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Via Online Submission

California Labor & Workforce Development Agency
800 Capitol Mall, Suite 5000 MIC-55
Sacramento, CA 95814

Re: Labor Code Sec. 2699 Notice

Daniel Cha v. Octave Mental Health, Inc.

Dear Sir or Madame:

Pursuant to Labor Code § 2699.3(a)(1), Daniel Cha (“Mr. Cha”) hereby gives written notice of his intent to file a claim under Labor Code § 2699 against Octave Mental Health, Inc. (“the Company”). Mr. Cha intends to bring this claim as a representative action on behalf of himself and all similarly situated employees in the State of California. This notice is being provided to the California Labor & Workforce Development Agency via online submission and to the Company via certified mail.

Mr. Cha is a Licensed Clinical Social Worker who began providing psychotherapy services to the Company on May 10, 2022. Throughout his employment, Mr. Cha was a high-performing clinician who consistently delivered exceptional value to the Company and its clients, up until the termination of his contract on December 17, 2025.

Throughout Mr. Cha’s relationship with the Company, he was willfully misclassified as an independent contractor, when, though the Company exercised employer-level control over his work and business operations. The Company controlled his clinical decision-making, client assignments, credentialing, and even the structure and wording of his liability insurance, all of which is wholly inconsistent with independent-contractor status under the ABC test. Mr. Cha performed psychotherapy, the core service through which Octave generates revenue, and Octave controlled the intake process, client assignments, clinical documentation standards, and the continuation of his caseload. His work was not “outside” Octave’s usual course of business; it was the very foundation of it.

By exercising this level of control over his day-to-day work and business operations, while classifying him as an independent contractor, Octave misclassified Mr. Cha as a matter of law and violated Labor Code §§ 226.8 and 2750.5, among other provisions. Octave’s conduct

deprived him of wages, statutory protections, and associated penalties to which he was entitled as an employee, including, but not limited to, unpaid wages and statutory penalties for willful misclassification.

As a result of the Company's intentional and unlawful actions, the Company violated various Labor Code sections, including but not limited to §§ 201, 202, 203, 204, 210, 226, 510, 512, 551, 552, 1194, 1197, 2699 et seq, 2750, 2775, and other applicable California laws. Mr. Cha intends to pursue all applicable remedies for these violations, including all premiums and penalties, punitive damages, interest, attorney's fees, and costs.

We look forward to receiving your response to this letter pursuant to Labor Code Sec. 2699.3(a)(2)(A). Thank you, and please do not hesitate to call with any questions.

Very truly yours,

KESLUK, SILVERSTEIN JACOB & MORRISON P.C.

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CC: via certified mail only

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