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Via Certified Mail

Great Lakes Services, LLC
350 N. Orleans St., #10000B
Chicago, IL 60654

Great Wolf Resorts Holdings, Inc.
350 N. Orleans St., #10000B
Chicago, IL 60654

Subject: *Dawn Langley v. Great Lakes Services, LLC, et al.*

Dear Representative:

This office represents Dawn Langley ("Plaintiff") in connection with Labor Code violation claims related to employment with Great Lakes Services, LLC, and Great Wolf Resorts Holdings, Inc. which do business at Great Wolf Lodge ("Employers"). There are locations in Manteca and Anaheim; Plaintiff worked in a nonexempt capacity at the Manteca location.

During Plaintiff's employment with Employers, she was subjected to at least one of the Labor Code violations alleged in this letter. Therefore Plaintiff intends to seek PAGA penalties on behalf of herself and all other nonexempt employees in California ("Aggrieved Employees") who were subjected to any of the Labor Code violations during the PAGA period. The PAGA period begins one year prior to the date of this letter and, because the violations alleged herein are ongoing, the PAGA period extends beyond the date of this letter.

Minimum Wage Violations

Labor Code section 1197 and the applicable Wage Order require an employer to pay an employee no less than the minimum wage for all hours worked.

Off the Clock Work

Employers did not pay Plaintiff and the Aggrieved Employees the minimum wage for all hours worked because they were required to perform work while off the clock.

Applicable Civil Penalties

As a result of the above minimum wage violations, Employers are subject to the civil penalties listed in Labor Code sections 1197.1 and 2699.

Overtime Violations

Labor Code section 510 and the applicable Wage Order provide an employee shall be paid one and one-half times their regular rate of pay for any work in excess of eight hours in one workday or 40 hours in any one workweek. Labor Code section 510 and the applicable Wage Order further provides that an employee shall be paid twice their regular rate of pay for any work in excess of 12 hours in one day.

Unpaid Overtime Due to Off the Clock Work

Plaintiff and the Aggrieved Employees regularly worked in excess of eight hours in a day and 40 hours in a workweek. Since the Aggrieved Employees were required to perform work off the clock, it follows that this time was often overtime. Plaintiff and the Aggrieved Employees were not paid all overtime wages owed.

Applicable Civil Penalties

As a result of the above overtime violations, Employers are subject to the civil penalties listed in Labor Code sections 558, 1197.1, and 2699.

Meal Break Violations

Labor Code section 512 and the applicable Wage Order provide that an employer shall not employ an employee for a work period of more than five hours per day without providing the employee with a meal period of not less than 30 minutes, or more than 10 hours per day without providing the employee with a second meal period of not less than 30 minutes. Meal periods must be uninterrupted, and the employee must be relieved of all duty.

Labor Code section 226.7 further provides that an employee is entitled to one hour of pay at their regular rate of pay for each day that a compliant meal period was not provided.

On Call / On Premises / On Duty Meal Breaks

An employer provides compliant meal breaks to its employees "if it relieves its employees of all duty, relinquishes control over their activities and permits them a reasonable opportunity to take an uninterrupted 30-minute break." (*Brinker Restaurant Corp. v. Superior Court*, 53 Cal.4th 1004, 1040 (2012)).

Here, Plaintiff and the Aggrieved Employees were required to work through the breaks, meaning they were impermissible on duty breaks. In effect, Plaintiff and the Aggrieved Employees did not receive meal breaks.

Applicable Civil Penalties

As a result of the above meal break violations, Employers are subject to the civil penalties listed in Labor Code sections 558 and 2699.

Rest Break Violations

Labor Code section 226.7 and the applicable Wage Order requires employers to authorize and permit its employees to take rest periods based on the total hours worked daily at the rate of 10 minutes net per four hours or major fraction thereof. Employees must be relieved of all duties during their rest breaks.

Labor Code section 226.7 further provides that an employee is entitled to one hour of pay at their regular rate of pay for each day that a compliant rest break was not provided.

On Call / On Duty Rest Breaks

Plaintiff and the Aggrieved Employees were required to remain on call and on duty during any alleged rest breaks. Courts have repeatedly held that employers may not impose any limits on rest breaks. (*Augustus v. ABM Sec. Servs., Inc.*, 2 Cal. 5th 257, 269 (2016) (an employer cannot “satisfy its obligation to relieve employees from duties and employer control during rest periods when the employer [] requires its employees to remain on call”)).

Applicable Civil Penalties

The PAGA penalties in Labor Code section 2699 apply.

Wage Statement Violations

Labor Code section 226 requires an employer to provide wage statements to its employees which include nine discrete items. The wage statements were intentionally inaccurate since they did not list the off the clock work, including working through breaks.

Applicable Civil Penalties

The PAGA penalties in Labor Code section 2699 apply.

Waiting Time Penalties

Because Employer did not pay Plaintiff and the Aggrieved Employees who no longer work for Employers all wages owed during their employment, they were also never paid these wages after the conclusion of their employment. Thus, Employer had an obligation to pay waiting time penalties, but willfully did not.

Applicable Civil Penalties

Because of Employers did not pay all wages at the conclusion of employment and to pay the resulting waiting time penalties, the PAGA penalties in Labor Code section 2699 apply.

Sincerely,
Adam Rose