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VIA ONLINE FILING
Labor and Workforce Development Agency
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October 3, 2025

**Re: GUEVARA v. DAVE & BUSTER'S MANAGEMENT, LLC – PAGA
NOTIFICATION**

Dear Representative:

I. INTRODUCTION

My office represents Gabriel Guevara (“Guevara”) with respect to his claims under the California Labor Code against DAVE & BUSTER’S MANAGEMENT, LLC (“Employer”). Employer provides entertainment experiences combining full-service dining and bar options with an arcade, sports viewing, and event hosting services. Guevara worked for Employer between April 28th, 2019, and June 15th, 2025.

The purpose of this letter is to provide you with notification that Guevara filed a claim against Employer with the Labor and Workforce Development Agency (“LWDA”). Guevara is seeking penalties on behalf of themselves, the State of California, similarly aggrieved current non-exempt employees, and similarly aggrieved former non-exempt employees (collectively “Aggrieved Employees”) of Employer. This letter is sent in compliance with California Labor Code §2699.3.

**II. CALIFORNIA LAW CONCERNING THE PRIVATE ATTORNEY
GENERALS ACT AND NOTIFICATION**

California law endows the LWDA with the power to “assess and collect civil penalties for specified violations of the Labor Code committed by an employer.” (*Caliber Bodyworks, Inc. v. Superior Court*, 36 Cal. Rptr. 3d 31, 33 (Cal. Ct. App. 2005).) To supplement government-initiated actions, California’s Private Attorney Generals Act (“PAGA”) also “authorizes aggrieved employees, acting as private attorneys general, to recover civil penalties from their employers for violations of the Labor Code.” (*Baumann v. Chase Inc. Serv. Corp.*, 747 F.3d 1117, 1119 (9th Cir. 2014); see also Cal. Lab. Code § 2699(a).) That process begins when an employee makes a complaint to the LWDA and sends notification of the complaint to the employer. This letter constitutes such notification.

III. FACTUAL AND LEGAL BASIS FOR CLAIMS

As described below and throughout this correspondence, Employer violated California wage and hour laws during Guevara's and Aggrieved Employees' employment. Primarily, Employer miscategorized Guevara's and Aggrieved Employees as exempt and therefore they failed to accurately track the hours worked and meal periods of Guevara and Aggrieved Employees. This failure resulted in multiple violations of the Labor Code:

- Employer failed to pay Guevara and Aggrieved Employees for all time worked, and thus, failed to pay minimum wage for those hours;
- Employer failed to pay Guevara and Aggrieved Employees overtime pay. Guevara and Aggrieved employees worked more than eight (8) hours in a day and/or more than forty (40) hours in a week, but they were not paid an overtime multiplier for any hours worked;
- Employer failed to provide Guevara and Aggrieved Employees meal breaks. As a matter of policy, Employer did not allow, permit, and/or authorize Guevara and Aggrieved Employees to take meal breaks before the completion of the fifth hour of shifts. Employer failed to pay Guevara and Aggrieved Employees the requisite compensatory premiums for failing to provide compliant meal breaks;
- Employer failed to provide Guevara and Aggrieved Employees rest breaks. As a matter of policy, Employer did not allow, permit, and/or authorize Guevara and Aggrieved Employees to take rest breaks per four hours (or major fraction thereof) of work. Employer failed to pay Guevara and Aggrieved Employees the requisite compensatory premiums for failing to provide compliant rest breaks;
- Employer failed to track Guevara's and Aggrieved Employees' time worked. Defendant did not track employees start times, stop times, meal break start times, meal break end times, pay rates, or hours worked;
- Employer failed to provide accurate wage statements to Guevara and Aggrieved Employees;
- Employer failed to provide all owed compensation to Guevara and Aggrieved Employees at the end of each pay period; and
- Employer failed to pay all wages owed within the allotted legal time frame following separation of employment.

A. MINIMUM WAGE VIOLATIONS

Guevara and Aggrieved Employees were not paid at all for some time worked. Employer's failure to pay any wages for this time worked resulted in a failure to pay California's minimum wage. Employer thus violated Wage Order No. 5 (Cal. Code Regs., tit. 8, § 11050(4)) and California Labor Code §§ 1194 and 1198.

Guevara and Aggrieved Employees will therefore seek PAGA default penalties under California Labor Code § 2699(f); Wage Order Penalties pursuant to paragraph (20)(A) of Wage Order No. 5; penalties pursuant to California Labor Code §§ 558, 1194.2, 1197.1, and 1199; and attorney's fees and costs.

B. OVERTIME VIOLATIONS

Guevara and Aggrieved Employees were engaged, suffered, and/or permitted to work more than eight (8) hours per day and/or more than forty (40) hours in a week. However, Guevara and Aggrieved Employees were not paid for overtime worked at the appropriate rate of one-and-one-half times their regular rate of compensation. Employer's conduct violated California Labor Code § 510.

Guevara and Aggrieved Employees will therefore seek PAGA default penalties under California Labor Code § 2699(f); Wage Order penalties pursuant to paragraph (20)(A) of Wage Order No. 5; penalties pursuant to California Labor Code §§ 558, 1197.1, and 1199; and attorney's fees and costs.

C. MEAL PERIOD VIOLATIONS

Guevara and Aggrieved Employees were required to work more than five hours per day, but were not provided, authorized, and/or permitted to take uninterrupted 30-minute meal periods before the completion of the fifth hour of their shifts. Meal periods that were afforded to Guevara and Aggrieved Employees were regularly interrupted by Employer. Accordingly, Employer violated Wage Order No. 5 (Cal. Code Regs., tit. 8, § 11050 (11)(A)) and California Labor Code §§ 226.7(b), 512(a), and 1198.

Guevara and Aggrieved Employees did not receive an hour of premium pay for the meal periods Employer failed to authorize and/or provide. Thus, Employer violated Wage Order No. 5 (Cal. Code Regs., tit. 8, § 11050 (11)(D)) and California Labor Code §§ 226.7(c) and 1198.

Guevara and Aggrieved Employees will therefore seek PAGA default penalties under California Labor Code § 2699(f), Wage Order Penalties pursuant to paragraph (20)(A) of Wage Order No. 5, California Labor Code §§ 558 and 1199 penalties, and attorneys' fees and costs.

D. REST PERIOD VIOLATIONS

Guevara and Aggrieved Employees were not provided, authorized, and/or permitted rest breaks when they worked shifts longer than four (4) hours or a major fraction thereof. Accordingly, Employer violated Wage Order No. 5 (Cal. Code Regs., tit. 8, § 11050 (12)(A)) and California Labor Code §§ 226.7(b) and 1198.

Guevara and Aggrieved Employees did not receive one hour of premium pay for each rest period not provided, authorized, and/or permitted. Accordingly, Employer violated Wage Order No. 5 (Cal. Code Regs., tit. 8, § 11050 (12)) and California Labor Code §§ 226.7(c), and 1198.

Guevara and Aggrieved Employees will therefore seek PAGA default penalties under California Labor Code § 2699(f), Wage Order Penalties pursuant to paragraph (20)(A) of Wage Order No. 5, California Labor Code §§ 558 and 1199 penalties, and attorneys' fees and costs.

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E. WAGE STATEMENT VIOLATIONS

Employer failed to provide Guevara and Aggrieved Employees with accurate wage statements. The wage statements failed to accurately identify Guevara's hours worked, compensation, and overtime worked. Accordingly, Employer violated California Labor Code §§ 226(a) and 1198.

Guevara and Aggrieved Employees will therefore seek PAGA default penalties under California Labor Code § 2699(f), California Labor Code §§ 226(e), 226.3, and 1199 penalties, and attorney's fees and costs.

F. RECORD KEEPING VIOLATIONS

As explained above, significant and necessary information is missing from Employer's records concerning hours worked by and payments made to Guevara and Aggrieved Employees. Employer does not have accurate records relating to Guevara and Aggrieved Employees' work periods, meal periods, total daily hours worked, rates of pay, and/or total hours worked per payroll period. Accordingly, Employer violated Wage Order No. 5 (Cal. Code Regs., tit. 8, § 11050 (7)(A)) and California Labor Code §§ 1198 and 1174(d).

Guevara and Aggrieved Employees will therefore seek PAGA default penalties under California Labor Code § 2699(f), Wage Order Penalties pursuant to paragraph (20)(A) of Wage Order No. 5, California Labor Code §§ 1174.5 and 1199 penalties, and attorney's fees and costs.

G. TIMING OF PAYMENTS DURING EMPLOYMENT VIOLATIONS

As to each pay period, Guevara and Aggrieved Employees were not paid the wages owed (including, but not limited to, overtime, minimum wages, and meal period premiums, as described above). Accordingly, Employer violated California Labor Code § 204(a).

Guevara and Aggrieved Employees will therefore seek PAGA default penalties under California Labor Code § 2699(f), California Labor Code §§ 210 and 1199 penalties, and attorney's fees and costs.

H. PAYMENTS POST SEPARATION VIOLATIONS

Employer willfully failed to promptly pay Guevara and Aggrieved Employees all wages owed at the time of termination of employment or any time thereafter. As described above, employer failed to pay all wages during Aggrieved Employees' employment and did not furnish those wages at the time of separation. Accordingly, Employer violated California Labor Code §§ 201-203.

Guevara and Aggrieved Employees will therefore seek PAGA default penalties under California Labor Code § 2699(f), California Labor Code §§ 203 and 1199 penalties, and attorney's fees and costs.

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Thank you for your attention to these matters.

Sincerely,

Hunter S. Matos, Esq.

Notice provided to Employer via Certified Mail

Bryan McCrory
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