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November 14, 2025

VIA ONLINE SUBMISSION TO THE LWDA

VIA CERTIFIED MAIL

Lawyers for Justice, PC

Arman Marukyan, Esq.

450 North Brand Blvd., Suite 900

Glendale, CA 91203

Counsel for Tracy Paschel

Re: *Tracy Paschel v. Public Storage Operating Company, et al.*
LWDA Claim No.: LWDA-CM-1130850-25
Response to Tracy Paschel's Deficient PAGA Notice

Dear PAGA Administrator and Counsel:

Please be advised that Seyfarth Shaw LLP represents Public Storage Operating Company ("PSOC")¹ with respect to Tracy Paschel's October 9, 2025 letter to the Labor and Workforce Development Agency ("LWDA") regarding claims under the Private Attorneys General Act ("PAGA") that she is asserting against PSOC on behalf of herself and other allegedly aggrieved employees. Please direct all further correspondence regarding this matter to my attention.

After review, Ms. Paschel'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.*

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

² While Ms. Paschel includes her own dates of employment, she does not limit the scope to any specific time period. Notably, PAGA has a one year statute of limitations. Cal. Lab. Code § 2699.3(c); Cal. Code Civ. P. § 340.



Marshall's of California, LLC, 94 Cal. App. 5th 1172, 1193 (2023) (quoting *Uribe v. Crown Bldg. Maint. Co.*, 70 Cal. App. 5th 986, 1004 (2021) (internal citations omitted)).³

Here, Ms. Paschel cites and describes various laws with legal conclusions that they have been violated by PSOC. She completely fails to identify sufficient facts to allow the LWDA or PSOC to conduct an investigation into her claims and potentially cure any violations in light of the 2024 PAGA reforms. Under these reforms, Ms. Paschel 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. Paschel detail or provide any facts establishing that she personally suffered any of the alleged violations. For all of Ms. Paschel’s claims, she does not set forth, *inter alia*, specific dates or timeframes of alleged violations, any particular policy or practice purportedly causing violations, any specific business expenses incurred, facts showing Ms. Paschel personally suffered each alleged violation, facts supporting the inclusion of other “aggrieved employees” beyond a broad reference to “hourly-paid or non-exempt employees,” or any other relevant information. This 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. Paschel has also failed to include sufficient information to enable PSOC to identify the other allegedly “aggrieved employees,” providing only a broad definition of “all current and former hourly-paid or non-exempt employees who worked for any of the above-referenced entities within the State of California” in connection with supposed violations of various Labor Code sections. Ms. Paschel’s letter fails to explain how her experience relates to all of these others or provide any supporting, detailed facts as to these others. This ambiguous and exceedingly broad definition precludes PSOC from fully investigating, curing, or responding to Ms. Paschel’s allegations.

Finally, the scope of Ms. Paschel’s letter is far too broad. She had one employer during the relevant time period: PSOC. Yet she includes six other entities, plus their affiliates, subsidiaries, parents, directors, officers, agents, and executive employees.

Based on Ms. Paschel’s failure to comply with the administrative requirements of PAGA, we submit this letter to request that the LWDA require Ms. Paschel provide sufficient factual details regarding her claims to allow PSOC the opportunity to consider potential cures and to preserve PSOC’s defenses in any subsequent civil complaint that may be filed.

Please do not hesitate to contact us with any questions you may have.

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).



Sincerely,

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

Michele J. Beilke
Counsel for Public Storage Operating Company