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VIA U.S. CERTIFIED MAIL

August 10, 2023

Odyssey Agricultural Development, LLC
Odyssey Insights, Inc.
Odyssey Agricultural Holdings, LLC
Attn: Alexander Freedman
6100 Wilshire Blvd, Suite 410
Los Angeles, California 90048

Valley Agricultural Holdings, LLC
1702 Robertson Blvd., Suite 356
Los Angeles, California 90035

Carlos Ojeda
Jon David
418 W. Belmont Ave
Mendota, California 93640

Labor and Workforce Development Agency
(via online submission)

RE: California Labor Code section 2699 (Private Attorneys General Act) Notice by Aggrieved Employee

Dear PAGA Administrator:

Our office represents Nieves Flores Amado, Elvira Gil Guzman, and Felipe Garcia Solano (“Aggrieved Plaintiffs”). This constitutes statutory notice pursuant to Labor Code section 2699.3(a)(1) for purposes of bringing a claim under the Private Attorneys General Act (“PAGA”), Cal. Labor Code section 2699, et seq. Please consider this a request for the California Labor & Workforce Development Agency (“LWDA” or “Agency”) to take action against Odyssey Agricultural Development, LLC, Insights, Inc., Odyssey Agricultural Holdings, LLC, and Valley Agricultural Holdings, LLC

(“Defendants”), and their agents, managers, supervisors, and/or owners Carlos Ojeda and Jon David—including, without limitation, Odyssey Insights, Inc., Chief Executive Officer Aaron Mamann (collectively “Individual Defendants”) for violations of the California Labor Code described below. On information and belief, the Individual Defendants had complete authority to implement and carry out the illegal wage and hour policies at issues herein. As such, the Individual Defendants were on notice, whether actual or constructive, of all of the violations described above, and failed to prevent or address them. Aggrieved Plaintiffs seeks to assert a PAGA claim on behalf of the State of California and all other current and/or former non-exempt agricultural workers who have been employed by Defendants in California.

Further, pursuant to, without limitation, California Labor Code sections 210, 558, 558.1, 1197.1, 2699(f) and other provisions of the Labor Code, please consider this a notice to Defendants and all other persons acting on behalf of Defendants and the employer, including agents, managers, supervisors, and/or owners Carlos Ojeda and Jon David – including, without limitation, Odyssey Insights, Inc., Chief Executive Officer Aaron Mamann – who controlled and caused to be violated any provision of the California Labor Code or Wage Orders during the relevant time period by making illegal policies, implementing illegal policies, or failing to correct illegal policies.

This investigation request and notice of California Labor Code violations concerns the systematic failure by Defendants to pay current and former California non-exempt employees in conformance with provisions set out in the California Labor Code and in Wage Orders promulgated by the Industrial Welfare Commission. At the core of Defendants violations is a policy of: systematically failing to pay overtime wages for all hours worked by employees in excess of eight hours; systematically refusing to provide rest periods or to provide premium wages in lieu thereof, systematically refusing to provide meal periods or to provide premium wages in lieu thereof, systematically failing to provide accurate wage statements and systematically failing to pay of all wages owed upon separation from employment, and obtaining releases from summarily situated aggrieved employees in violation of Labor Code section 206.5. These violations are a uniform policy applied to all non-exempt workers employed by Defendants.

Additional facts and allegations are set forth in Aggrieved Employees’ complaint. Liability under the PAGA may be based on a wide variety of Labor Code predicate provisions, including but not limited to sections 201, 202, 203, 210, 216, 218, 218.6, 223, 225, 226, 226.2, 226.7, 510, 512, 2810.5, 6400, 6401, 6401.7, 6402, 6403, 6404, 1174, 1175, 1194, 1194.2, 1197, 1197.1, 1199, 2673.1(a), and 2802, Industrial Welfare Commission Wage Orders, sections 2699 et seq. and all of the provisions listed in Labor Code section 2699.5 (including the penalty provisions related to these predicate provisions), among others. Any violation of these or any other Labor Code provisions serve as the basis for a PAGA claim by an aggrieved employee on behalf of themselves and other current and former employees.

In particular, the policies described above, and the violations set forth below relate to all the non-exempt workers employed by Defendants, Inc in California:

1. Defendants subjected employees to employer control, or knowingly suffering or permitting them to work shifts of eight or more hours a day and/or forty hours in a workweek without compensating for all wages earned, including minimum wages and overtime premium wages in violation of Cal. Labor Code §§ 201, 202, 221,

226.2, 1194 and 558, and the Wage Orders, by inaccurately keeping records of actual hours worked and wages earned, and by failing to pay for all hours worked.

2. Defendants did not schedule or provide meal and rest periods for non-exempt employees which resulted in failure to provide or authorize and permit proper thirty-minute meal periods and proper ten-minute rest periods to which non-exempt employees are entitled, and failure to pay premium meal and rest period wages in lieu of missed, late, or short meal and rest periods, in violation of Cal. Labor Code §§ 226.7 and 512, Wage Orders and California case law.
3. Defendants failed to provide accurate wage statements that reflect actual hours worked and amounts earned, in violation of Cal. Labor Code §§ 226, 1174 and the Wage Orders as employees' did not received wage statements that included gross wages earned, total hours worked, all deductions, net wages earned, the inclusive dates of the period for which the employee is paid, the last four digits of the employee's social security number or an employee identification number of the legal entity that secured the services of the employer, all applicable hourly rates in effect during the pay period and the corresponding number of hours worked at each hourly rate by the employee.
4. Defendants failed to pay all wages earned (as described above) including unpaid minimum and overtime wages and failed to pay all additional wages in lieu of providing all meal and rest periods immediately or within 72 hours upon separation from employment.
5. Defendants required the execution of a release of a claim or right by aggrieved employees on account of wages due, or to become due, or made as an advance on wages to be earned unless payment of those wages has been made in violation of Cal Labor § 206.5 and California case law.

The above provisions do not include all of the derivative penalties associated with the above provisions, which are listed throughout the Labor Code and are PAGA penalties.

Aggrieved Plaintiffs Nieves Flores Amado, Elvira Gil Guzman, and Felipe Garcia Solano may be contacted through our office: Mallison & Martinez, Attorneys at Law, 1939 Harrison Street, Suite 730, Oakland, California 94612.

If no action is taken by the Agency within 65 days, we will assume that we may pursue this action under the theories described above against Odyssey Agricultural Development, LLC and Odyssey Insights, Inc and the Individual Defendants described above and their managers, agents, owners, and other liable persons and entities (pursuant to, without limitation, Labor Code sections 210, 558, 1197.1, 2699(f) (and other provisions)).

PLEASE TAKE NOTICE THAT THIS IS ALSO A GENERAL LITIGATION PRESERVATION NOTICE to preserve all documents relating to all employees, including but not limited to all timekeeping and payroll records in paper form, native electronic form and any other format in which they are generated and maintained in the regular course of business; all databases and computer or electronic systems that are used for timekeeping and payroll; all records and evidence in

any way related to the facts and claims asserted in this letter; all records and evidence in any way related to claims of Aggrieved Plaintiffs, the state, and other current or former employees under the California Labor Code Private Attorney General (including underlying Labor Code and IWC orders), the California Government Code, and the Equal Employment Opportunity Act. These documents include but are not limited to all schedules (both current and former employees), all timekeeping records, all rest and meal period records, all duty and responsibility records, all records which include employee signatures or initials, all payroll records, all state or federal withholding records, all personnel files and other employment records, all records concerning the payment or non-payment of wages, or provision or non-provision of state mandated labor code protections, as well as all documents pertaining to harassment or discrimination against employees, all communications relating to these records and documents, and all emails relating to these records and documents.

Sincerely,

MALLISON & MARTINEZ

A handwritten signature in black ink, appearing to read 'Gonzalo' followed by a stylized surname.

Gonzalo Quezada, Esq.