

LAW OFFICES OF TIMOTHY HALL

16200 Ventura Boulevard, Suite 208

Encino, California 91436

Tel: (310) 203-8411

April 26, 2024

Attn: PAGA Administrator
Labor Workforce Development Agency
1515 Clay Street, Ste. 801
Oakland, CA 94612

Re: Notice of Labor Code §2699, et seq., “PAGA” Violations

Claimant: Sharon Clawson

Respondent: F21 OPCO, LLC

Dear California Labor & Workforce Development Agency:

Pursuant to Labor Code § 2699.3, this letter provides notice to the Labor and Workforce Development Agency (“LWDA”), F21 OPCO, LLC, and all affiliated entities (“F21”) that Complainant, Sharon Clawson (“Ms. Clawson”) intends to file a civil lawsuit against F21 based on claims, among others, arising under the Private Attorney General Act, California Labor Code §§ 2699, et seq., (“PAGA”).

On June 7, 2023, F21 employed Ms. Clawson for her services as a model for a still photography shoot conducted by F21 on that date, for the production of still images for use in print, digital, or internet media. That shoot was conducted at F21’s headquarters in Los Angeles over the course of a single day, during which Ms. Clawson was subject to F21’s control in every aspect of the performance of her services. Ms. Clausen was terminated from her employment with F21 at the conclusion of the shoot on June 7, 2023.

Notwithstanding the fact that Ms. Clawson rendered her modeling services for the photo shoot as F21’s employee pursuant to Labor Code sections 201.6 and 2775(b)(1), F21 misclassified Ms. Clawson as an independent contractor.

Consequently, F21: 1) failed to timely pay Ms. Clawson her final wages in accordance with either Labor Code section 201.6 or Labor Code section 201; 2) failed to provide Ms. Clawson with a wage statement in violation of Labor Code section 226(a); 3) upon hiring Ms. Clawson for the employment, failed to provide her with the notice required by Labor Code section 2810.5; and 4) willfully misclassified Ms. Clawson as an independent contractor in violation of Labor Code sections 201.6, 226.8 and 2775(b)(1).

Ms. Clawson is informed and believes that F21 regularly conducts print photography shoots such as that for which it employed Ms. Clawson, for the marketing of its apparel products as an

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integral part of its business operations. Ms. Clawson is informed and believes that in conducting those regular shoots, F21 utilizes the services of models, photographers, makeup artists, stylists and photo editors on a short-term basis for each shoot. Ms. Clawson is informed and believes that for each of those shoots, F21 misclassifies those workers as independent contractors, and as such, fails to make payment of their wages in accordance with the Labor Code, fails to provide them with wage statements, fails to provide lunch and other work breaks, fails to pay earned overtime wages, and fails to provide them with the notice required by Labor Code section 2810.5.

Ms. Clawson intends to bring PAGA claims representing herself and other former and current photography-shoot employees who were and are subjected to the above-described Labor Code violations by F21 (said employees being hereafter referred to as the “aggrieved employees”). As to the aggrieved employees, Ms. Clawson believes F21’s misconduct violates numerous provisions of the Labor Code, including, without limitation:

- Lab. Code § 201 (duty to timely pay wages upon involuntary discharge)
- Lab. Code § 201.6 (duty to timely pay print-shoot employees)
- Lab. Code § 226 (duty to provide wage statements)
- Lab. Code § 510 (duty to pay earned overtime wages)
- Lab. Code § 226.7 (duty to provide lunch breaks and work breaks)
- Lab. Code § 2810.5 (duty to provide employment-information notice)
- Lab. Code §§ 201.6, 2775(b)(1) (classification of short-term print-shoot workers as employees)

On behalf of the LWDA, herself and each of the aggrieved employees, Ms. Clawson intends to seek all remedies for the above-described Labor Code violations of F21, including civil penalties, injunctive relief, interest and attorney’s fees and costs, available under the Labor Code, including without limitation, the relief available under:

- Lab. Code § 226.3 (penalties for violation of Labor Code section 226)
- Lab. Code § 226.8 (for willful misclassification)
- Lab. Code § 256 (waiting-time civil penalties)
- Lab. Code § 558 (civil penalties for overtime violations)
- Lab. Code § 2699(f)(2) (civil penalties for Labor Code violations for which no civil penalties are elsewhere provided)
- Lab. Code § 2699(g)(1) (attorney’s fees and costs recoverable for PAGA claims)

If the LWDA provides notice that it does not intend to pursue these matters, or we do not receive notice within 60 calendar days of the date of the letter, we intend to file a claim under PAGA in addition to other potential claims.

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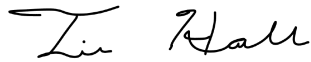
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Should you have any questions or need further information, please contact our office on Ms. Clawson's behalf at the phone number or address stated in the caption of this letter. Thank you for your attention in this matter.

Sincerely,

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A handwritten signature in cursive script, appearing to read "Tim Hall", is positioned above a horizontal line.

Timothy A. Hall, Esq.

Cc: F21 OPCO, LLC
c/o Curtis A. Graham, Esq.
Littler Mendelson P.C.
633 West 5th Street, 63rd Floor
Los Angeles, CA 90071