

November 20, 2024

VIA ONLINE SUBMISSION
PAGAfilings@dir.ca.gov

VIA CERTIFIED MAIL RETURN RECEIPT REQUESTED

California Solar Integrators, Inc

YADYDYA NEMAN
Agent for Service of Process
200 S SAN PEDRO STREET #500
LOS ANGELES, CA 90012
Employer

**Re: Notice Pursuant to the Private Attorneys General Act, California Labor Code
§ 2699.3(a) (the “PAGA”) re: Michelle Vu and all Aggrieved Employees**

To Whom It May Concern:

Plaintiff Michelle Vu (“Plaintiff” or “Ms. Vu”) retained our firm, Pokala Law APC, to represent her and other similarly situated current and/or former employees of California Solar Integrators, Inc. dba CalSolar (“CalSolar”) for alleged violations of the California Labor Code. Defendants employed Plaintiff and other similarly situated employees throughout California (collectively, the “Aggrieved Employees”). The Aggrieved Employees consist of all current and former employees, who suffered one or more of the Labor Code violations set forth in this letter, at any time between one year prior to the filing of this complaint until judgment, and worked for CalSolar at locations throughout California, including but not limited to, 3574 Ruffin Rd, **San Diego, CA 92123**. As will be explained in detail below, Plaintiff alleged that Defendants violated numerous California Labor Codes; thus, entitling Plaintiff and the Aggrieved Employees to penalties under the PAGA.

This letter formally serves as notice to the Labor & Workforce Development Agency (“LWDA”) of the Labor Code violations of California Solar Integrators Inc. Employer (collectively, “CalSolar” or “Employer”, or “Defendant”). We submit this notice in accordance with Labor Code § 2699.3(a).

Employer formerly employed our client, Michelle Vu. We submit this notice on behalf of Ms. Vu and all other Aggrieved Employees that were employed by Employer. In compliance with Labor Code § 2699.3(a)(1), Ms. Vu furnished Employer with a copy of this notice by certified mail. Unless the LWDA proceeds against Employer, Ms. Vu intends to pursue a representative civil action against Employer, in accordance with Labor Code § 2698, et seq.

Ms. Vu intends to file a civil complaint for her individual claims and will amend her complaint to include claims under the Private Attorneys General Act (“PAGA”) if the LWDA does not intend to investigate Ms. Vu’s claims.

This letter formally serves to inform Defendants of Plaintiff’s intent to file a class action complaint (the “Complaint”) against Defendants and bring causes of action for violations of the PAGA for Defendants’ failure to: pay the Aggrieved Employees (1) for all wages earned; (2) for failure to provide accurate, itemized wage statements; (3) maintain accurate records; (4) timely pay all wages due during employment; (5) timely pay all wages due at the time of separation or termination of employment leading to waiting time penalties. During the relevant time period, and as alleged in the Complaint, Defendants failed to provide accurate wage statements, failed to maintain accurate records, failed to timely pay Plaintiff and the Aggrieved Employees all wages due during employment, failed to timely pay Plaintiff and the Aggrieved Employees all wages due at the time of separation or termination of employment, and failed to pay Plaintiff and the Aggrieved Employees waiting time penalties. As a result, Defendants violated, among other statutes and regulations, Labor Code §§ 200-204, 218, 226, 226.7, 450, 510, 512, 558, 558.1, 1174(d), 1198, and provisions of Industrial Welfare Commission (“IWC”) Wage Order 4-2001 (“Wage Order 4”).

Plaintiff is informed and believes that said violations are ongoing, systematic, and uniform. Defendants have been notified repeatedly by Plaintiff and other Aggrieved Employees of the continued existence of these violations, and Defendants willfully choose not to rectify their conduct and continue to engage in the same conduct. If Defendants fail to cure these alleged violations, as stated above, Plaintiff will bring an action against Defendants under the PAGA to recover wages and penalties as provided by California law.¹

¹ Without limitation, Plaintiff, if permitted, will seek any and all penalties otherwise capable of being collected by the Labor & Workforce Development Agency (“LWDA”). This includes, each of the following, as is set forth in Labor Code § 2699.5, which states: The provisions of subdivision (a) of Section 2699.3 apply to any alleged violation of the following provisions: subdivision (k) of Section 96, Sections 98.6, 201, 201.3, 201.5, 201.7, 202, 203, 203.1, 203.5, 204, 204a, 204b, 204.1, 204.2, 205, 205.5, 206, 206.5, 208, 209, and 212, subdivision (d) of Section 213, Sections 221, 222, 222.5, 223, and 224, subdivision (a) of Section 226, Sections 226.7, 227, 227.3, 230, 230.1, 230.2, 230.3, 230.4, 230.7, 230.8, and 231, subdivision (c) of Section 232, subdivision (c) of Section 232.5, Sections 233, 234, 351, 353, and 403, subdivision (b) of Section 404, Sections 432.2, 432.5, 432.7, 435, 450, 510, 511, 512, 513, 551, 552, 601, 602, 603, 604, 750, 751.8, 800, 850, 851, 851.5, 852, 921, 922, 923, 970, 973, 976, 1021, 1021.5, 1025, 1026, 1101, 1102, 1102.5, and 1153, subdivisions (c) and (d) of Section 1174, 1197.1, 1197.5, and 1198, subdivision (b) of Section 1198.3, Sections 1199, 1199.5, 1290, 1292, 1293, 1293.1, 1294, 1294.1, 1294.5, 1296, 1297, 1298, 1301, 1308, 1308.1, 1308.7, 1309, 1309.5, 1391, 1391.1, 1391.2, 1392, 1683, and 1695, subdivision (a) of Section 1695.5, Sections 1695.55, 1695.6, 1695.7, 1695.8, 1695.9, 1696, 1696.5, 1696.6, 1697.1, 1700.25, 1700.26, 1700.31, 1700.32, 1700.40, and 1700.47, paragraphs (1), (2), and (3) of subdivision (a) of and subdivision (e) of Section 1701.4, subdivision (a) of Section 1701.5, Sections 1701.8, 1701.10, 1701.12, 1735, 1771, 1774, 1776, 1777.5, 1811, 1815, 2651, and 2673, subdivision (a) of Section 2673.1, Sections 2695.2, 2800, 2801, 2802, 2806, and 2810, subdivision (b) of Section 2929, and Sections 3095, 6310, 6311, and 6399.

I. STATUTE OF LIMITATIONS

Ms. Vu's representative claims under PAGA are still within the statutory period for such PAGA action. Ms. Vu's employment was terminated by Employer on August 2, 2024.

II. LABOR CODE VIOLATIONS

Employer has violated at least the following specifically enumerated Labor Code sections, in addition to any other Labor Code sections implicated by the actions described in the Facts & Theories portions of this notice letter: §§ 201, 202, 203, 204, 218, 226, 226.7, 450, 510, 512, 558, 558.1, 1174, 1198, 2802 and the applicable Wage Order.

III. FACTUAL BACKGROUND

Employer hired Ms. Vu as a Human Resources Business Partner on May 20, 2024. Ms. Vu was employed from May 20, 2024 until August 2, 2024. Ms. Vu was classified as an exempt employee, with an annual salary of \$115,000.00. From July 1, 2024 to present, Employer owes Plaintiff and the Aggrieved Employees for the 401k funds that were deducted from their paychecks but not actually deposited in their bank accounts or 401k accounts. Each pay-period from July 1, 2024 to Ms. Vu's final pay-period in August 2024, constitutes a wage statement violation as it improperly stated deductions that were not deposited in Plaintiff or the Aggrieved Employees. Further, as Ms. Vu was terminated on August 2, 2024 but not paid until August 7, 2024, she and the similarly situated Aggrieved Employees also are entitled to waiting time penalties for not receiving all pay at time of termination, unpaid wages, unpaid minimum wage, inaccurate records violations, and damages for failure to pay all wages due during employment.

IV. LABOR CODE VIOLATIONS

Failure to Pay Earned Wages (Labor Code § 204)

Throughout her employment with Employer, Ms. Vu and the Aggrieved Employees have not been compensated correctly for all hours worked. Ms. Vu and the Aggrieved Employees have not been paid minimum wage for all hours worked. Therefore, Employer has failed to pay and continues not to pay, Ms. Vu and the Aggrieved Employees all of their earned wages.

On information and belief Employer has failed to pay all of their employees correctly for all wages earned in violation of California Labor Code section 204.

Failure to Furnish Accurate Wage and Hour Statements (Labor Code § 226)

Due to the violations discussed above, Ms. Vu's wage statements provided by Employer did not accurately reflect all wages owed to her for all hours worked. On information and belief, Employer did not issue any of the Aggrieved Employees their accurate wage statements due to their failure to transfer the funds to the 401K account but deducted the amount from Plaintiff and the Aggrieved Employees' wages regardless, in violation of California Labor Code section 226.

Failure to Maintain Accurate Records (Labor Code § 1198.5)

Due to the violations discussed above, Defendants have not maintained accurate records for Ms. Vu and the Aggrieved Employees, a violation under California Labor Code section 1198.5.

Failure to Pay Timely Wages During Employment (Labor Code § 204)

Due to the violations discussed above, Employer failed to pay Ms. Vu and the Aggrieved Employees their wages owed during each and every pay period. Employer failed to pay earned wages. On information and belief, Employer was incorrectly paying all of the employees in Ms. Vu's or similar positions. Therefore, Employer is in violation of Labor Code § 204.

Failure to Pay Earned Wages Upon Termination (Labor Code §§ 201, 202, 203, 1174)

Due to Employer's failure to properly pay Plaintiff in full at the time of her termination, Employer owes Plaintiff and Aggrieved Employees who were similarly situated, unpaid wages as well as waiting time penalties.

V. CONCLUSION

The facts articulated above violate multiple provisions of the Labor Code identified in this correspondence. Plaintiff seeks the remedies set forth in Labor Code section 558 for herself, the State of California, and all other aggrieved employees. Specifically, pursuant to PAGA, and in particular California Labor Code sections 2699(a), 2699.3(a) and 2699.3(c), 2699.5, and 558, Plaintiff, acting in the public interest as a private attorney general, seeks assessment, attorney fees, and collection of civil penalties for herself, all Aggrieved Employees, and the State of California against Defendants for violations of California Labor Code sections 201, 202, 203, 204, 221, 224, 226(a), 226(e), 226.7, 450, 510, 512(a), 1174(d), 1182.12, 1194, 1197, 1197.1, 1198, 1198.5 and 2802. By virtue of this letter, we

hereby notify the LWDA of Employer's violations and Plaintiff's intent to seek all applicable penalties related to these violations of the California Labor Code pursuant to PAGA. In accordance with Labor Code § 2699.3(a)(2)(A), please notify us within 60 days, at our San Diego office address, whether you intend to investigate this matter. Please reach out if you have any additional questions, at kalyan@pokalalaw.com or by phone at (619) 326-8036.

Sincerely,

POKALA LAW APC



Kalyan Pokala
Attorney for Plaintiff
Michelle Vu