



1875 Century Park East, Suite 1000
Los Angeles, California 90067
310.556.4811 Main | 310.943.0396 Fax

ALEXANDER LIMA
310.712.8154 Direct
Alexander.Lima@capstonelawyers.com

June 18, 2024

VIA ONLINE SUBMISSION

California Labor & Workforce Development Agency
ATTN: PAGA Administrator
(<https://dir.govfa.net/310>)

Subject: *Miryam Sanchez v. Kelcourt Plastics, Inc., et al.*
LWDA Case No. LWDA-CM-1034436-24 - AMENDED NOTICE

Dear PAGA Administrator:

This office represents Miryam Sanchez in connection with her claims under the California Labor Code. Ms. Sanchez was an employee of KELCOURT PLASTICS, INC. and/or PPC INDUSTRIES INC. For the purpose of this letter, Ms. Sanchez collectively refers to these entities as “KELCOURT.” We previously provided notice of Ms. Sanchez’s claims to the California Labor and Workforce Development Agency (“LWDA”) on June 17, 2024, and submitted the applicable filing fee pursuant to Labor Code section 2699.3(a)(1)(B). This amended notice supplements Ms. Sanchez’s prior LWDA notice and adds an additional claim.

The employers may be contacted directly at the addresses below:

KELCOURT PLASTICS, INC.
1000 CALLE RECODO
SAN CLEMENTE, CA 92673

PPC INDUSTRIES INC.
10101 78TH AVE
PLEASANT PR, WI 53158

Ms. Sanchez 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”). Ms. Sanchez seeks relief on behalf of herself, the State of California, and other persons who are or were employed by KELCOURT in California as a non-exempt, hourly paid employee 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.

KELCOURT employed Ms. Sanchez as a non-exempt, hourly paid employee from approximately September 2021 to December 2023. Ms. Sanchez worked for KELCOURT as a Production Operator and Quality Technician at their facility in San Clemente, California. During her employment, Ms. Sanchez typically worked eight (8) hours or more per day and five (5) days per week. Ms. Sanchez’s job duties included, without limitation, performing and documenting inspections, checks, tests, and

sampling procedures during the manufacturing processes of medical tubing extrusion devices; performing line clearance for removal of all previous products, components, and foreign materials; and reporting manufacturing operations non-conformances to supervisors.

KELCOURT has committed one or more of the following Labor Code violations against Ms. Sanchez, the facts and theories of which follow, making her 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 period, KELCOURT failed to provide Ms. Sanchez and other aggrieved employees with personal protective equipment, such as steel-toed boots, to keep them safe in the workplace. Despite the fact that KELCOURT required Ms. Sanchez and other aggrieved employees to wear certain personal protective equipment, including steel-toed boots, while engaged in their work-related duties, KELCOURT failed to provide such reasonably necessary equipment to Ms. Sanchez and other aggrieved employees to keep them safe.

KELCOURT’s failure to provide Ms. Sanchez and other aggrieved employees with safety devices and safeguards for the workplace violates Labor Code sections 6401 and 6403. Ms. Sanchez and other aggrieved employees are entitled to recover civil 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, Ms. Sanchez, acting in the public interest as a private attorney general, seeks assessment and collection of civil penalties for herself, all other aggrieved employees, and the State of California against KELCOURT for violations of California Labor Code sections 6401 and 6403.

Therefore, on behalf of all aggrieved employees, Ms. Sanchez 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 Ms. Sanchez’s experience and counsel’s review of those records currently available relating to Ms. Sanchez’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, Ms. Sanchez reserves the right to supplement this letter with additional facts, theories, and claims if she 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:

Alexander Lima
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 'Alexander Lima', with a stylized flourish extending to the right.

Alexander Lima

Copy: KELCOURT PLASTICS, INC. (via U.S. Certified Mail); PPC INDUSTRIES INC. (via U.S. Certified Mail)

Capstone Law, APC
1875 Century Park East, 1000
Los Angeles, CA 90067



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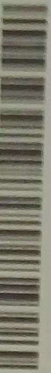
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PS Form 3811, July 2020 PSN 7530-02-000-9003

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