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Via Online Submission to the LWDA

Copies Sent Via Certified Mail to:

Magellan HRSC, Inc.
13500 Riverport Dr, Ste 110
Maryland Heights, MO 63043

Koy Saechao
2710 Gateway Oaks Drive, Suite 150N
Sacramento, California 95833

Re: *Perin Burth v. Magellan HRSC, Inc., et al.*

Dear Labor and Workforce Development Agency,

This office represents Perin Burth ("Plaintiff"), a former California employee of Magellan HRSC, Inc. ("Defendant"). The purpose of this letter is to comply with the Private Attorneys General Act of 2004, pursuant to California Labor Code § 2698, *et seq.*

Plaintiff was employed by Defendant in California as a non-exempt hourly-paid employee. Herein we set forth the facts and theories of violations of Labor Code Sections 201, 202, 203, 204, 210, 221, 223, 226, 226.7, 246, 510, 512, 515, 558, 1194, 1194.2, 1197, 1197.1, 1198, and the applicable IWC Wage Order, which we allege Defendant engaged in with respect to Plaintiff's employment, as well as the employment of all other employees employed by Defendant in California ("aggrieved employees").

A. Failure to Pay All Wages (Lab. C. §§ 510, 558, 1194, 1197, 1198; Wage Order 4)

Defendant failed to pay all wages, including overtime, to Plaintiff and other aggrieved employees in violation of the above Labor Code sections and applicable IWC Wage Orders. Defendant implemented a company-wide policy and practice of failing to properly calculate Plaintiff and other aggrieved employees overtime premium pay to reduce labor costs and avoid paying all overtime wages due. Specifically, management and payroll personnel failed to properly include non-discretionary bonus payments paid to Plaintiff and other aggrieved employees when calculating Plaintiff and other aggrieved employees overtime premium pay which resulted in an incorrect overtime premium pay rate which resulted in unpaid overtime wages.

Through these practices, Defendant maintained a uniform and unlawful system of unpaid overtime wages that materially reduced employees' compensation. Defendant's actions violated California Labor Code §§ 510, 558, 1194, 1197, 1198, and Industrial Welfare Commission Wage Order No. 4-2001.

B. Failure to Provide Accurate Itemized Wage Statements (Lab. C. §§ 226, 226.3)

Defendant failed to issue Plaintiff and other aggrieved employees accurate, itemized wage statements reflecting all information required by Labor Code § 226(a), including: (1) total hours worked;

(2) gross wages earned; (3) net wages earned; and (4) all applicable hourly rates in effect during the pay period and corresponding number of hours worked at each rate. Because Defendant regularly failed to properly calculate Plaintiff and other aggrieved employees overtime premium pay rate, the wage statements provided to Plaintiff and other aggrieved employees were incomplete, inaccurate, and misleading.

C. Failure to Timely Pay Wages During Employment and at Separation (Lab. C. §§ 201–204, 210)

Defendant failed to pay Plaintiff and other aggrieved employees all earned wages during employment and at separation within the statutory time frames. Because Defendant regularly failed to properly calculate Plaintiff and other aggrieved employees overtime premium pay rate, paychecks did not include all wages owed. Defendant's failure to make timely and complete payment of all earned wages constituted violations of Labor Code §§ 201–204 and 210.

Defendant failed to pay Plaintiff and other aggrieved employees all wages due throughout their employment and at the separation of their employment based on the time frames required by Labor Code Sections 201-204 and 210 as a result of the violations described above.

Thank you. Should you have any questions, please do not hesitate to contact us.

Very truly yours,

STARPOINT, LC

A handwritten signature in dark ink, appearing to read "Ben D. Weisenberg", written in a cursive style.

BENJAMIN D. WEISENBERG, ESQ.