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February 28, 2024

VIA ONLINE SUBMISSION

Division of Occupational Safety and Health
ATTN: PAGA Administrator
(<https://dir.tfaforms.net/310>)

Subject: *Cesar Anguiano v. Jensen Mean Company, Inc., et al.*
LWDA Case No. LWDA-CM-1013565-24 – AMENDED NOTICE

Dear PAGA Administrator:

This office represents Cesar Anguiano in connection with his claims under the California Labor Code. Mr. Anguiano was an employee of JENSEN MEAT COMPANY, INC. and/or BEFORE THE BUTCHER, INC. For the purpose of this letter, Mr. Anguiano collectively refers to these entities as “JENSEN.” We previously provided notice of Mr. Anguiano’s claims to the California Labor and Workforce Development Agency (“LWDA”) on February 27, 2024, and submitted the applicable filing fee pursuant to Labor Code section 2699.3(a)(1)(B). This amended notice supplements Mr. Anguiano’s prior LWDA notice and adds an additional claim.

The employers may be contacted directly at the addresses below:

JENSEN MEAT COMPANY, INC.
2550 BRITANNIA BLVD STE 101
SAN DIEGO, CA 92154

BEFORE THE BUTCHER, INC.
2550 BRITANNIA BLVD., SUITE 101
SAN DIEGO, CA 92154

Mr. Anguiano intends to seek civil penalties, attorney’s fees, costs, and other available relief for violations of the California Labor Code, which are recoverable under sections 2698, *et seq.*, the Labor Code Private Attorneys General Act of 2004 (“PAGA”). Mr. Anguiano seeks relief on behalf of himself, the State of California, and other persons who are or were employed by JENSEN as a non-exempt, hourly paid employee in California and who received at least one wage statement (“aggrieved employees”). This letter is sent in compliance with the notice and reporting requirements of California Labor Code section 2699.3.

JENSEN employed Mr. Anguiano as a non-exempt Machine Operator from approximately March 2023 to November 2023. Mr. Anguiano worked at JENSEN’s facility located in San Diego, California. During his employment, Mr. Anguiano typically worked eight (8) hours or more per day and five (5) days per week. Mr. Anguiano’s job duties included, without limitation, operating industrial meat cutting machinery and maintaining the production line.

JENSEN committed one or more of the following Labor Code violations against Mr. Anguiano, the facts and theories of which follow, making him an “aggrieved employee” pursuant to California Labor Code section 2699(c):¹

Violation of California Labor Code §§ 6401 and 6403 – Failure to Provide Safety Devices and Safeguards

California Labor Code section 6401 provides that employers must furnish and use safety devices and safeguards, and adopt and use practices, means, methods, operations, and processes which are reasonably adequate to render the employment and place of employment safe and healthy. California Labor Code Section 6401 further provides that an employer must do everything reasonably necessary to protect the life, safety and health of its employees. California Labor Code section 6403(a) requires that employers provide and use safety devices and safeguards reasonably adequate to render the employment and place of employment safe.

During the relevant time period, JENSEN failed to provide Mr. Anguiano and other aggrieved employees with personal protective equipment, such as thermal wear, to keep them safe in the workplace. As JENSEN is a commercial food processor, it must adhere to certain food and safety temperature standards, requiring certain zones of its facilities to remain at low temperatures, which in turn necessitates that employees work in refrigerated or freezing environments for extended periods of time. Despite the fact that Mr. Anguiano and other aggrieved employees were required to wear certain personal protective equipment, including thermal jackets, while engaged in their work-related duties, JENSEN failed to provide such reasonably necessary equipment to Mr. Anguiano and other aggrieved employees to keep them warm and/or safe while working in refrigerated or freezing temperatures for extended periods of time. For example, Mr. Anguiano and other aggrieved employees were required to purchase thermal jackets to protect themselves from the cold temperatures.

JENSEN’s failure to provide Mr. Anguiano and other aggrieved employees with safety devices and safeguards for the workplace violates Labor Code sections 6401 and 6403. Mr. Anguiano and other aggrieved employees are entitled to recover penalties, attorney’s fees, costs, and interest thereon, pursuant to Labor Code sections 2699(a), (f)-(g).

Accordingly, pursuant to PAGA, and in particular California Labor Code sections 2699(a), 2699.3(a)-(c), and 2699.5, Mr. Anguiano, acting in the public interest as a private attorney general, seeks assessment and collection of civil penalties for himself, all other aggrieved employees, and the State of California against JENSEN for violations of California Labor Code sections 6401 and 6403.

Therefore, on behalf of all aggrieved employees, Mr. Anguiano seeks all applicable penalties related to these violations of the California Labor Code pursuant to PAGA.

¹ These facts, theories, and claims are based on Mr. Anguiano’s experience and counsel’s review of those records currently available relating to Mr. Anguiano’s employment. Discovery conducted in litigation of wage and hour claims such as these often reveals additional claims that the aggrieved employee was not initially aware of (because the aggrieved employee was not aware of the law’s requirements, the employer misinformed its employee of the law’s requirements, or because the employer effectively hid the violations). Thus, Mr. Anguiano reserves the right to supplement this letter with additional facts, theories, and claims if he becomes aware of them subsequent to the submission of this letter.

Thank you for your attention to this matter. If you have any questions, please contact me at the phone number or address below:

Ninel Kocharyan
Capstone Law APC
1875 Century Park East, Suite 1000
Los Angeles, CA 90067
(310) 556-4811

Best Regards,

A handwritten signature in black ink, appearing to read "Ninel", is positioned below the "Best Regards," text.

Ninel Kocharyan

Copy: JENSEN MEAT COMPANY, INC. (via U.S. Certified Mail); BEFORE THE BUTCHER, INC. (via U.S. Certified Mail)

Capstone Law, APC

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Los Angeles, CA 90067

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