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July 9, 2026

VIA PAGA ONLINE FILING ONLY

California Labor and Workforce Development Agency
Attn: PAGA Administrator
455 Golden Gate Avenue, 9th Floor
San Francisco, CA 94102
https://dir.tfaforms.net/308

Re: Davi-Jion Poole v. GEODIS Logistics LLC

Notice of Private Attorneys General Act Claim

Dear PAGA Administrator:

This office has been retained by aggrieved employee Davi-Jion Poole ("Plaintiff") concerning a representative action pursuant to the Private Attorneys General Act of 2004, California Labor Code §§ 2698, et seq. ("PAGA") against GEODIS Logistics LLC (including any and all affiliates, subsidiaries, parents, directors, officers, managing agents, and executive employees) (collectively referred to as "Defendants") for violations of the California Labor Code. Plaintiff seeks civil penalties for violations of the Labor Code and all other remedies available under PAGA.

Plaintiff seeks these remedies on behalf of the State of California and "aggrieved employees," as defined herein. This letter is sent in compliance with the notice requirements of Labor Code § 2699.3.

Defendants own and operate warehouse and distribution facilities. Defendants operate throughout the State of California, including their warehouse and distribution facility in Redlands, California. Defendants employed Plaintiff as an hourly-paid, non-exempt forklift operator from approximately October 10, 2024 through April 1, 2026. The "aggrieved employees" that Plaintiff seeks civil penalties on behalf of are all current and former employees who worked for Defendants in the State of California and who were subjected to an adverse employment action, including discharge, suspension, or demotion, based on an employer-required drug screening test that detected non-psychoactive cannabis metabolites resulting from lawful off-duty cannabis use, without any evidence of workplace impairment, use, or possession.

Based on the following facts and theories, Defendants violated and/or continue to violate California Labor Code §§ 96(k), 98.6, 226, 432, and 1198.5.

Labor Code § 96(k) provides that the Labor Commissioner and the deputies and representatives authorized by the commissioner, shall take assignments of "[c]laims for loss of wages as the result of demotion, suspension, or discharge from employment for lawful conduct occurring during nonworking hours away from the employer's premises."

Labor Code § 98.6(a) provides that a person shall not discharge an employee or in any manner discriminate, retaliate, or take any adverse action against any employee or applicant for employment because the employee or applicant engaged in any conduct delineated in this chapter, including the conduct described in subdivision (k) of Section 96.

Labor Code § 98.6(b)(1) of the statute provides that any employee who is discharged, threatened with discharge, demoted, suspended, retaliated against, subjected to an adverse action, or in any other manner discriminated against in the terms and conditions of their employment because the employee engaged in any conduct delineated in this chapter, including the conduct described in subdivision (k) of Section 96, shall be entitled to reinstatement and reimbursement for lost wages and work benefits caused by those acts of the employer. If an employer engages in any action prohibited by this section within 90 days of the protected activity specified in this section, there shall be a rebuttable presumption in favor of the employee's claim.

Labor Code § 98.6(b)(3) of the statute provides that in addition to other remedies available, an employer who violates this section is liable for a civil penalty not exceeding ten thousand dollars ($10,000) per employee for each violation of this section, to be awarded to the employee or employees who suffered the violation.

Effective January 1, 2024, California Government Code § 12954 expressly prohibits employers from discriminating against employees based on: (1) the person's use of cannabis off the job and away from the workplace; or (2) an employer-required drug screening test that has found the person to have non-psychoactive cannabis metabolites in their hair, blood, urine, or other bodily fluids. The use of cannabis during nonworking hours and away from the employer's premises constitutes lawful conduct within the meaning of Labor Code § 96(k).

On or about March 21, 2026, Plaintiff was performing his regular job duties operating a reach forklift at Defendants' warehouse and distribution facility in Redlands, California, when his forklift made minor contact that produced a loud noise but caused no damage. Consistent with Defendants' policies and his own safety-compliance responsibilities, Plaintiff promptly and voluntarily self-reported the incident to his manager. Following Plaintiff's self-report, Defendants directed Plaintiff to submit to drug and alcohol testing, even though Plaintiff was not observed to be impaired at work and no representative of Defendants documented any contemporaneous signs of impairment.

On or about March 21, 2026, Defendants required Plaintiff to submit to testing at a Concentra collection site in San Bernardino, California, where Plaintiff provided a urine specimen and submitted to a breath alcohol test. The breath alcohol test returned a result of 0.000, confirming that Plaintiff had no alcohol in his system. Defendants transmitted Plaintiff's urine specimen to an outside laboratory, and the standard immunoassay urine screen detected the presence of the non-psychoactive cannabis metabolite 11-nor-9-carboxy-THC in Plaintiff's system. Plaintiff lawfully used cannabis only in the evenings after his shifts had ended, during nonworking hours and away from Defendants' premises, and never used, possessed, or was under the influence of cannabis at Defendants' workplace or during his working hours. This off-duty, off-premises cannabis use constitutes lawful conduct protected under both Government Code § 12954 and Labor Code § 96(k).

On or about April 1, 2026, Defendants terminated Plaintiff's employment, effective immediately. Defendants' Human Resources Generalist, Ashley Mozqueda, communicated the termination to Plaintiff and issued a written "Notice to Employee as to Change in Relationship" stating the reason for Plaintiff's discharge, verbatim, as "Failed Drug Test - Violation of Drug Free Policy." Defendants terminated Plaintiff based solely on the presence of non-psychoactive cannabis metabolites in his urine specimen, resulting from his lawful off-duty cannabis use, and without any evidence that Plaintiff used, possessed, or was impaired by cannabis at the workplace or during his working hours. At no time was Plaintiff impaired at work, and the drug test administered was incapable of measuring impairment.

Defendants maintained and continue to maintain a policy and practice of subjecting employees to drug tests that only detect non-psychoactive cannabis metabolites, and of taking adverse employment actions, including demotion, suspension, and discharge, against employees who test positive for such metabolites, regardless of whether there is any evidence of workplace impairment. This policy and practice violates the above cited Labor

Codes by penalizing employees for engaging in lawful off-duty conduct (i.e., cannabis use during nonworking hours and away from the employer's premises), which is expressly protected under Government Code § 12954.

Plaintiff and other aggrieved employees have suffered loss of wages as a result of Defendants' unlawful policy and practice of discharging, suspending, or demoting employees based on positive drug tests for non-psychoactive cannabis metabolites resulting from lawful off-duty cannabis use. Defendants' conduct violates the above referenced Labor Codes entitling Plaintiff and other aggrieved employees to civil penalties under PAGA.

Labor Code § 1198.5 requires an employer to permit a current or former employee, or the employee's representative, to inspect and receive a copy of the personnel records that the employer maintains relating to the employee's performance or to any grievance concerning the employee, not later than thirty (30) calendar days from the date the employer receives a written request. A failure to permit inspection or copying within that time subjects the employer to a penalty of seven hundred fifty dollars ($750) under Labor Code § 1198.5, subdivision (k). Labor Code § 432 requires an employer, upon request, to provide an employee with a copy of any instrument that the employee has signed relating to the obtaining or holding of employment.

Labor Code § 226, subdivisions (b) and (c), requires an employer to permit a current or former employee to inspect or receive a copy of the records pertaining to that employee's wages not later than twenty-one (21) calendar days from the date of a written request, and Labor Code § 226, subdivision (f), subjects an employer that fails to comply to a penalty of seven hundred fifty dollars ($750).

On or about May 24, 2026, Plaintiff, through his counsel, made a written demand upon Defendants for a copy of Plaintiff's complete personnel file pursuant to Labor Code § 1198.5, for copies of all documents Plaintiff signed pursuant to Labor Code § 432, and for copies of Plaintiff's payroll records pursuant to Labor Code § 226. Defendants failed and refused to produce Plaintiff's payroll records and the documents Plaintiff signed within twenty-one (21) days of the written demand, on or before June 14, 2026, and failed and refused to produce Plaintiff's complete personnel file within thirty (30) days of the written demand, on or before June 23, 2026. Defendants did not respond to Plaintiff's written demand and have not produced the requested records at any time.

By failing and refusing to permit inspection and copying of Plaintiff's personnel file, signed instruments, and payroll records, Defendants violated Labor Code §§ 1198.5, 432, and 226. Upon information and belief, Defendants maintain a practice of failing to timely permit inspection and copying of personnel records, signed instruments, and payroll records upon the written requests of other aggrieved employees, in violation of the same provisions. Plaintiff and other aggrieved employees are therefore entitled to civil penalties under PAGA for Defendants' violations of Labor Code §§ 1198.5, 432, and 226.

Therefore, on behalf of all aggrieved employees, Plaintiff seeks all applicable penalties arising out of the above-referenced unlawful employment practices, or which could be assessed and collected by the LWDA, for violation of the Labor Code pursuant to PAGA. Labor Code § 2699.3 requires that a claimant send a certified letter (i.e. this letter) to the employer in question and file an online claim to the LWDA setting forth the claims and the basis for the claims, thereby giving the LWDA and employer an opportunity to investigate the claims and/or take any action they deem appropriate. If the LWDA and Defendants elect not to take any action with respect to any of the foregoing claims, Plaintiff will seek these penalties in a civil action on behalf of all aggrieved employees within one year of the date of this letter as allowed by law.

If you have any questions, please contact me at the phone number or address above.

Very truly yours,

Ash Bhargava
Attorney for Plaintiff