



8383 Wilshire Blvd., Suite 745
Beverly Hills, CA 90211
Phone: (310) 622-4278
Fax: (855) 786-6356

Vincent J. Mersich, Esq.
vmersich@blackstonepc.com

Sage S. Stone, Esq.
sstone@blackstonepc.com

March 13, 2026

PAGA Claim Notice Via Online Electronic Submission & Certified Mail

California Labor & Workforce Development Agency

800 Capitol Mall, Suite 5000 (MIC-55)

Sacramento, CA 95814

<https://www.dir.ca.gov/Private-Attorneys-General-Act/Private-Attorneys-General-Act.html>

California Department of Industrial Relations

Division of Occupational Safety & Health

1515 Clay Street, Suite 1901

Oakland, CA 94612

RE: *Mario Cadena, Jr. v. Reyes Coca-Cola Bottling, LLC – PAGA Notice*

To Whom It May Concern:

This office represents Mario Ernesto Cadena, Jr. (“Claimant”) with respect to his claims under the California Labor Code against Reyes Coca-Cola Bottling, LLC (including all affiliates, subsidiaries, parents, directors, and officers) (referred to herein as “Employer”). This notice is also provided to the California Division of Occupational Safety and Health (“the Division”) to facilitate the Division’s investigation of the regulatory violations described herein. This letter is being sent simultaneously to Employer by certified mail.

Employer employed Claimant as a relief delivery driver until March 28, 2025 at Employers’ facility located at 86375 Industrial Way, Coachella, CA 92236 (“the Coachella worksite”).

During Claimant’s employment, Employer violated several provisions of the California Occupational Safety and Health Act (“the OSH Act”). (Lab. Code, §§ 6300 *et seq.*) As detailed below, Employer’s conduct violated Labor Code sections 6400, 6401, 6401.7, and 6401.9, as well as the OSH Act’s implementing regulations promulgated by the California Occupational Safety and Health Standards Board in title 8 of the California Code of Regulations. Employer’s conduct giving rise to the violations detailed below was malicious, fraudulent, and/or oppressive within the

meaning of PAGA.

Unless the Division notifies Claimant that it has commenced an investigation within the time periods set forth in Labor Code section 2699.3(b)(2), Claimant intends to bring a representative action seeking penalties for violations of the California Labor Code which are recoverable under the Labor Code Private Attorneys General Act of 2004 (“PAGA”). (Lab. Code §§ 2698, *et seq.*) Claimant will seek penalties on behalf of himself and, in a representative capacity, on behalf of the State of California and all current and former employees who worked for Employer at the Coachella worksite during the relevant statutory period who experienced or were exposed to the alleged violations (“Aggrieved Employees”). This letter is being sent in compliance with California Labor Code section 2699.3 and shall serve as Claimant’s notice of the provisions of the California Labor Code alleged to have been violated, including the facts and theories in support thereof.

The claims made on behalf of Claimant and Aggrieved Employees are based upon the following facts and theories:

VIOLATION NOS. 1 and 2: OPERATION OF POWERED INDUSTRIAL TRUCKS (FORKLIFTS) BY UNCERTIFIED AND UNTRAINED OPERATORS

Through Labor Code §§ 6400 and 6401, the OSH Act imposes on every employer the duty to furnish a place of employment that is safe and healthful, and to provide safety devices and safeguards sufficient to render the employment reasonably safe. To that end, the OSH Act’s implementing regulations set forth comprehensive safety requirements for the operation of forklifts and other powered industrial trucks. (Cal. Code Regs., tit. 8, § 3668.)¹ Section 3668 requires, among other things, that operators be designated, competent, trained in the safe operation of the specific equipment they will use, and familiar with the specific hazards of the operating environment. Section 6336 imposes additional operator qualifications, and prohibits operators from using powered industrial trucks or other equipment for which they have not been evaluated and found competent.

Throughout his employment, Claimant observed uncertified employees operating forklifts at Employer’s Coachella facility. He observed individual employees, whom he knew lacked the required certification or having completed the mandated operator training and evaluation under sections 3668 and 6336, operating forklifts on a regular and almost daily basis. Employer’s management was aware of this occurring, as it occurred openly and regularly in front of them.

This failure to restrict the operation of such equipment to trained and certified personnel constitutes a knowing violation of the applicable safety orders. Employer’s failure to ensure compliant and competent operation of such machinery exposed every other worker in the facility—

¹ Unless otherwise specified, all section references herein to the California Code of Regulations (“C.C.R.”) are to those safety orders contained in title 8.

including drivers, warehouse workers, and other personnel—to the zone of danger created by the unlawful operation of forklifts or powered industrial trucks.

The failures described above constitute at least two separate and independent violations of Employer's duties under the OSH Act and its implementing regulations. Due to these violations, Claimant and Aggrieved Employees will seek PAGA penalties pursuant to California Labor Code section 2699, injunctive relief, attorneys' fees and costs, and all other appropriate relief.

VIOLATION NOS. 3-5: PERMITTING OPERATION OF COMMERCIAL MOTOR VEHICLES BY UNLICENSED DRIVERS

As noted above, the OSH Act imposes on every employer the duty to furnish a place of employment that is safe and healthful, and to provide safety devices and safeguards sufficient to render the employment reasonably safe. (Lab. Code, §§ 6400, 6401.)

Permitting employees without the required Class A commercial driver's license to operate commercial trailers is an inherently unsafe practice that violates the general duty to provide a safe workplace. Moreover, the commercial licensing requirements of the California Vehicle Code sections 15250 et seq. reflect a legislative determination that operation of commercial motor vehicles requires demonstrated competency, and permitting unlicensed operation circumvents this fundamental safeguard.

Commercial trailers weigh tens of thousands of pounds, especially when they are loaded. Employees without Class A licenses have not been trained on or tested for the competency required to safely operate such vehicles. Unlicensed operation creates a serious safety risks to the operator, to all other workers, and to the public.

Throughout his employment, on essentially every shift where he was present, Claimant observed employees without Class A commercial driver's licenses moving trailers at the Coachella facility. Despite being aware of this practice, Employer did nothing to stop it. Employer also took no action to communicate with or train employees on the hazard of unlicensed operation of commercial vehicles.

On multiple occasions, other drivers raised this safety concern with Employer. Upon learning of such an unsafe practice, an employer has a duty to take immediate corrective action. (Lab. Code, § 6401.7.) However, Employer took no corrective action.

The failures described above constitute at least three separate and independent violations of Employer's duties under the OSH Act and its implementing regulations, including: (1) the duty to ensure a safe workplace (Lab. Code, §§ 6400, 6401); (2) the duty to maintain a system for ensuring employee compliance with safe work practices (Lab. Code, § 6401.7, subd. (a)(6)); and (3) the duty to correct unsafe and unhealthy conditions and work practices in a timely manner based on the severity of the hazard (Lab. Code, § 6401.7, subd. (b)). Due to these violations,

Claimant and Aggrieved Employees will seek PAGA penalties pursuant to California Labor Code section 2699, injunctive relief, attorneys' fees and costs, and all other appropriate relief.

VIOLATION NOS. 6-10: REQUIRING EMPLOYEES TO MANUALLY HANDLE UNSECURED AND OVERLOADED BOXES WITHOUT ADEQUATE SAFEGUARDS

An employer must furnish a safe place of employment; provide safety devices and safeguards, and adopt methods and processes, sufficient to render the employment reasonably safe; and do every other thing reasonably necessary to protect the life, safety and health of employees (Lab. Code, §§ 6400, 6401, 6404.) To those ends, employers must establish safe procedures for the handling and storage of materials, including ensuring that materials are properly secured and that loads are safe to handle manually. Employers must assess load weights, conditions of packaging, and ergonomic risks, and must implement controls to reduce the risk of musculoskeletal injury where hazardous manual handling is required. (C.C.R., § 5097.) Additionally, employers must establish and implement a program designed to minimize repetitive motion injuries when an injury has been reported from work processes involving repetitive motion. The regulation mandates that the program include a worksite evaluation, control of exposures that have caused or are causing injury, and training of employees. (C.C.R., § 5110.)

Throughout Claimant's employment, Employer required delivery drivers to manually lift and transport loads that were (1) packed too heavy for one person to lift safely, or (2) improperly secured. In one such instance, on or about October 8, 2024, Claimant manually lifted such a load when its contents fell out, causing an uncontrolled shift in the load's weight and resulting in an lower back injury. Claimant required medical treatment and physician-imposed work restrictions. Claimant is aware of approximately fifteen (15) fellow delivery drivers who sustained back injuries from repetitive strain and improper manual lifting arising from the same conditions, and yet Employer took no corrective action to address this unsafe work condition.

The failures described above constitute at least three separate and independent violations of Employer's duties under the OSH Act and its implementing regulations, including: (1) the duty to ensure a safe workplace (Lab. Code, §§ 6400, 6401); (2) the duty to maintain a system for ensuring employee compliance with safe work practices (Lab. Code, § 6401.7, subd. (a)(6)); (3) the duty to correct unsafe and unhealthy conditions and work practices in a timely manner based on the severity of the hazard (Lab. Code, § 6401.7, subd. (b)); (4) the duty to establish and implement safe procedures for handling and storage of materials (C.C.R., § 5097); (5) the duty to minimize repetitive motion injuries (C.C.R., § 5110). Due to these violations, Claimant and Aggrieved Employees will seek PAGA penalties pursuant to California Labor Code section 2699, injunctive relief, attorneys' fees and costs, and all other appropriate relief.

VIOLATION NOS. 11-13: FAILURE TO MAINTAIN SAFE LOADING DOCK OPERATIONS

As part of their general safety duties under the Labor Code (Lab. Code §§ 6400-6403), employers must ensure that dockboards and bridgeplates be strong enough to carry the load

imposed on them, be properly secured to prevent slipping, and be equipped with devices that prevent accidental displacement. (C.C.R., § 3337.) A pallet jack falling from a loading dock poses a severe risk of crush injury, impact injury, and death to any worker below or in the path of the falling equipment. These incidents also create secondary hazards from product spillage and unstable loads.

Claimant personally observed employees dropping pallet jacks from loading docks at the Coachella facility on multiple occasions. These incidents were the result of Employer lacking adequate dock safety procedures, physical safeguards, and employee training. Despite being made aware of these incidents, Employer took no action to correct the hazard.

Employer's failure described above constitutes at least three separate and independent violation of Employer's duties under the OSH Act and its implementing regulations, including: (1) the duty to ensure a safe workplace (Lab. Code, §§ 6400, 6401); (2) the duty to correct unsafe and unhealthy conditions and work practices in a timely manner based on the severity of the hazard (Lab. Code, § 6401.7, subd. (b)); and (3) the duty to establish and implement safe procedures for loading and unloading materials at a loading dock (C.C.R., § 3337). Due to these violations, Claimant and Aggrieved Employees will seek PAGA penalties pursuant to California Labor Code section 2699, injunctive relief, attorneys' fees and costs, and all other appropriate relief.

VIOLATION NOS. 14-17: FAILURE TO ESTABLISH AND MAINTAIN AN EFFECTIVE WORKPLACE VIOLENCE PREVENTION PLAN

Labor Code § 6401.9, requires employers to establish, implement, and maintain a written Workplace Violence Prevention Plan ("WVPP") that includes, *inter alia*, (1) procedures for the employer to accept and respond to reports of workplace violence without retaliation; (2) procedures for identifying and correcting workplace violence hazards; and (3) procedures for post-incident response and investigation. (Lab. Code § 6401.9(c).) Section 6401.9 also requires employers to provide training on the WVPP, how to report workplace violence concerns, and the employer's prohibition on retaliation against employees who report such concerns. (Lab. Code § 6401.9(e).)

On or about March 17, 2025, Claimant arrived at customer location on his delivery route. A store representative demanded that he park illegally, in a position that blocked the driveway. Claimant appropriately declined and telephoned his supervisor, Chris [last name unknown], to report the situation and request guidance. Supervisor Chris instructed Claimant to remain at the location and stated that someone from management would arrive. Claimant waited approximately thirty minutes—twice the estimated travel time—and continued working.

During that period, the store representative became physically aggressive and confrontational. He got in Claimant's face, threatened him, and ordered him to leave in a manner that caused Claimant to fear for his physical safety. Fearing imminent physical harm, Claimant moved his vehicle around the corner to a safe location, consistent with his right (and obligation)

to remove himself from conditions posing an imminent threat of physical harm. Claimant immediately reported this escalation to management.

Rather than treating Claimant's report as a workplace violence incident requiring investigation and corrective action, Employer convened a pre-termination meeting and then terminated Claimant, characterizing his decision to move to a safe location as "flagrant insubordination."

The above facts demonstrate at least four violations of Employer's duties under Labor Code section 6401.9, including:

Failure to identify hazards: Delivery drivers who routinely interact with members of the public at customer locations—including locations where disputes about parking, deliveries, and access arise—face a well-recognized category of workplace violence risk that must be addressed within the IIPP. Claimant submitted multiple reports documenting hostile or threatening customer incidents. Despite this, Employer's WVPP does not identify or evaluate any such hazards.

Failure to train: The entirety of Reyes's workplace violence training consisted of a brief online video. No training was provided on recognizing escalating customer behavior, de-escalation techniques, safe egress protocols, reporting procedures, or employee rights. This falls far short of the comprehensive annual training required by section 6401.9(e).

No effective reporting mechanism: Taking a reasonable response to that March 17, 2025 workplace violence incident, Claimant physically removed himself from a threatening confrontation. Claimant reported the incident to management immediately as it occurred, and again afterwards. Instead of treating his report as a workplace violence incident requiring investigation, management characterized his response as insubordination, and terminated him. This response demonstrates the complete absence of a functional WVPP.

Failure to investigate post-incident: As noted, section 6401.9(c)(9) requires a post-incident response and investigation. However, Employer conducted no workplace violence investigation following Claimant's report of the March 17 incident. Instead, Employer terminated Claimant.

Due to these violations, Claimant and Aggrieved Employees will seek PAGA penalties pursuant to California Labor Code section 2699, injunctive relief, attorneys' fees and costs, and all other appropriate relief.

VIOLATION NOS. 18-27: FAILURE TO ADOPT AND IMPLEMENT AN EFFECTIVE INJURY AND ILLNESS PREVENTION PROGRAM

California Labor Code § 6401.7 requires every employer to establish, implement, and maintain an effective Injury and Illness Prevention Program ("IIPP"). (Lab. Code § 6401.7(a).) The IIPP must be in writing and must address, at a minimum: (1) identification of the person or

persons responsible for implementing the program; (2) a system for identifying and evaluating workplace hazards, including scheduled periodic inspections; (3) a system for investigating occupational injury or illness; (4) methods and procedures for correcting unsafe or unhealthy conditions and work practices in a timely manner; (5) training and instruction; and (6) recordkeeping. *Id.* § 6401.7(a)(1)–(8). An employer’s IIPP obligations are further detailed in Cal. Code Regs., tit. 8, § 3203 (“Section 3203”). Under Section 3203, the IIPP must also include, *inter alia*, a system for **ensuring employee compliance** with safe work practices, procedures for **identifying and correcting hazards**, procedures for **communicating workplace hazards to employees** in a form they readily understand about workplace hazards, and must provide **training and instruction** regarding workplace hazards to all new employees and for all newly identified hazards. (C.C.R. § 3203, subd. (a)(1)–(7).) Crucially, section 3203(a)(3) requires that the employer’s communication system include a means for employees to report safety concerns *without fear of reprisal*.

Employer committed violations of Labor Code section 6401.7, and failed to comply with Section 3203 by failing to adopt, implement, and/or maintain an effective IIPP at its Coachella facility, in multiple respects:

Known forklift hazards unaddressed: Employer was aware that uncertified employees operated powered industrial trucks (forklifts) on a regular basis as described above, yet the IIPP, did not effectively identify, correct, or prevent this practice.

Known unsecured-box lifting hazard unaddressed: Employer was aware that delivery drivers, including approximately fifteen (15) members of the delivery team, were sustaining back injuries from handling overloaded, improperly secured boxes. An effective IIPP would have identified this ergonomic and materials-handling hazard, implemented corrective procedures, and trained employees accordingly. None of these steps were taken.

Known unlicensed commercial vehicle operation unaddressed: Drivers without Class A commercial driver's licenses were moving trailers at the facility on a nightly/daily basis. At least one employee reported this practice to warehouse supervisor, who dismissed the concern. This failure to investigate and correct a reported safety hazard is inconsistent with any effective IIPP.

Known dock safety hazard unaddressed: Employees were dropping pallet jacks from loading docks, constituting a recurring safety hazard. An effective IIPP would have identified and corrected this hazard through inspection, training, and procedural controls.

Workplace violence risks unaddressed: Delivery drivers regularly interact with members of the public at customer locations, creating foreseeable risks of hostile or violent confrontations. Despite this foreseeable hazard—evidenced by prior incidents documented in Claimant’s grievance file—Employer failed to incorporate workplace violence prevention into its IIPP in any meaningful way.

Failure to Provide Adequate Training: Under Labor Code section 6401.7, subdivision

(a)(7) and C.C.R. section 3203, subdivision (a)(7), Employer was required to not only to identify the hazards set forth above, but also provide training and instruction with respect to the particular hazards. This training must be provided when the employee is first hired, when new substances, processes, procedures, or equipment are introduced, and whenever the employer receives notice of a new or previously unrecognized hazard. As described in detail above, Employer provided no effective training on any of the specific hazards identified herein (including (i) driving hazards, (ii) powered industrial truck hazards, (iii) unsecured load hazards, and (iv) workplace violence hazards).

Retaliation for reporting hazards: Section 3203(a)(3) requires a communication system that allows employees to report hazards without fear of reprisal. Employer terminated Claimant after he reported safety violations to Cal-OSHA and after he reported the March 17, 2025 workplace violence incident, demonstrating that any purported reporting mechanism was illusory and that employees faced real and immediate consequences for raising safety concerns.

Each of the above-referenced violations created serious safety risks to both Claimant and Aggrieved Employees. For these violations, Claimant and Aggrieved Employees will therefore seek PAGA default penalties pursuant to California Labor Code section 2699; penalties pursuant to California Labor Code sections 203 and 1199; and attorneys' fees and costs.

CONCLUSION

Claimants hereby provide notice to the LWDA and to the Division under the California Labor Code Private Attorneys General Act of 2004, California Labor Code Sections 2698, *et seq.*, and specifically ask for an investigation, or if the agency does not intend to investigate the alleged violations, a letter confirming the same so that we may allege a cause of action under PAGA against Employers for the violations discussed in this letter.

This letter is sent in compliance with the reporting and exhaustion requirements of California Labor Code section 2699.3. If the LWDA or the Division advise it will not investigate, or if no notice is provided within 65 calendar days, an employee may file a lawsuit invoking the provisions under Labor Code § 2699. Cal. Lab. Code § 2699.3(a)(2)(A). It is Claimants' intention to file a civil complaint and to bring the appropriate claims under California Labor Code § 2699 on behalf of himself, the State of California and all Aggrieved Employees, should your office not address Employers' alleged violations within this timeframe.

If you have any questions or require additional information, please do not hesitate to contact my office. Thank you for your attention to this matter.



8383 Wilshire Blvd., Suite 745
Beverly Hills, CA 90211
Phone: (310) 622-4278
Fax: (855) 786-6356

BLACKSTONE LAW

A handwritten signature in black ink, appearing to read 'Vincent J. Mersich'.

Vincent J. Mersich
Sage S. Stone

cc: By U.S. Certified Mail, Return Receipt Requested

Reyes Coca-Cola Bottling LLC
6250 N. River Road, Suite 9000
Rosemont, IL 60018

Reyes Coca-Cola Bottling LC
C/O CT Corporation
330 N Brand Blvd, Suite 700
Glendale, CA 91203