



April 9, 2026

File No.: 3357

Via Online Filing Submission

Labor and Workforce Development Agency
Attn. PAGA Administrator
455 Golden Gate Avenue, 9th Floor
San Francisco, CA 94102

Via Certified Mail

CoStar Realty Information, Inc.
1201 Wilson Blvd
Arlington, VA 22209

CoStar Group, Inc.
1201 Wilson Blvd
Arlington, VA 22209

Re: Notice Of Violations Of California Labor Code Sections by Labor Code §§ 201-203, 226, 226(e), 226.3, 226.7, 510, 512, 558, 1174, 1174.5, 1194, 1198, and 2698, California Business and Professions Code §§ 17200, *et seq.*; Applicable Industrial Welfare Commission Wage Orders, And Pursuant To California Labor Code Section 2699, 2699(c), and 2699.5

To Whom It May Concern:

Derrick Harvey (“Plaintiff”) retained our offices. Plaintiff is a former employee of CoStar Realty Information, Inc. and CoStar Group, Inc. (collectively referred to herein as “CoStar”). CoStar represents itself to be the “world leader in real estate” with the “most comprehensive database of real estate throughout the United States, Canada, the United Kingdom, and France.” CoStar employed Plaintiff as a real estate photographer. Before photographers could begin work, CoStar sent Plaintiff, and all similarly situated photographers, to a multi-week training. In addition, CoStar provided Plaintiff, and all similarly situated photographers, with all the equipment the photographers were required to use to do the job, i.e., cameras, and all associated equipment needed to take photographs, iPads, cell phones, drones or other unmanned aircraft system and supplemental equipment.

CoStar strictly controlled the work performed by the photographers, setting forth the specific parameters for any photographs taken, including time, setting, and location. CoStar had a Quality Assurance group that created style guidelines and technical standards that were uniform across all types of projects, which CoStar regularly updated. Photographers had to comply with and follow these guidelines and standards. For example, CoStar would instruct photographers not to take photographs of parks or schools that were already photographed. CoStar instructed photographers minutia with respect to how photographers were to shoot each room in a house, such as to shoot level so vertical lines were 90 degrees to the floor, to shoot wide, between 16-18 mm, to include 3 walls in all shots, the height of the camera on a tripod, and to capture surface tops, etc. For bathrooms CoStar mandated that toilet lids be closed for all shots. CoStar instructed photographers when to use drones for image captures, and the height of the drone from the ground when such was used. CoStar went so far as to dictate the color of the sky in all photos. CoStar reviewed all photographs, and, if the photographs did not meet CoStar's specific requirements, CoStar rejected the photographs and instructed the photographers to retake the photographs. CoStar had specific editing requirements and required photographers to do all the editing, specifically forbidding photographers to outsource any editing. CoStar audited the photographs submitted to assure the photographs complied with all of CoStar's requirements. The audits included minute details such as was the camera lens clean or clear. The feedback through the Audits included pages of critiques and instructions to redo photographs, including requests as granular as to "get closer to subjects". CoStar evaluated the photographers on a points system, i.e., it assigned points to each type of task assigned. CoStar judged photographers on whether the photographers met the metrics, which were based both on production scores, namely the number of photographs accepted, and quality scores, meaning did the photographs meet the specifications set by CoStar.

CoStar also controlled photographers' work day. CoStar mandated when photographs would be submitted, i.e., the same day of the shot. CoStar set the hours photographers worked, i.e., when photographers should start and end work and be at any location. CoStar provided photographers production priorities, i.e., what types of photographs to take and how many, provided examples of ideal daily and weekly schedules, i.e., 15-30 minutes for morning meetings, 30-45 minutes for media manager activities, 6 hours for taking photographs in assigned neighborhoods, and 1 hour for editing and uploading photographs. CoStar also required the photographers to clock in and out for work, keeping track of when photographers started and ended their work day. CoStar mandated tasks that photographers had to complete at the end of each day. CoStar specifically instructed photographers that if they needed to take a break for an appointment, that the photographer needed to clock out and/or use PTO for that time.

CoStar also set photographers' dress code, describing the clothes worn as a uniform, and mandating that the uniform be kept clean, ironed and presentable. CoStar prohibited photographers from wearing jeans or certain shorts, dictated the type of shoes that could be worn, mandated that shirts be tucked in and prohibited photographers from wearing clothes with any rips or stains. CoStar did not allow photographers to chew gum, smoke or vape, wear headphones or earbuds, eat or drink on any site, or accept any personal phone calls when on sites. Given CoStar set all the parameters for the photographs taken, down to the most minute

and granular level, Plaintiff and similarly situated photographers did not exercise any discretion and/or independent judgment. The photographers did not supervise any employees or have any involvement in the management of the business or in any way assist in the running of the business.

Even though CoStar strictly controlled every aspect of photographers work day, CoStar classified Plaintiff, and all similarly situated photographers, as exempt employees. Given this classification, which Plaintiff asserts was erroneous, CoStar did not pay Plaintiff, or similarly situated photographers, for any overtime compensation, even though the photographers routinely worked in excess of 8 hours a day. CoStar also did not take any action to make rest breaks available to Plaintiff, or similarly situated photographers, or furnish meal breaks to the photographers. CoStar similarly did not pay Plaintiff, or similarly situated photographers, any additional compensation for missed rest or meal breaks.

Plaintiff contends that he, and other similarly situated photographers regularly worked in excess of 8 hours a day and were not provided rest or meal breaks. Plaintiff further contends that because of CoStar's misclassification, CoStar failed to pay him and other aggrieved photographers for all time worked, i.e., for overtime worked and for missed rest and meal breaks, that CoStar failed to pay all regular and overtime wages due in violation of Labor Code sections 201-202, 226.7, 510, 512, and 1194. Plaintiff further contends that the wage statements that CoStar issued to him and to other photographers did not comply with Labor Code sections 226 and 1174 because they did not list all regular and overtime hours worked and compensation due for missed rest and meal breaks. CoStar also violated California Labor Code section 226 by failing to provide wage statements and instead only making the wage statements available online. As CoStar's actions were willful, Plaintiff, and those similarly situated photographers, are also entitled to recover waiting time penalties under California Labor Code section 203.

Said conduct, in addition to the forgoing, constitutes violations of Labor Code section 1198. The described conduct renders Defendant liable for penalties as set for in California Labor Code sections 203, 226(e), 226.3, 558, 1174.5, 2699(f), and 2699.5.

This notice is provided to enable Plaintiff to proceed as a deputized attorney general in the Los Angeles County Superior Court, as authorized by California Labor Code section 2698, *et seq.* on behalf of himself, current and former aggrieved employees, and class members.

Very truly yours,

WORKMAN LAW FIRM, PC

A handwritten signature in black ink, appearing to read 'Robin G. Workman', with a long horizontal line extending to the right.

Robin G. Workman