd., Suite 403

El Segundo, CA 90245

Counsel for Leticia Pareja Martinez

Re: *Leticia Pareja Martinez v. Del Monte Capitol Meat Company, et al.*
LWDA Claim No.: LWDA-CM- 1134950-25
Response to Leticia Martinez's Deficient PAGA Notice

Dear PAGA Administrator and Counsel:

Please be advised that Seyfarth Shaw LLP represents Del Monte Capitol Meat Company, LLC ("Del Monte")¹ with respect to Leticia Martinez's October 29, 2025 letter to the Labor and Workforce Development Agency ("LWDA") regarding claims under the Private Attorneys General Act ("PAGA") that she is asserting against Del Monte on behalf of herself and other allegedly aggrieved employees. Please direct all further correspondence regarding this matter to my attention.

After review, Ms. Martinez's letter fails to satisfy the administrative requirements of PAGA under California Labor Code § 2699.3.² Pursuant to Section 2699.3, a plaintiff must provide both the employer and the LWDA "the specific provisions of this code alleged to have been violated, *including the facts and theories to support the alleged violation.*" (emphasis added). "'Something more than bare allegations of a Labor Code violation' is necessary to constitute adequate notice. Mere code section references with prose excerpting or rephrasing the statutory language are 'insufficient because they simply paraphrase[] the allegedly violated statutes.' Instead, 'the plain meaning' of the phrase 'facts and theories to support [the] alleged violation' indicates that plaintiffs are 'required to put forward sufficient facts to support their claims of labor violations.'" *LaCour v. Marshalls of California, LLC*, 94 Cal. App. 5th 1172, 1193 (2023)

¹ The only employer during the relevant time period was Del Monte; none of the other entities named in Ms. Martinez's letter employed Ms. Martinez in this time frame.

² While Ms. Martinez makes reference to four years, PAGA has a one year statute of limitations. Cal. Lab. Code § 2699.3(c); Cal. Code Civ. P. § 340.



(quoting *Uribe v. Crown Bldg. Maint. Co.*, 70 Cal. App. 5th 986, 1004 (2021) (internal citations omitted)).³

Here, Ms. Martinez cites numerous Labor Code sections and asserts legal conclusions that they were violated by Del Monte. However, she fails to identify sufficient facts to allow the LWDA or Del Monte to investigate her claims and consider potential cures under the 2024 PAGA reforms. Under these reforms, Ms. Martinez may only bring a PAGA action on behalf of “other current or former employees against whom a violation of the same provision was committed.” Cal. Lab. Code § 2699(a). Yet, at no time does Ms. Martinez detail or provide any facts establishing that she personally suffered any of the alleged violations. For all of Ms. Martinez’s claims, she does not set forth, *inter alia*, specific dates or timeframes of alleged violations, identification of any particular policy or practice purportedly causing violations, facts showing Ms. Martinez personally suffered each alleged violation, details supporting the inclusion of other “aggrieved employees” beyond a broad reference to “current and former non-exempt employees,” or any other relevant information necessary to assess the scope and nature of the alleged violations. This lack of detail is insufficient. *See Alcantar v. Hobart Serv.*, 800 F.3d 1047, 1057 (9th Cir. 2015) (“Plaintiff’s letter—a string of legal conclusions with no factual allegations or theories of liability to support them—is insufficient to allow the Labor and Workforce Development Agency to intelligently assess the seriousness of the alleged violations. Neither does it provide sufficient information to permit the employer to determine what policies or practices are being complained of”); *Wyland v. Berry Petroleum Co., LLC*, No. 118CV01414DADJLT, 2019 WL 5079562, at *3 (E.D. Cal. Oct. 10, 2019) (“These allegations, however, merely mimic the statutes allegedly violated and fall short of PAGA’s requirement that the aggrieved employee provide the LWDA with specific facts and theories supporting the plaintiff’s allegations”).

Ms. Martinez has also failed to include sufficient information to enable Del Monte to identify the other allegedly “aggrieved employees,” providing only a broad definition of “current and former non-exempt employees in the State of California” in connection with supposed violations of various Labor Code sections. She then asserts that the “notice is made on behalf of all persons who are, were, or will be non-exempt employees of Employers, or any related or alter-ego company, corporation, partnership, and/or business entity.” Ms. Martinez’s letter fails to explain how Ms. Martinez’s experience relates to all of these others or provide any supporting, detailed facts as to these others. This ambiguous and exceedingly broad definition precludes Del Monte from fully investigating, curing, or responding to Ms. Martinez’s allegations.

Finally, Ms. Martinez’s notice improperly references multiple entities, including Del Monte’s parent, yet she was employed only by Del Monte during the relevant period. This overbroad scope further prevents Del Monte from conducting a meaningful investigation or implementing any remedial measures.

³ The LWDA’s website also notes this requirement in its updated PAGA FAQ (Question 7): “It is not enough to merely recite or rephrase the law or code section(s) or make conclusory statements without factual support. [Employee’s] letter must give adequate notice for the state to investigate the allegations and provide employers the opportunity to correct the violation in certain circumstances.” *Private Attorneys General Act (PAGA) Frequently Asked Questions*, LWDA, <https://www.labor.ca.gov/resources/paga/paga-faqs/> (last accessed 12/4/2024).



Based on these deficiencies, we respectfully request that the LWDA require Ms. Martinez to provide sufficient factual detail regarding her claims to allow Del Monte the opportunity to evaluate and cure any alleged violations and to preserve Del Monte's defenses in any subsequent civil complaint.

We also demand that because Ms. Martinez contends that she used her personal phone for business-related purposes, she **immediately** take any action necessary to **digitally image and preserve her phone(s)**, and also to request and retrieve her itemized phone records, including logs of all incoming and outgoing calls and text messages, and billing records for the duration of her employment, including from her phone carrier, as well as Google, Apple, and/or WhatsApp (and similar messaging services she may contend she used). We request that she preserve these images, cloud records, and carrier records for the duration of any litigation related to her employment. This response should also be construed as a notice to immediately request, preserve, and retain those records and devices. Failure to do so may constitute spoliation of evidence any give rise to sanctions and all other available relief.

Please do not hesitate to contact us with any questions.

Sincerely,

A handwritten signature in cursive script, appearing to read 'Michele J. Beilke'.

Michele J. Beilke
Counsel for Del Monte Capitol Meat Company, LLC