

September 22, 2023

Thomas D. Rutledge
Attorney-at-Law
16956 Via de Santa Fe, Suite 1847
Rancho Santa Fe, California 92091-4606

Re: Vernon Barnett v. First American Home Warranty Corporation
Case LWCA-CM-977062-23

Counsel:

Enclosed, please find the cure notice to be filed with the Labor and Workforce Development Agency on September 22, 2023. This notice addresses First American Home Warranty's cure of the alleged wage statement violation arising under Labor Code sec. 226(a)(6) that was identified in the proposed complaint attached to the PAGA notice filed by your office on behalf of Vernon Barnett on August 22, 2023.

Sincerely,

/s/ Matthew Scholl
Matthew Scholl



**First American
Financial Corporation**

September 22, 2023

UPLOADED TO LWDA PORTAL

Labor and Workforce Development Agency
Division of Labor Standards Enforcement
1515 Clay Street
Oakland, CA 94612

**Re: Vernon Barnett v. First American Home Warranty Corporation
Case LWCA-CM-977062-23**

To Whom it May Concern:

This letter sets forth the efforts made by First American Home Warranty to cure, pursuant to Labor Code sec. 2699.3(c)(2)(A), the alleged wage statement error identified in the PAGA notice submitted by Vernon Barnett, postmarked August 22, 2023.

I have been employed by First American Title Insurance Company since April 2017. Since May 2019, I have been employed as the Director of Payroll. First American Title Insurance Company is an affiliate of First American Home Warranty, and in my capacity as the Director of Payroll for First American Title Insurance Company, I have overall responsibility for running payroll for First American Home Warranty's California employees, as well as access to the payroll records and wage statements for these employees.

Former employee Vernon Barnett, through his counsel, sent First American a notice dated August 22, 2023 asserting in part that First American had violated Labor Code section 226(a)(6), because a wage statement provided to Mr. Barnett and dated September 30, 2022 identified the inclusive dates of the pay period for a commission payment as "11/30/1999-11/30/1999." (See, paragraph 45 of the proposed complaint attached to Mr. Barnett's notice).

Following receipt of Mr. Barnett's notice, I reviewed copies of all wage statements provided to Mr. Barnett during his employment with First American. Based on this review, I determined that the only wage statement provided to Mr. Barnett with apparently erroneous inclusive pay period dates was the wage statement identified in the proposed complaint attached to Mr. Barnett's notice. The inclusive pay period dates for the commission payment on this wage statement should have been "08/15/2022 – 08/27/2022." Upon further investigation, I determined that this issue with inclusive pay period dates was limited to commissioned employees.

I directed First American's payroll team to audit the pay records for all of First American's commissioned employees who had worked in California since August 22, 2020; i.e., 3 years prior to the postmark date on Mr. Barnett's notice. Pursuant to this audit, First American's payroll team identified only one other wage statement that included incorrect inclusive pay period dates.

I directed First American's payroll team to correct both the September 30, 2022 wage statement provided to Mr. Barnett and the other wage statement with the incorrect inclusive pay

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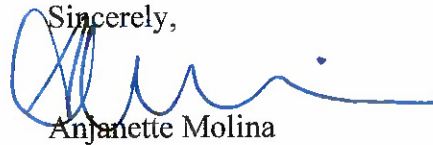
to the postmark date on Mr. Barnett's notice. Pursuant to this audit, First American's payroll team identified only one other wage statement that included incorrect inclusive pay period dates.

I directed First American's payroll team to correct both the September 30, 2022 wage statement provided to Mr. Barnett and the other wage statement with the incorrect inclusive pay period dates that was identified during the audit. Corrected wage statements were sent by certified mail to Mr. Barnett and the other affected employee on September 22, 2023; i.e., 31 days after the August 22, 2023 postmark date on the notice sent by Mr. Barnett. A copy of the corrected wage statements mailed to Mr. Barnett and the other affected employee (with identifying information redacted), are attached hereto as Exhibits A and B, respectively.

Pursuant to Labor Code sec. 2699.3(c)(A)(2), a copy of this letter was also sent by certified mail on September 22, 2023 to Mr. Barnett's counsel who submitted the LWDA notice, Thomas D. Rutledge at 16956 Via de Santa Fe, Suite 1847, Rancho Santa Fe, California 92091-4606.

Please advise if you require any additional information at this time.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Anjanette Molina', with a long horizontal flourish extending to the right.

Anjanette Molina

EXHIBIT A



First American

First American Home Warranty 1 First American Way Santa Ana, CA 92707 +1 866-908-6962

Name	Company	Employee ID	Pay Period Begin	Pay Period End	Check Date	Check Number
Vernon Barnett	First American Home Warranty	632246	09/11/2022	09/24/2022	09/30/2022	

	Hours Worked	Gross Pay	Pre Tax Deductions	Employee Taxes	Post Tax Deductions	Net Pay
Current	84.00	2,115.59	0.00	487.59	0.00	1,628.00
YTD	726.00	17,704.40	498.00	3,807.57	220.00	13,176.83

Earnings						Employee Taxes		
Description	Dates	Hours	Rate	Amount	YTD	Description	Amount	YTD
Commission Sales	08/15/2022 - 08/27/2022	0	0	395.59	2,233.09	OASDI	131.17	1,067.47
Fantastic Points Plus Employer F			0		275.00	Medicare	30.67	249.65
GTL			0		10.88	Federal Withholding	225.72	1,700.56
Employer HSA Contribution			0		200.00	State Tax - CA	76.76	598.42
Overtime Premium	09/11/2022 - 09/24/2022	4	10	40.00	296.31	CA State Disability Insurance	23.27	191.47
Overtime Straight	09/11/2022 - 09/24/2022	4	20	80.00	500.00			
PTO			0		60.00			
Regular Pay	09/11/2022 - 09/24/2022	80	20	1,600.00	14,020.00			
Holiday			0		320.00			
Earnings				2,115.59	17,915.28	Employee Taxes	487.59	3,807.57

Pre Tax Deductions				Post Tax Deductions			
Description	Amount	YTD		Description	Amount	YTD	
Dental Insurance		22.00		Fantastic Points Awarded		220.00	
Medical Insurance		476.00					
Pre Tax Deductions	0.00	498.00		Post Tax Deductions	0.00	220.00	

Taxable Wages			
Description	Amount	YTD	
OASDI - Taxable Wages	2,115.59	17,217.28	
Medicare - Taxable Wages	2,115.59	17,217.28	
Federal Withholding - Taxable Wages	2,115.59	17,217.28	

	Federal	State	Absence Plans			
Marital Status	Single or Married filing separately	Single or Married filing separately	Description	Accrued	Reduced	Available
Allowances	0	0	COVID Sick	0	0	40
Additional Withholding	0		PTO Bank	0	0	0
			PTO Plan	4.92	0	11.4
			State Sick	0	0	0

EXHIBIT B



First American

First American Home Warranty 1 First American Way Santa Ana, CA 92707 +1 866-908-6962

Name	Company	Employee ID	Pay Period Begin	Pay Period End	Check Date	Check Number
	First American Home Warranty	615861	07/31/2022	08/13/2022	08/19/2022	

	Hours Worked	Gross Pay	Pre Tax Deductions	Employee Taxes	Post Tax Deductions	Net Pay
Current	0.00	2,435.09	48.71	838.66	292.22	1,255.50
YTD	1,184.00	59,753.89	1,443.48	17,062.87	8,500.44	32,747.10

Earnings						Employee Taxes		
Description	Dates	Hours	Rate	Amount	YTD	Description	Amount	YTD
Bereavement			0		1,408.00	OASDI	150.97	3,699.23
Commission Sales	07/03/2022 - 07/20/2022	0	0	2,435.09	24,474.17	Medicare	35.31	865.14
Fantastic Points Plus Employer F			0		1,062.50	Federal Withholding	525.00	8,447.16
GTL			0		180.60	State Tax - CA	100.59	3,397.70
Holiday			0		880.00	CA State Disability Insurance	26.79	653.64
Meal Premium			0		86.50			
Overtime Premium			0		829.18			
Overtime Straight			0		935.05			
Regular Pay			0		25,113.00			
Sick Time			0		675.57			
Details Not Displayed				0.00	4,289.92			
Earnings				2,435.09	59,934.49	Employee Taxes	838.66	17,062.87

Pre Tax Deductions				Post Tax Deductions			
Description	Amount	YTD		Description	Amount	YTD	
401K	48.71	1,173.93		Accident Insurance		97.95	
Dental Insurance		105.00		Fantastic Points Awarded		850.00	
Vision Insurance		164.55		Hospital Indemnity		123.15	
				LTD		97.20	
				ROTH	292.22	7,043.09	
				Details Not Displayed	0.00	289.05	
Pre Tax Deductions	48.71	1,443.48		Post Tax Deductions	292.22	8,500.44	

Taxable Wages			
Description	Amount	YTD	
OASDI - Taxable Wages	2,435.09	59,664.94	
Medicare - Taxable Wages	2,435.09	59,664.94	
Federal Withholding - Taxable Wages	2,386.38	58,491.01	

	Federal	State	Absence Plans			
Marital Status	Married filing jointly (or Qualifying widow(er))	Married filing jointly (or Qualifying widow(er))	Description	Accrued	Reduced	Available
Allowances	0	0	COVID Sick	0	0	40
Additional Withholding	0		PTO Bank	0	0	0
			PTO Plan	0	0	144.6
			State Sick	0	0	16