

THE MYERS LAW GROUP, APC
9327 Fairway View Place, Suite 100
Rancho Cucamonga, California, 91730

February 4, 2026

VIA CERTIFIED MAIL AND ELECTRONIC MAIL

Labor & Workforce Development Agency
Attn. PAGA Administrator
1515 Clay Street, Ste. 801
Oakland, CA 94612

Email: PAGAfilings@dir.ca.gov

Re: Notice Pursuant to Labor Code Section 2699.3
Violation of Labor Code Section 1102.5, 98.6, 232.5, 6310, by Wal-Mart
Associates, Inc., and [REDACTED]

To Whom It May Concern:

This letter is intended to comply with the requirements of California Labor Code Private Attorneys General Act of 2004 (PAGA), California Labor Code section 2698, *et seq.*, including section 2699.3 with respect to notice of violations of the Labor Code by **Wal-Mart Associates, Inc.** [REDACTED] (hereinafter "Respondents"). Unless the Labor & Workforce Development Agency proceeds against the employer, my client, Mr. Robert Hayden, intends to pursue a civil action against the employer on behalf of himself and all aggrieved employees, seeking attorney fees and penalties under PAGA.

Respondents employed Claimant from approximately November 2023 until Respondents terminated Claimant's employment on or about May 15, 2025. Claimant worked for Respondents as a Team Associate at Respondents' store 5156 located in Beaumont. [REDACTED]

While working in the Stocking Department, Claimant's direct supervisors were Coach [REDACTED]

In or around December 2023, Claimant was in Respondents' lunchroom having a conversation with Respondent [REDACTED]. During this conversation, Claimant told Respondent [REDACTED] how it was unsafe that boxes were scattered on the floor throughout the store and proposed options on how the Stocking Department could handle the unsafe issue appropriately. Respondent [REDACTED]

█████ called Claimant █████ and told Claimant he will do what Respondent █████ instructs him to do. Claimant was offended and told █████ not to call Claimant █████”.

In or around late December 2023, Claimant was unloading trucks and bringing pallets of products onto Respondents’ sale floor to stock shelves. While stocking shelves, Claimant heard a box drop and glass shatter, and saw that a box containing olive oil shattered and spilled on the sale floor. Claimant reported the spill to Respondent █████ as required because Coaches and Team Leads were the only personnel authorized to clean hazardous waste. Respondent █████ told Claimant not to worry about it and to continue working. Claimant told Respondent Mendez that it was a safety hazard that put himself, his coworkers, and customers in danger. Claimant was holding a box at that time, and Respondent █████ hit the box out of Claimant’s hand and told Claimant if he did not like the way Respondent █████ ran his department, Claimant could complain to someone who cared. Claimant then complained to █████ about the incident. █████ told Claimant she would document his complaint.

During Claimant’s next shift, Claimant provided █████ with a written complaint regarding Respondent █████ conduct and refusal to clean the olive oil spill. █████ told Claimant she would submit the complaint later. In late January 2024 or early February 2024, Claimant learned that █████ did not submit his complaint so he then submitted a complaint to Respondents’ Ethics Department regarding Respondent █████ and his refusal to clean the olive oil spill, and █████ failure to submit Claimant’s complaint.

█████ Respondent █████ told Claimant he looks like a █████ because of his shirt. Claimant was offended by this comment and complained to █████ and █████ and not to make offensive comments. After Claimant complained to Respondents’ Ethics Department, Respondent █████ began to harass Claimant and scrutinized Claimant’s work performance at a higher level.

On or around March 19, 2024, Respondent █████ was operating a pallet jack recklessly, not being cautious about being close to people. Knowing he was too close to Claimant, Respondent █████ brusquely yelled at Claimant to get out of the way █████ Claimant complained about Respondent █████ to Respondents’ Team Lead, █████ who took Claimant’s complaint. █████ Respondent █████ did not follow Claimant’s work restrictions and required Claimant to perform his normal duties.

On or around March 25, 2024, Claimant was unloading a truck █████ Respondent █████ instructed Claimant to start unloading a different truck. Claimant told Respondent █████ he would do as instructed after he completed his current truck. Respondent █████ yelled at Claimant and told him to go to the backroom with Respondent █████ so they could issue Claimant a write up. Claimant believed the situation was becoming hostile as Respondent █████ continued to yell at Claimant to go to the backroom. Claimant told Respondent █████ a he was going to clock out for the day. Respondent █████ continued to yell at Claimant and proceeded to chase Claimant around the

store to force him to Respondents' backroom. Claimant was finally able to clock out and left Respondents' store. Claimant reported this incident to Respondents' Assistant Store Coach, [REDACTED].

On or around the next day, Claimant was instructed to attend a meeting [REDACTED] to address the March 25, 2024 incident. During this meeting [REDACTED] addressed Claimant as [REDACTED] multiple times. Claimant understood that [REDACTED] meant [REDACTED] when he addressed Claimant as [REDACTED]. Claimant was offended by [REDACTED] comment and complained about it in the meeting. [REDACTED] told Claimant he would take his complaints to Respondents' Store Manager, [REDACTED]. Claimant did not hear anything back regarding his complaints.

Around March 26, 2024, Claimant submitted a complaint to Respondents' Ethics Department about his previous complaints he made including, but not limited to, safety hazard concerns, Respondent [REDACTED] harassment and unsafe use of the pallet jack, Claimant's [REDACTED] not being followed by Respondent [REDACTED], Respondent [REDACTED] chasing Claimant around the store, and being called [REDACTED] Respondents' District Manager, [REDACTED] ("Clark") told Claimant she would investigate his complaints. Claimant did not hear anything from [REDACTED] regarding the investigation into his complaints.

On or around May 16, 2024, Respondent [REDACTED] was operating a forklift to move pallets while using his cellphone and crashed the forklift into another pallet. Claimant complained to Respondent [REDACTED] about operating the forklift in a dangerous manner and putting Claimant and his coworkers' safety at risk. Claimant also complained to [REDACTED] about Respondent [REDACTED] unsafe behavior.

On or around July 1, 2024, Claimant was transferred to Respondents' Apparel Department. Claimant's direct supervisor was Respondents' Coach [REDACTED]. On that same day, Claimant submitted a work status report [REDACTED]. Claimant submitted this work status report to Respondents' Head of Human Resources, [REDACTED]. [REDACTED] required Claimant to continue to work his full shift [REDACTED]. [REDACTED] told Claimant he had to deal with it. Around that same time, Claimant complained to [REDACTED] about [REDACTED]. [REDACTED] told Claimant his complaints were not [REDACTED] problem and Claimant needed to continue to follow [REDACTED] instructions.

On or around the night of July 15, 2024, Claimant was transferred to Respondents' Asset Protection Department. On or around July 16, 2024, Claimant was unable to clock-in for his shift [REDACTED] told Claimant it appeared Claimant was no longer in Respondents' system which indicated that Claimant was terminated. [REDACTED] told Claimant that [REDACTED] did not want Claimant working in any department [REDACTED] were not at the store, so [REDACTED] told Claimant he could work in his department and provided Claimant with a handwritten schedule since Claimant was not in Respondents' system. When [REDACTED] returned to work, Claimant informed [REDACTED] that he was not in Respondents' system. [REDACTED] told Claimant someone went into the system and deleted Claimant. [REDACTED] further told Claimant that although

someone attempted to terminate Claimant, there were no supporting documents to support this attempted termination and Claimant was still employed.

In or around September 2024, Claimant complained to [REDACTED] that he was not in Respondents' system and did not receive his pay for July 2024. [REDACTED] told Claimant he would be paid with Respondents' "petty cash" as a loan for his paycheck. [REDACTED] had Claimant sign paperwork for the "loan" and told Claimant he had thirty (30) days to pay it back. When Claimant received his next paycheck and asked about repaying the "loan", [REDACTED] instructed Claimant to cash his check at Chase Bank because Respondents' system would not allow Claimant to cash his check at Respondents store. Claimant does not have a Chase Bank account and he was required to pay \$10 dollars in order to cash his check with Chase Bank. Claimant requested that he receive a reimbursement of \$10 dollars but [REDACTED] told Claimant no. Shortly after this, Claimant called [REDACTED] to complain about not being in Respondents' system and being forced to take a "loan" from Respondents instead of receiving the wages owed to him. Clark told Claimant [REDACTED] would call Claimant back but [REDACTED] did not.

In or around early October 2024, after being reinstated into Respondents' system, Claimant noticed that the hours he actually worked previously were changed to a reduced number of hours worked in Respondents' system, resulting in Claimant being paid inaccurately. Claimant complained to [REDACTED] but [REDACTED] did not change Claimant's hours back to his accurate time. On or around December 2, 2024, [REDACTED]

On December 4, 2024, Claimant met with [REDACTED] to provide [REDACTED] with [REDACTED]. Respondents continued to require Claimant to work his regular [REDACTED]. Claimant complained to Respondents' Ethics Department. [REDACTED]

On or around May 14, 2025, Respondents' Assets Protection Officer, [REDACTED] instructed Claimant to go to the front of the store to take over the entry and exit entry post of the store. [REDACTED] Claimant told Allen he could not do that assignment. [REDACTED] called Respondents' Coach of Security, [REDACTED] to speak with Claimant. [REDACTED] Claimant told [REDACTED] [REDACTED] denied Claimant's request and instructed Claimant to get his [REDACTED] in the back office for coaching or [REDACTED] would [REDACTED]. That same day, Claimant went to the [REDACTED] Police Station and filed a report [REDACTED].

On or around May 15, 2025, Claimant reported the May 14 incident to Respondents' Ethics Department and to the General Manager, [REDACTED]. Claimant also complained to [REDACTED] about his accommodation not being followed. [REDACTED] told Claimant he should have [REDACTED] would investigate his complaints. Later on May 15, 2025, Respondents terminated Claimant.

Claimant believes they were retaliated against in violation of Labor Code §§ 1102.5, 6310, 98.6, 232.5.

Labor Code section 1102.5 mandates, *inter alia*, that an employer may not “make, adopt, or enforce any rule, regulation, or policy preventing an employee from disclosing information to a government or law enforcement agency, to a person with authority over the employee, or to another employee who has authority to investigate, discover, or correct the violation or noncompliance” or “retaliate against an employee for disclosing information to a government or law enforcement agency, to a person with authority over the employee, or to another employee who has authority to investigate, discover, or correct the violation or noncompliance” if the employee has reasonable cause to believe that the information discloses a violation of a state or federal statute, rule or regulation. Section 1102.5 further states that “an employer may not retaliate against an employee for refusing to participate in an activity that would result in a violation of state or federal statute, or a violation of or noncompliance with a state or federal rule or regulation.” It is Claimant's position that said employer violated, among other applicable statutory provisions, Labor Code section 1102.5 by retaliating against Claimant for objecting to, complaining about and/or reporting violations of local, state and federal agencies, and for refusing to participate in an activity that would result in a violation of state and/or local law on behalf of themselves and all aggrieved employees.

Labor Code Section 6310 prohibits any person from discharging, constructively discharging, retaliating or in any manner discriminating against any employee for making any oral or written health and/or safety complaint, or a complaint regarding working conditions to a governmental agency or their own employer, and who has instituted or caused to be instituted any proceeding under or relating to his or her rights or has testified or is about to testify in the proceeding or because of the exercise by the employee on behalf of himself, herself, or others of any rights afforded him or her. Section 6310 also prohibits any person from retaliating against employees whom they suspect will file a complaint related to workplace safety. It is Claimant's position that said Respondents violated, among other applicable statutory provisions, Labor Code section 6310, by retaliating against Claimant and discharging Claimant for complaining about and/or suspecting Claimant would pursue complaints on behalf of themselves and all aggrieved employees about unsafe work conditions resulting from their conduct and/or omissions detailed above which Claimant reasonably believed to be unlawful.

Labor Code section 98.6 prohibits employers for discharging or discriminating against employees for making complaints about wages. It is Claimant's position that said employer violated, among other applicable statutory provisions, Labor Code section 98.6 by retaliating against Claimant for complaining about his wages.

Labor Code section 232.5 mandates, *inter alia*, “no employer may ...discharge, formally discipline, or otherwise discriminate against an employee who discloses information about the employer's working conditions.” It is Claimant's position that said employer violated, among other applicable statutory provisions, Labor Code section 232.5 by retaliating against Claimant for complaining about his working conditions.

As a direct and proximate result of the forgoing (set forth without limitation), Claimant has suffered severe emotional distress and other damages, including but not limited to, loss of back pay, front pay, and other financial losses. Claimant is thus entitled to seek on behalf of themselves and all aggrieved employees applicable damages, penalties, attorneys' fees, and interest set forth in PAGA, Cal. Labor Code section 2698, *et seq.* We would appreciate hearing from the Labor & Workforce Development Agency at your earliest convenience.

Very truly yours,

THE MYERS LAW GROUP, A.P.C.

Kaci Bell

KACI J. BELL

Attorneys for Robert Hayden

cc: Wal-Mart Associates, Inc.
1 Customer Drive
Bentonville, AR 72716

Wal-Mart Associates, Inc.
702 SW 8th Street
Bentonville, AR 72716

