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SUBMITTED ONLINE

September 23, 2024

California Labor & Workforce Development Agency

Re: *Jingwei Wang v. Yuejie Inc. et al.* - PAGA Notice

To whom it may concern:

Pursuant to the applicable provisions of the California Labor Code Private Attorneys General Act, Jingwei Wang (“Claimant”), hereby alleges with respect to her employment with Yuejie Inc., Baowen Bian, and Li Li (collectively, “Respondents”), that Respondents violated provisions of the California Labor Code.

From July 5, 2024, to September 6, 2024, Claimant was employed by Respondents. Upon the termination of employment, Claimant did not receive all earned wages, including overtime pay and break premiums. Additionally, the Claimant's final paycheck was not issued until September 13, 2024.

Claimant intends to bring PAGA claims representing herself, former employees and current employees who were and are subjected to Labor Code violations by Respondents (the “Aggrieved Employees”). Based on information and belief, other employees were not paid all earned wages, were not provided accurate wage statements, were not paid earned overtime, were not paid minimum wage, were not provided with uninterrupted meal and rest breaks, were not reimbursed for necessary business expenses, were misclassified as exempt employees, and were not paid all wages on their last day of employment.

Claimant contends that Sections 201, 202, 203, 204, 226, 226.7, 226.8, 510, 512, 558, 1194, 1198, 2802, and 2699 et seq. of the California Labor Code and the applicable Wage Order enables Claimant to recover civil penalties under PAGA, as well as attorneys’ fees and costs from Respondent through a civil action on behalf of himself and other Aggrieved Employees.

Claimant will seek to recover the PAGA penalties through a representative action permitted by PAGA and the California Supreme Court in *Arias v. Superior Court*, 46 Cal. 4th 969 (2009). Claimant will seek civil penalties pursuant to PAGA for violations of the following Labor Code provisions:

1. Failure to pay wages and/or final wages to Claimant and Aggrieved Employees in violation of Labor Code §§ 201, 202, 203 and 204. As discussed above, Claimant contends that the failure of Respondent to make final payments within the time provided for has been and is “willful” within the meaning of such word as used in Section 203 of the California Labor Code and that, accordingly, each Aggrieved Employee who was not timely paid his or her final wages is entitled to civil penalties. Claimant and Aggrieved Employees did not receive all earned wages, including overtime pay and break premiums. Labor Code section 203 provides for a penalty of wages to be paid at the same rate until the wages are paid for up to thirty days.
2. Failure to provide itemized wage statements to Claimant and Aggrieved Employees in violation of Labor Code Section 226(a). Claimant and other Aggrieved Employees have not been provided a wage statement as required by Labor Code section 226(a), including the hours worked and hourly rates. The foregoing was the intentional misconduct of Respondents that was intended to mislead and injure Claimant and other Aggrieved Employees insofar as they were subjected to confusion and deprived of information to which they were legally entitled. Labor Code 2699 *et seq.* imposes a civil penalty of one hundred dollars per pay period per aggrieved employee for initial violations, and two hundred dollars per pay period per aggrieved employee for subsequent violations for all Labor Code provisions for which a civil penalty is not specifically provided.
3. Failure to provide proper rest and meal periods to Claimant and Aggrieved Employees. Claimant and Aggrieved Employees were not provided with timely and uninterrupted meal and rest periods in violation of Labor Code section 226.7 and the applicable Living Wage Order sections 11 and 12. Labor Code section 226.7 requires “one additional hour of pay at the employee’s regular rate of compensation for each workday that the meal or rest or recovery period is not provided.”
4. Failure to reimburse necessary business expenses under Labor Code section 2802. Claimant and Aggrieved Employees were not reimbursed for necessary business expenses including use of their personal cellphones. Labor Code 2699 *et seq.* imposes a civil penalty of one hundred dollars per pay period per aggrieved employee for initial violations, and two hundred dollars per pay period per aggrieved employee for subsequent violations for all Labor Code provisions for which a civil penalty is not specifically provided.
5. Failure to pay minimum and overtime wages to Claimant and Aggrieved Employees in violation of Labor Code §§ 510, 558, 1194, and 1198. Claimant and Aggrieved Employees were not compensated for overtime hours worked, as required under California law, for hours worked in excess of eight hours per day or 40 hours per week. Both late payment and non-payment of minimum wages violate the state statute requiring the payment of a minimum hourly wage. Labor Code section 558 imposes a civil penalty in addition to any other penalty provided by law of fifty dollars (\$50) for initial violations for each underpaid employee for each pay period for which the employee was underpaid in addition to an amount sufficient to recover unpaid wages, and one hundred (\$100) for subsequent violations for each underpaid employee for each pay period for which the employee was underpaid in addition to an amount sufficient to recover underpaid wages.

Please advise whether you will proceed with an investigation of this matter or whether Claimant may seek a civil-penalty recovery for the alleged violations under the Labor Code Private Attorneys General Act through his private counsel.

Very truly yours,

/s/ Lin Zhan

Tony Zhao
Lin Zhan

Cc: (Via Certified Mail) Yuejie Inc., Baowen Bian, and Li Li, 13414 S Figueroa St,
Los Angeles, CA 90061.