

**VIA ONLINE FILING (tfaforms.net)**

**Attn:** PAGA Administrator  
Labor and Workforce Development Agency (LWDA)  
1515 Clay Street, Suite 801  
Oakland, CA 94612

**AND VIA CERTIFIED MAIL**

Safeway, Inc.  
c/o Registered Agent for Service of Process  
5918 Stoneridge Mall Rd, Pleasanton, CA 94588

**AND VIA CERTIFIED MAIL TO STORE LOCATION:**

Safeway Store No. 997  
1663 Branham Lane  
San Jose, CA 95118

**RE: Notice of California Labor Code Violations Pursuant to Labor Code § 2699.3**

**Claimant:** JOHN SUSINO

**Respondent:** SAFEWAY, INC.

Dear PAGA Administrator and Respondent,

Pursuant to California Labor Code Section 2699.3, this letter provides formal written notice to the Labor and Workforce Development Agency (LWDA) and to Respondent SAFEWAY, INC. ("Respondent") that Claimant JOHN SUSINO ("Claimant") intends to file a civil lawsuit under the Private Attorneys General Act (PAGA), California Labor Code Sections 2699 et seq., for civil penalties arising from widespread statutory violations. These violations were committed against Claimant and all other similarly situated non-exempt employees in California.

**I. EMPLOYMENT BACKGROUND**

Claimant was employed by Respondent Safeway, Inc. as a non-exempt Bakery Clerk at Safeway Store No. 997, located at 1663 Branham Lane, San Jose, CA 95118. During this employment, Claimant was subjected to systematic violations of the California Labor Code by Respondent and its managing agents, including Store Managers [REDACTED] and [REDACTED], Asset Protection Specialist [REDACTED], Investigation Supervisor [REDACTED], and District Manager [REDACTED].

**II. STATUTORY VIOLATIONS AND SUPPORTING FACTS**

**1. Whistleblower Retaliation – California Labor Code § 1102.5**

- **The Law:** Labor Code Section 1102.5 prohibits an employer from retaliating, discriminating, or taking adverse employment action against an employee who discloses information or complaints regarding suspected violations of state or federal statutes, rules, or regulations to a person with authority over the employee.
- **Facts and Theories:** During employment, Claimant observed and reported severe statutory and safety concerns at Store No. 997 to management, supervisors, and corporate representatives. In direct response to these protected disclosures, Respondent, through its managers and agents, engaged in a campaign of intimidation, severe workplace harassment, unlawful surveillance, and coercion under duress. This retaliatory course of conduct culminated in the unlawful, wrongful

termination of Claimant's employment. This adverse action was taken directly because Claimant engaged in protected whistleblowing activities, in clear violation of Labor Code § 1102.5.

## **2. Failure to Produce Personnel and Employment Records – California Labor Code § 1198.5**

- **The Law:** Labor Code Section 1198.5 mandates that current and former employees have the right to inspect and receive a copy of their personnel records maintained by the employer within 30 calendar days of a written request.
- **Facts and Theories:** Following the issues arising during employment and surrounding the termination, Claimant made a formal, lawful request to Respondent for complete copies of Claimant's personnel file, records, and related employment documents. Respondent failed, refused, and neglected to timely produce the complete personnel file or make it available within the 30-day statutory deadline. By withholding these mandatory records, Respondent denied Claimant access to critical employment history documents, violating Labor Code § 1198.5.

## **III. REPRESENTATIVE ALLEGATIONS (AFFECTED EMPLOYEES)**

The violations detailed above were not isolated incidents unique only to Claimant. Respondent maintains uniform, systematic operational policies, practices, and managerial patterns across its retail grocery outlets that result in the widespread violation of employee rights. Claimant alleges that Respondent routinely retaliates against non-exempt employees who speak up about workplace issues, and regularly delays or fails to provide legally mandated personnel records upon request.

Accordingly, Claimant brings this action on behalf of themselves and all other similarly situated current and former non-exempt employees of Respondent in California during the applicable statutory period to recover all available PAGA civil penalties, attorneys' fees, and costs.

## **IV. CONCLUSION AND INTENT TO SUE**

If the LWDA declines to investigate these allegations, or if no notice is received from the agency within the timeframes set forth in Labor Code Section 2699.3, Claimant intends to amend the active civil action in the Superior Court of California, County of Santa Clara (Case No. 26-CV4984598) to include a formal cause of action seeking PAGA civil penalties under Labor Code Section 2699.

Dated: July 17, 2026

Respectfully submitted,

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