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**SUPERIOR COURT OF STATE OF CALIFORNIA  
FOR THE COUNTY OF RIVERSIDE**

SARAH ROBERTSON and WILLIAM DOUGLAS, on behalf of all those similarly situated to them,

Plaintiffs,

V.

RAISING CANE'S USA, LLC, RAISING  
CANE'S RESTAURANTS, LLC, and DOES  
1 THROUGH 100, inclusive,

Defendants.

**Case No. CVRI2306468**

**SECOND AMENDED  
REPRESENTATIVE  
ACTION COMPLAINT;**

**(1) Civil Penalties Under the Private Attorneys General Act of 2004 (“PAGA”) §§ 2698-2699.5.**

**Judge: The Hon. Harold Hopp**  
**Dept: 1**  
**Action Filed: 12/1/2023**

## PRELIMINARY STATEMENT

1. This is a representative action against Defendants Raising Cane’s USA, LLC; Raising Cane’s Restaurants, LLC; and Does 1 through 100 (collectively, “Raising Cane’s” or “Defendants”), brought by Plaintiffs Sarah Robertson and William Douglas (“Plaintiffs”) on behalf of a proposed representative class in California under California’s Private Attorneys General Act (“PAGA”), California Labor Code §§ 2698, et seq. (“Representative Class”). Plaintiffs and members of the proposed representative class are current and former Operations Managers, including all other salaried restaurant-level employees who perform the same or similar duties to Operations Managers regardless of their exact title (excepting General Managers/Restaurant Leaders), employed by Raising Cane’s at any of its restaurant locations in California between September 26, 2022 and the present (the “Class Period”) (“PAGA Members”).

2. Raising Cane's operates more than 80 fried chicken fast food restaurants in California. In these restaurants, Raising Cane's requires its Operations Managers to work well over forty hours per week, over eight hours per day, at times over twelve hours per day, and to regularly work their shifts without being provided meal and rest breaks during which they are relieved of all duty. Additionally, Raising Cane's failed to reimburse Operations Managers for all necessary business expenses they incurred on behalf of the Company. Although Raising Cane's Operations Managers spend significantly more than fifty percent of their time performing non-managerial tasks,

1 such as cooking, cashiering, serving customers, and cleaning, Raising Cane's misclassifies these  
2 Operations Managers as "exempt" and pays them a salary. As a result, Raising Cane's fails to pay  
3 Operations Managers premium pay for overtime hours worked and meal and rest break penalties for  
4 missed meal and rest breaks, and reimbursement for business expenses incurred on behalf of the  
5 Company.

6 3. Because of Defendants' unlawful misclassification of Operations Managers as  
7 exempt, salaried employees, Defendants failed to pay Plaintiff Robertson, Plaintiff Douglas, and  
8 PAGA Members for overtime hours worked in violation of California Labor Code §§ 510, 1194,  
9 and Industrial Welfare Commission ("IWC") Order No. 5-2001; failed to provide compliant meal  
10 and rest periods in violation of California Labor Code §§ 218.5, 226.7, 512, and IWC Order No. 5-  
11 2001; failed to provide accurate wage statements in violation of California Labor Code § 226(a),  
12 and IWC Order No. 5-2001; failed to maintain requisite payroll records in violation of California  
13 Labor Code §§ 226, 1174, and 1174.5; failed to pay them all earned wages timely and upon  
14 discharge in violation of California Labor Code §§ 201-204 and 210; failed to reimburse them for  
15 all necessary business expenses in violation of California Labor Code § 2802; and violated  
16 California's Private Attorneys General Act ("PAGA"), California Labor Code §§ 2698-2699.5.

### 17 **JURISDICTION AND VENUE**

18 4. This Court has jurisdiction over this action pursuant to Article 6, § 10 of the  
19 California Constitution and California Code of Civil Procedure § 410.10. Plaintiff Robertson and  
20 Plaintiff Douglas bring this action on behalf of all PAGA Members as defined herein. Raising  
21 Cane's owns property, maintains offices, transacts business, and/or has an agent or agents within the  
22 County of Riverside or otherwise is found within the County of Riverside, and Raising Cane's is  
23 within the jurisdiction of this Court for purposes of service of process.

24 5. Venue is proper in this Court pursuant to California Code of Civil Procedure §  
25 395(a) and § 395.5 because the injuries to the persons complained of herein occurred at least in part  
26 in the County of Riverside and/or because Raising Cane's conducts business within the County of  
27 Riverside.

1 **THE PARTIES**

2 **Plaintiff Sarah Robertson**

3 6. Plaintiff Sarah Robertson, at all times relevant hereto, was a resident of the State of  
4 California and currently resides in Vista, California.

5 7. Plaintiff Robertson was employed by Raising Cane's as an Operations Manager at a  
6 Raising Cane's restaurant location in Temecula, California between March 18, 2021, and November  
7 4, 2022.

8 8. At all relevant times, Plaintiff Robertson was a covered employee within the  
9 meaning of the California Labor Code and all applicable IWC Orders.

10 **Plaintiff William Douglas**

11 9. Plaintiff William Douglas, at all times relevant hereto, was a resident of the State of  
12 California and currently resides in Lake Forest, California.

13 10. Plaintiff Douglas was employed by Raising Cane's as an Operations Manager at a  
14 Raising Cane's restaurant location in Huntington Beach, California as well as at other Raising  
15 Cane's locations from December 4, 2019, until May 2, 2023.

16 11. At all relevant times, Plaintiff Douglas was a covered employee within the meaning  
17 of the California Labor Code and all applicable IWC Orders.

18 **Defendant Raising Cane's USA LLC**

19 12. Defendant Raising Cane's USA, LLC, ("Raising Cane's USA") is a company  
20 founded in Louisiana, with its corporate headquarters in Baton Rouge, Louisiana, and its principal  
21 office in Plano, Texas. Raising Cane's USA is registered to do business in California.

22 13. Raising Cane's USA operates over 80 restaurants located in California.

23 14. Raising Cane's USA employed Plaintiff Robertson and Plaintiff Douglas and has  
24 employed each PAGA Member, as described in paragraph 1.

25 15. At all times relevant herein, Raising Cane's USA has maintained control, oversight,  
26 and direction over Plaintiff Robertson, Plaintiff Douglas, and PAGA Members, including over the  
27 timekeeping, payroll, and other employment practices that applied to them.

1 **Defendant Raising Cane's Restaurants, LLC**

2 16. Defendant Raising Cane's Restaurants, LLC, ("Raising Cane's Restaurants") is a  
3 company founded in Louisiana, with its principal office in Plano, Texas. Raising Cane's  
4 Restaurants is registered to do business in California.

5 17. Raising Cane's Restaurants operates over 80 restaurants located in California.

6 18. Raising Cane's Restaurants employed Plaintiff Robertson and Plaintiff Douglas and  
7 has employed each PAGA Member, as described in paragraph 1.

8 19. At all times relevant herein, Raising Cane's Restaurants has maintained control,  
9 oversight, and direction over Plaintiff Robertson, Plaintiff Douglas, and PAGA Members, including  
10 over the timekeeping, payroll, and other employment practices that applied to them.

11 20. Plaintiff Robertson and Plaintiff Douglas are ignorant of the true names or capacities,  
12 whether as individuals, partners, corporate entities, or joint venturers, of the Defendants sued herein  
13 as Does 1 through 100, inclusive, and for that reason, Defendants are sued under such fictitious  
14 names. Plaintiff Robertson and Plaintiff Douglas will seek leave from the Court to amend this  
15 Representative Action Complaint when such true names and capacities are discovered. Plaintiff  
16 Robertson and Plaintiff Douglas are informed and believe, and thereupon allege, that each of said  
17 Doe Defendants, whether individuals, partners, corporate entities, or joint venturers, were  
18 responsible in some manner for the circumstances alleged herein, and proximately caused Plaintiff  
19 Robertson, Plaintiff Douglas, and PAGA Members to be subject to the unlawful employment and  
20 business practices, wrongs, injuries, and damages complained of herein.

21 **COMMON FACTUAL ALLEGATIONS**

22 21. Plaintiff Robertson, Plaintiff Douglas, and PAGA Members consistently spent the  
23 majority of their time performing non-managerial tasks, including but not limited to cooking,  
24 cashiering, serving customers, and cleaning. These duties are the same as the duties performed by  
25 Raising Cane's non-exempt, hourly paid workers.

26 22. Plaintiff Robertson, Plaintiff Douglas, and PAGA Members consistently spent  
27 significantly less than half of their working time performing managerial and/or exempt duties.  
28

1           23.     Throughout their employment with Raising Cane's, Plaintiff Robertson, Plaintiff  
2 Douglas, and PAGA Members regularly worked more than eight hours per workday, sometimes  
3 more than twelve hours per workday, and more than forty hours per workweek.

4           24.     Defendants were aware that Plaintiff Robertson, Plaintiff Douglas, and PAGA  
5 Members regularly worked more than eight hours per workday, sometimes more than twelve hours  
6 per workday, and more than forty hours per workweek, yet Defendants failed to pay Plaintiff  
7 Robertson, Plaintiff Douglas and PAGA Members any overtime compensation for any hours  
8 worked over eight hours a workday or forty hours in a workweek.

9           25.     Defendants did not keep accurate records of hours worked by Plaintiff Robertson,  
10 Plaintiff Douglas, and PAGA Members. That is, Plaintiff Robertson's, Plaintiff Douglas's, and  
11 PAGA Members' work hours were not accurately recorded on pay stubs, and Defendants did not  
12 require Plaintiff Robertson, Plaintiff Douglas, and PAGA Members to clock in or out, or otherwise  
13 record their time worked at the restaurant and at home.

14           26.     Plaintiff Robertson, Plaintiff Douglas, and PAGA Members regularly worked in  
15 excess of five-hour shifts for Raising Cane's, without being afforded at least a half-hour meal break  
16 in which they were relieved of all work duties. They also worked ten-hour shifts for Raising Cane's  
17 without being afforded a second half-hour meal break in which Raising Cane's relieved them of all  
18 duty. Plaintiff Robertson, Plaintiff Douglas, and PAGA Members regularly worked for Raising  
19 Cane's without being afforded at least one ten-minute rest break, in which Raising Cane's relieved  
20 them of all duty, per four hours of work performed (or major fraction thereof).

21           27.     Raising Cane's had common, company-wide policies and/or practices of failing to  
22 relieve Plaintiff Robertson, Plaintiff Douglas, and PAGA Members of all duties so that they could  
23 take the meal and rest periods to which they were entitled by law.

24           28.     As a matter of common, company-wide policy and/or practice, Defendants also  
25 failed to ensure that Raising Cane's paid Plaintiff Robertson, Plaintiff Douglas, and PAGA  
26 Members proper meal and rest break penalties when Plaintiff Robertson, Plaintiff Douglas, and  
27 PAGA Members did not receive the meal and rest breaks to which they were entitled by law.  
28

29. Defendants required Plaintiff Robertson, Plaintiff Douglas, and PAGA Members to use their personal vehicles, personal cell phones and data plans, personal computers, and home utilities to perform work on behalf of the Company. Defendants did not reimburse Plaintiff Robertson, Plaintiff Douglas, or PAGA Members for the necessary use of their personal vehicles, personal computers, and home utilities, and Defendants did not fully reimburse Plaintiff Robertson, Plaintiff Douglas, and PAGA Members for the use of their cell phones and data plans.

27. Plaintiff Robertson and Plaintiff Douglas are informed and believe, and based thereupon allege, that the conduct, actions, omissions, and manner of failing to provide overtime wages, failing to provide proper meal and rest breaks, failing to pay all earned wages upon discharge, failing to provide accurate wage statements and maintain requisite payroll records, failing to reimburse them for all necessary business expenses, and failing to timely pay wages during employment and upon termination of employment continues to the present and is willful, known, and intended to violate the laws, and that officers, directors, and managing agents of Raising Cane's approved, ratified, and/or directed the conduct in order to inflate profits at the expense of their own employees' earnings and wages. Through these policies and/or practices, Raising Cane's lowers its operating costs by failing to pay its Operations Managers overtime wages, failing to pay meal and rest break penalties for their missed breaks, and failing to reimburse business expenses.

### FIRST CAUSE OF ACTION

**Violation of the Private Attorneys General Act (“PAGA”), Cal. Labor Code §§ 2698-2699.5.**  
(On Behalf of the State of California and the Representative Class)

28. Plaintiff Robertson and Plaintiff Douglas re-allege each paragraph of this Complaint as though fully set forth herein.

29. Under the California Private Attorneys General Act of 2004, California Labor Codes §§ 2698-2699.5 (“PAGA”), an aggrieved employee, on behalf of himself or herself and other current or former employees, as well as the general public, may bring a representative action as a private attorney general to recover penalties for an employer’s violations of the California Labor Code and IWC Orders. These civil penalties are in addition to any other relief available under the

1 California Labor Code and must be allocated 75% to the California Labor and Workforce  
2 Development Agency (“LWDA”) and 25% to the aggrieved employee, pursuant to California Labor  
3 Code § 2699.

4 30. Plaintiff Robertson and Plaintiff Douglas are “aggrieved employees” under PAGA,  
5 as they were employed by Defendants during the applicable statutory period and suffered each of  
6 the wage and hour violations alleged herein. Specifically, Defendants failed to pay Plaintiff  
7 Robertson, Plaintiff Douglas, and PAGA Members for overtime hours worked in violation of  
8 California Labor Code §§ 510, 1194, and Industrial Welfare Commission (“IWC”) Order No. 5-  
9 2001; failed to provide compliant meal and rest periods in violation of California Labor Code §§  
10 218.5, 226.7, 512, and IWC Order No. 5-2001; failed to provide accurate wage statements in  
11 violation of California Labor Code § 226(a), and IWC Order No. 5-2001; failed to maintain  
12 requisite payroll records in violation of California Labor Code §§ 226, 1174, and 1174.5; failed to  
13 reimburse all necessary business expenses under § 2802; and failed to pay them all earned wages  
14 timely and upon discharge in violation of California Labor Code §§201-204 and 210, each of which  
15 is actionable under PAGA.

16 31. As an aggrieved employee, Plaintiff Robertson and Plaintiff Douglas seek to  
17 recover, on behalf of all current and former aggrieved PAGA Members, the civil penalties provided  
18 by PAGA, plus reasonable attorneys’ fees and costs.

19 32. The State of California and all current and former aggrieved PAGA Members are  
20 entitled to civil penalties, to be paid by Defendants and allocated as PAGA requires, pursuant to  
21 California Labor Code § 2699(a) for Defendants’ violations of the California Labor Code and IWC  
22 Orders for which violations a civil penalty is already specifically provided by law. Further, Plaintiff  
23 Robertson and Plaintiff Douglas are entitled to civil penalties, to be paid by Defendants and  
24 allocated as PAGA requires, pursuant to California Labor Code § 2699(f) for Defendants’ violations  
25 of the California Labor Code and IWC Orders for which violations a civil penalty is not already  
26 specifically provided by law.

1           33.     Plaintiff Robertson and Plaintiff Douglas have satisfied the requirements for bringing  
2 a civil action under PAGA, as set forth in California Labor Code § 2699.3.

3           34.     On September 26, 2023, Plaintiff Robertson provided written notice by online  
4 submission and certified mail to the LWDA and to Raising Cane's of the legal claims and theories  
5 asserted in this Representative Action Complaint. More than sixty-five calendar days have passed  
6 since the postmark date of the September 26, 2023 notice provided to the LWDA, and Plaintiff  
7 Robertson has not received a response from the LWDA. Accordingly, Plaintiff Robertson has  
8 exhausted her administrative remedies pursuant to PAGA. A true and correct copy of Plaintiff's  
9 September 26, 2023 PAGA notice is attached hereto as Exhibit A.

10          35.     On November 30, 2023, Plaintiff Robertson provided an amended written notice by  
11 online submission and certified mail of the legal claims and theories asserted in this Representative  
12 Action Complaint to the LWDA and to Raising Cane's. More than sixty-five calendar days have  
13 passed since the postmark date of the November 30, 2023 notice provided to the LWDA, and  
14 Plaintiff Robertson has not received a response from the LWDA. Accordingly, Plaintiff Robertson  
15 has exhausted her administrative remedies pursuant to PAGA. A true and correct copy of Plaintiff's  
16 November 30, 2023 PAGA notice is attached hereto as Exhibit B.

17          36.     On February 26, 2024, Plaintiff Douglas provided written notice by online  
18 submission and certified mail to the LWDA and to Raising Cane's of the legal claims and theories  
19 asserted in this Representative Action Complaint. More than sixty-five calendar days have passed  
20 since the postmark date of the February 26, 2024 notice provided to the LWDA, and Plaintiff  
21 Douglas has not received a response from the LWDA. Accordingly, Plaintiff Douglas has exhausted  
22 his administrative remedies pursuant to PAGA. A true and correct copy of Plaintiff's February 26,  
23 2024 PAGA notice is attached hereto as Exhibit C.

24          37.     Plaintiff Robertson's September 26, 2023 PAGA notice and November 30, 2023  
25 amended PAGA notice as well as Plaintiff Douglas's February 26, 2024 PAGA notice exhausted  
26 administrative remedies pursuant to PAGA for Operations Managers regarding the allegations  
27 referenced above.  
28

1           38.     Under PAGA, Plaintiff Robertson, Plaintiff Douglas, and the State of California are  
2 entitled to recover the maximum civil penalties permitted by law for violations of the California  
3 Labor Code and IWC Order No. 52001 that are alleged in this Complaint.

4                                   **PRAYER FOR RELIEF**

5           WHEREFORE, Plaintiff Robertson and Plaintiff Douglas, on behalf of all similarly situated  
6 persons, prays for relief as follows:

- 7           A.     Designation of Plaintiff Robertson and Plaintiff Douglas as Representatives of the  
8 Representative Class;
- 9           B.     An award of civil penalties pursuant to PAGA;
- 10          C.     Pre-judgment and post-judgment interest, as provided by law;
- 11          D.     Attorneys' fees and costs of action incurred herein, including any expert fees; and
- 12          E.     Such other injunctive and equitable relief as the Court may deem just and proper.
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27           //

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1  
2 Dated: May 3, 2024

Respectfully submitted,

3  
4 By: 

5 Jessica Westerman

6 KATZ BANKS KUMIN LLP  
7 Rebecca Peterson-Fisher (State Bar No. 255359)

8 Jennifer L. Liu (State Bar No. 279370)  
9 Alexis Ronickher (State Bar No. 260614)

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*Counsel for Plaintiff and the Proposed  
Representative Class*

# Exhibit A



**PARDELL, KRUYK**  
**&**  
**GIRIBALDO PLLC**

**Logan A. Pardell, Esq.**  
Email: lpardell@pkglegal.com

September 26, 2023

**VIA ONLINE SUBMISSION**

California Labor and Workforce Development Agency  
800 Capitol Mall, MIC-55  
Sacramento, CA 95814

**VIA CERTIFIED U.S. MAIL**

Kim R. Myers  
Nicole LeFave  
c/o Raising Cane's USA, LLC  
Littler Mendelson, PC  
100 Congress Avenue, Suite 1400  
Austin, TX 78701

**Re: PAGA Notice of California Labor Code Claims against Raising Cane's USA, LLC**

Dear PAGA Administrator:

Pardell, Kruzyk & Giribaldo, PLLC, represents Sarah Robertson, a former employee of Raising Cane's USA, LLC ("Raising Cane's"). Ms. Robertson was employed by Raising Cane's as an Operations Manager ("OM") from approximately March 2021 through November 2022.

As set forth below, Ms. Robertson alleges that Raising Cane's failed to pay her and other similarly-situated employees as required by California law. Specifically, Ms. Robertson alleges that Raising Cane's failed to pay OM's overtime for hours over 8 in a day or over 40 in a week.

Raising Cane's classifies OM's as exempt employees, not entitled to overtime premium pay for all overtime hours worked. While OM's are scheduled to work five ten-hour shifts per week, they often work many more hours than that. Moreover, OM's are unable to take their required meal and rest breaks throughout the day. When OM's do not receive their meal or rest breaks, Raising Cane's fails to pay them the required meal and rest break premiums, respectively. Despite knowing or having reason to know that OM's work substantial overtime hours and that OM's do not regularly take their meal or rest breaks, Raising Cane's does not pay OM's overtime wages for the overtime hours that they work, relying on the fact that they have classified OM's as overtime-exempt. This classification is improper because there are no applicable exemptions under California law that apply to OM's, particularly because OM's spend more than 50% of their workday performing non-exempt job duties.

Because Ms. Robertson is owed overtime compensation, she was not paid all of her wages upon termination. Further, her paystubs did not accurately reflect her hours worked.

This letter serves as notice of our intent to seek civil penalties pursuant to the Private Attorneys General Act (“PAGA”), Cal. Lab. Code §§ 2698 *et seq.*, on behalf of Ms. Robertson and similarly-situated OMs who worked for Raising Cane’s in the State of California at any time since August 31, 2022. Ms. Robertson alleges that Raising Cane’s violated numerous provisions of the California Labor Code, including, but not limited to: §§ 201-204, 210, 218.5, 226, 226.3, 226.7, 510, 512, 558, 1174, 1174.5, 1194, 1194.2, 1197, 1197.1, and 1198, and provisions of the applicable Wage Order. Ms. Robertson will seek all applicable civil penalties on behalf of herself and all similarly-situated OMs, including but not limited to, penalties pursuant to the aforementioned statutes and California Labor Code §§ 226.3, 558.1, 1174.5, 2698 *et seq.*, and the applicable Wage Order.

The facts and claims contained herein are based on the information available at the time of this writing. Therefore, if through further review or informal or formal discovery, Ms. Robertson becomes aware of additional compensation or penalties owed to her and other current or former aggrieved employees or of additional claims against Raising Cane’s, she reserves the right to revise these facts and/or add any new claims by amending this letter.

Based on the foregoing, Ms. Robertson intends to file a civil action to pursue claims against Raising Cane’s and to seek PAGA remedies for these violations. Ms. Robertson respectfully requests that the Labor & Workforce Development Agency notify her if it intends to investigate the above allegations pursuant to PAGA.

Thank you for your attention to this matter. Please direct all communications and correspondence to our office going forward. If you have any questions, please do not hesitate to contact us at 561-726-8344.

Very truly yours,

A handwritten signature in black ink, appearing to read "Logan A. Pardell", written in a cursive style.

Logan A. Pardell

# Exhibit B



PARDELL, KRUYK  
&  
GIRIBALDO PLLC

Logan A. Pardell, Esq.  
Email: lpardell@pkglegal.com

November 30, 2023

**VIA ONLINE SUBMISSION**

California Labor and Workforce Development Agency  
800 Capitol Mall, MIC-55  
Sacramento, CA 95814

**VIA CERTIFIED U.S. MAIL**

Kim R. Myers  
Nicole LeFave  
c/o Raising Cane's USA, LLC and  
Raising Cane's Restaurants, LLC  
Littler Mendelson, PC  
100 Congress Avenue, Suite 1400  
Austin, TX 78701

**Re: Amended PAGA Notice of California Labor Code Claims against Raising Cane's USA, LLC and Raising Cane's Restaurants, LLC**

Dear PAGA Administrator:

On September 26, 2023, undersigned counsel submitted a PAGA Notice advising the California Labor and Workforce Development Agency that Pardell, Kruzyk & Giribaldo, PLLC, represents Sarah Robertson, a former employee of Raising Cane's USA, LLC and Raising Cane's Restaurants, LLC (collectively, "Raising Cane's"), with respect to multiple violations of California Labor Code and its intention to pursue civil remedies for such violations pursuant to the Private Attorneys General Act ("PAGA"), Cal. Lab. Code §§ 2698 *et seq.* The original PAGA Notice is attached hereto as Exhibit A.

As set forth below and in the original PAGA Notice, Ms. Robertson was employed by Raising Cane's as an Operations Manager from March 18, 2021, through November 4, 2022. Ms. Robertson alleges that Raising Cane's failed to pay her and other similarly situated employees as required by California law. Specifically, Ms. Robertson alleges that Raising Cane's failed to pay Operations Managers, including all salaried restaurant-level managers regardless of exact title (excluding General Managers) (collectively, "OMs"), overtime for hours over 8 in a day, over 12 in a day, or over 40 in a week. Ms. Robertson also alleges that Raising Cane's failed to reimburse OMs for all necessary business expenses they incurred on behalf of the Company.

Raising Cane's classifies OMs as exempt employees, not entitled to overtime premium pay

for all overtime hours worked. While OMs are scheduled to work five ten-hour shifts per week, they often work many more hours than that, at times working more than twelve hours in a day. Moreover, OMs are unable to take their required meal and rest breaks throughout the day. When OMs do not receive their meal or rest breaks, Raising Cane's fails to pay them the required meal and rest break premiums, respectively. Despite knowing or having reason to know that OMs work substantial overtime hours and that OMs do not regularly take their meal or rest breaks, Raising Cane's does not pay OMs overtime wages for the overtime hours that they work, relying on the fact that they have classified OMs as overtime-exempt. This classification is improper because there are no applicable exemptions under California law that apply to OMs, particularly because OMs spend more than 50% of their workday performing non-exempt job duties.

Raising Cane's also required OMs, including Ms. Robertson, to use their personal vehicles, personal cell phones and data plans, personal computers, and home utilities to perform work on behalf of the Company. Raising Cane's did not reimburse OMs for the necessary use of their personal vehicles, personal computers, and home utilities, and Raising Cane's did not fully reimburse OMs for the use of their cell phones and data plans.

Because Ms. Robertson is owed overtime compensation, meal and break premiums, and reimbursements for all necessary business expenses, she was not paid all of her wages upon termination. Further, her paystubs did not accurately reflect her hours worked.

This letter clarifies the definition of the employees that are similarly situated to Ms. Robertson as OMs. It also serves as notice of our intent to seek civil penalties pursuant to the Private Attorneys General Act ("PAGA"), Cal. Lab. Code §§ 2698 *et seq.*, on behalf of Ms. Robertson and similarly situated OMs who worked for Raising Cane's in the State of California but were not reimbursed for all necessary business expenses that they incurred on behalf of the Company at any time since November 30, 2022. As set forth in this amended Notice and in the original PAGA Notice, Ms. Robertson alleges that Raising Cane's violated numerous provisions of the California Labor Code, including, but not limited to: §§ 201-204, 210, 218.5, 226, 226.3, 226.7, 510, 512, 558, 1174, 1174.5, 1194, 1194.2, 1197, 1197.1, 1198, and 2802, as well as provisions of the applicable Wage Order. Ms. Robertson will seek all applicable civil penalties on behalf of herself and all similarly situated OMs, including but not limited to, penalties pursuant to the aforementioned statutes and California Labor Code §§ 226.3, 558.1, 1174.5, 2698 *et seq.*, and the applicable Wage Order.

The facts and claims contained herein are based on the information available at the time of this writing. Therefore, if through further review or informal or formal discovery, Ms. Robertson becomes aware of additional compensation or penalties owed to her and other current or former aggrieved employees or of additional claims against Raising Cane's, she reserves the right to revise these facts and/or add any new claims by amending this letter.

Based on the foregoing, Ms. Robertson intends to file a civil action to pursue claims against Raising Cane's and to seek PAGA remedies for these violations. Ms. Robertson respectfully requests that the Labor & Workforce Development Agency notify her if it intends to investigate the above allegations pursuant to PAGA.

California Labor and Workforce Development Agency

November 30, 2023

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Thank you for your attention to this matter. Please direct all communications and correspondence to our office going forward. If you have any questions, please do not hesitate to contact us at 561-726-8344.

Very truly yours,

A handwritten signature in black ink, appearing to read "Logan A. Pardell", with a stylized, flowing script.

Logan A. Pardell

Enclosure.

# Exhibit C



**PARDELL, KRUYK**  
**&**  
**GIRIBALDO PLLC**

**Logan A. Pardell, Esq.**  
Email: lpardell@pkglegal.com

February 26, 2024

**VIA ONLINE SUBMISSION**

California Labor and Workforce Development Agency  
800 Capitol Mall, MIC-55  
Sacramento, CA 95814

**VIA CERTIFIED U.S. MAIL**

Stacey E. James  
c/o Raising Cane's USA, LLC and  
Raising Cane's Restaurants, LLC  
Littler Mendelson, PC  
501 W. Broadway, Suite 900  
San Diego, CA 92101-3577

**Re: PAGA Notice of California Labor Code Claims against Raising Cane's USA, LLC and Raising Cane's Restaurants, LLC**

Dear PAGA Administrator:

Pardell, Kruzyk & Giribaldo, PLLC, and Katz Banks Kumin, LLP, represent William Douglas, a former employee of Raising Cane's USA, LLC and Raising Cane's Restaurants, LLC (collectively, "Raising Cane's"). Mr. Douglas was employed by Raising Cane's as an Operations Manager from approximately December 2019 through December 2023.

As set forth below, Mr. Douglas alleges that Raising Cane's failed to pay him and other similarly-situated employees as required by California law. Specifically, Mr. Douglas alleges that Raising Cane's failed to pay Operations Managers, including all salaried restaurant-level managers regardless of exact title (excluding General Managers) (collectively, "OMs"), overtime for hours over 8 in a day, over 12 in a day, or over 40 in a week. Mr. Douglas also alleges that Raising Cane's failed to reimburse OMs for all necessary business expenses they incurred on behalf of the Company.

Raising Cane's classifies OMs as exempt employees, not entitled to overtime premium pay for all overtime hours worked. While OMs are scheduled to work five ten-hour shifts per week, they often work many more hours than that, at times working more than twelve hours in a day. Moreover, OMs are unable to take their required meal and rest breaks throughout the day. When OMs do not receive their meal or rest breaks, Raising Cane's fails to pay them the required meal and rest break premiums, respectively. Despite knowing or having reason to know that OMs work

substantial overtime hours and that OMs do not regularly take their meal or rest breaks, Raising Cane's does not pay OMs overtime wages for the overtime hours that they work, relying on the fact that they have classified OMs as overtime-exempt. This classification is improper because there are no applicable exemptions under California law that apply to OMs, particularly because OMs spend more than 50% of their workday performing non-exempt job duties.

Raising Cane's also required OMs, including Mr. Douglas, to use their personal vehicles, personal cell phones and data plans, personal computers, and home utilities to perform work on behalf of the Company. Raising Cane's did not reimburse OMs for the necessary use of their personal vehicles, personal computers, and home utilities, and Raising Cane's did not fully reimburse OMs for the use of their cell phones and data plans.

Because Mr. Douglas is owed overtime compensation, meal and break premiums, and reimbursements for all necessary business expenses, he was not paid all of his wages upon termination. Further, his paystubs did not accurately reflect his hours worked.

This letter serves as notice of our intent to seek civil penalties pursuant to the Private Attorneys General Act ("PAGA"), Cal. Lab. Code §§ 2698 *et seq.*, on behalf of Mr. Douglas and similarly situated OMs who worked for Raising Cane's in the State of California but were not paid overtime for hours worked over 8 in a day, over 12 in a day, or over 40 in a week; provided meal or rest breaks, or paid the required meal and rest break premiums when they were not provided; paid all wages due upon termination; or were not reimbursed for all necessary business expenses that they incurred on behalf of the Company, or received paystubs that did not accurately reflect all hours worked, at any time since February 26, 2023. As set forth in this Notice, Mr. Douglas alleges that Raising Cane's violated numerous provisions of the California Labor Code, including, but not limited to: §§ 201-204, 210, 218.5, 226, 226.3, 226.7, 510, 512, 558, 1174, 1174.5, 1194, 1194.2, 1197, 1197.1, 1198, and 2802, as well as provisions of the applicable Wage Order. Mr. Douglas will seek all applicable civil penalties on behalf of himself and all similarly situated OMs, including but not limited to, penalties pursuant to the aforementioned statutes and California Labor Code §§ 226.3, 558.1, 1174.5, 2698 *et seq.*, and the applicable Wage Order.

The facts and claims contained herein are based on the information available at the time of this writing. Therefore, if through further review or informal or formal discovery, Mr. Douglas becomes aware of additional compensation or penalties owed to him and other current or former aggrieved employees or of additional claims against Raising Cane's, he reserves the right to revise these facts and/or add any new claims by amending this letter.

Based on the foregoing, Mr. Douglas intends to file a civil action to pursue claims against Raising Cane's and to seek PAGA remedies for these violations. Mr. Douglas respectfully requests that the Labor & Workforce Development Agency notify him if it intends to investigate the above allegations pursuant to PAGA.

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California Labor and Workforce Development Agency

February 26, 2024

Page 3 of 3

Thank you for your attention to this matter. Please direct all communications and correspondence to our office going forward. If you have any questions, please do not hesitate to contact us at 561-726-8344.

Very truly yours,

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Logan A. Pardell