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December 24, 2024

VIA ONLINE SUBMISSION

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

Subject: *Shamiya Lewis, et al. v. PSMG, Inc.*
LWDA Case No. LWDA-CM- 1069087-24 - AMENDED NOTICE

Dear PAGA Administrator:

This office represents Shamiya Lewis in connection with her claims under the California Labor Code. Ms. Lewis was an employee of PSMG, INC. (“PSMG”).

We previously provided notice of Ms. Lewis’ claims to the California Labor and Workforce Development Agency (“LWDA”) on December 23, 2024, and submitted the applicable filing fee pursuant to Labor Code section 2699.3(a)(1)(B). This amended notice supplements Ms. Lewis’ prior LWDA notice and adds an additional claim.

The employer may be contacted directly at the address below:

PSMG, INC.
3303 HARBOR BLVD, SUITE A103
COSTA MESA, CA 92626

Ms. Lewis intends to seek civil penalties, attorneys’ 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. Lewis seeks relief on behalf of herself, the State of California, and other persons who are or were employed by PSMG as a non-exempt, hourly paid employee in California 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.

PSMG employed Ms. Lewis as an hourly paid, non-exempt employee at one of its client’s sites, Amcan Beverages (located at 1201 Commerce Boulevard, American Canyon, California 94503). Ms. Lewis worked as a Security Guard from approximately July 2023 to July 2024. During her employment, Ms. Lewis typically worked eight (8) hours or more per day and five (5) days or more per week. At the time her employment ended, Ms. Lewis was compensated approximately \$21.45

per hour. Her primary job duties included, without limitation, verifying appointment times for deliveries, checking in trucks, and controlling truck entry and exit gates.

PSMG committed each of the following Labor Code violations against Ms. Lewis, the facts and theories of which follow, making her an “aggrieved employee” pursuant to California Labor Code section 2699(c)(1):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, PSMG failed to provide Ms. Lewis and other aggrieved employees with personal protective equipment, such as steel-toed safety boots, to keep them safe in the workplace. Despite the fact that PSMG required Ms. Lewis and other aggrieved employees to wear certain personal protective equipment, including steel-toed safety boots, while engaged in their work-related duties, PSMG failed to provide such reasonably necessary equipment to Ms. Lewis and other aggrieved employees to keep them safe.

PSMG’S failure to provide Ms. Lewis and other aggrieved employees with safety devices and safeguards for the workplace violates Labor Code sections 6401 and 6403. Ms. Lewis and other aggrieved employees are entitled to recover civil penalties, attorneys’ fees, costs, and interest thereon, and seek injunctive relief to bring PSMG into compliance with Labor Code sections 6401 and 6403, pursuant to Labor Code sections 2699(a), (f), and (k).

Accordingly, pursuant to PAGA, and in particular California Labor Code sections 1194.5, 2699(a), 2699(k), 2699.3(a)-(c), and 2699.5, Ms. Lewis, acting in the public interest as a private attorney general, seeks assessment and collection of civil penalties and injunctive relief for herself, all other aggrieved employees, and the State of California against PSMG for violations of California Labor Code sections 6401 and 6403.

¹ These facts, theories, and claims are based on Ms. Lewis’ experience and counsel’s review of those records currently available relating to Ms. Lewis’ 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. Lewis 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:

Sairah Budhwani
Capstone Law APC
1875 Century Park East, Suite 1000
Los Angeles, CA 90067
(310) 556-4811

Best Regards,

A handwritten signature in black ink that reads "Sairah Budhwani". The signature is fluid and cursive, with a small dot at the end.

Sairah Budhwani

Copy: PSMG, INC. (via U.S. Certified Mail)

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



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