November 3, 2026

Via Certified Electronic Mail
LABOR AND WORKFORCE DEVELOPMENT AGENCY
PAGAfilings@dir.ca.gov

VIA U.S. MAIL & CERTIFIED MAIL NO. 9589 0710 5270 2380 6206 46
Return Receipt Requested
DaVita, Inc.
Attn: Human Resources / Legal Department
601 Hawaii Street
El Segundo, CA 90245

VIA U.S. MAIL & CERTIFIED MAIL NO. 9589 0710 5270 2380 6206 39
Return Receipt Requested
Total Renal Care, Inc.
Attn: Human Resources / Legal Department
601 Hawaii Street
JLD/SECGOVFIN
El Segundo, CA 90245

Re: **Notice of Labor Code Violations Pursuant to Labor Code § 2699.3**

Dear LWDA and DaVita, Inc./ Total Renal Care, Inc.:

Please be advised that this firm, AP Law Offices, represents the interests of Susan Dombrowski and all other current and former exempt and non-exempt employees similarly situated in California. Employee was employed by DaVita, Inc. / Total Renal Care, Inc. (hereinafter referred to as "Employer or Davita") is a dialysis services company operating a facility in Oxnard, California. This correspondence serves as written notice to the LWDA and DaVita of violations of the California Labor Code.

Pursuant to the Private Attorneys General Act of 2004, Labor Code Sections 2698 – 2699.8, this letter outlines the facts and theories supporting the alleged violations.

1. Statement of Violations

During the relevant statute of limitations, the Employer has engaged in a pattern of continuous and repeated violations of the California Labor Code, including but not limited to:

- **Unpaid Minimum Wage and Overtime (Labor Code Sections 510, 1194, 1197):** Failing

to pay employees for all hours worked and at the proper rates.

- **Missed Meal and Rest Periods (Labor Code Sections 226.7, 512):** Failing to provide Employees with duty free 30 minute meal breaks and 10-minute breaks, or paying the required premium wages for missed breaks.
- **Inaccurate Wage Statements (Labor Code Section 226):** Issuing itemized wage statements that failed to accurately list total hours worked, and gross wages earned. and the legal name of the employing entity.
- **Failure to Pay All Wages Upon Termination (Labor Code Sections 201, 202, 203):** Failing to timely pay all final wages and accrued, unused vacation time to separated employees, resulting in waiting time-based penalties.
- **Failure to Reimburse Necessary Business Expenses (Labor Code Sections XXX):** Failing to pay employees for all business expenses.

2. **Facts and Theories**

Employee (exempt):

Employee1, was hired as a Registered Dietitian on or about October 2004 and was employed through on or about November 3, 2025. Employee was classified **by DaVita as an exempt, salaried employee,** working a standard schedule of Monday through Friday, 8:30 a.m. to 5:00 p.m., at a rate of $41 per hour. During her employment period, Employee, who was classified as an exempt employee, suffered wage and hour violations as outlined above, and other similarly situated workers were subject to the above violations.

Specifically, Employee alleges Employer misclassified her and failed to properly pay overtime wages, failed to provide lawful meal and rest periods, failed to issue accurate wage statements, failed to reimburse necessary business expenses, and failed to pay timely final wages.

DaVita misclassified Employee as exempt from California's overtime requirements and thereby failed to pay Employee and other aggrieved employees for all hours worked at legally mandated wage rates. Employee regularly worked in excess of eight hours per day and forty hours per workweek, including remaining late to complete required duties, without any overtime compensation. DaVita did not require Employee to clock in or out, and when Employee attempted to flex her schedule to account for extra hours worked, for example, by arriving later on a day following an extended shift or by working on a Saturday in lieu of a weekday, her manager, [redacted] penalized her for doing so and classified such conduct as insubordinate. This demonstrates that DaVita exercised significant control over Employee's time while refusing to compensate her for hours worked beyond her standard schedule. On information and belief, other employees in dietician and clinical roles were similarly misclassified as exempt and denied overtime compensation. Employer's conduct is in violation of Labor Code sections 510 and 1194 and is actionable under PAGA.

Further, Davita failed to provide Employee and other aggrieved employees with lawful, timely, and uninterrupted meal and rest periods. Due to the demands of her position and Employer's operational practices, Employee was regularly unable to take an uninterrupted thirty (30) minute

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meal period. When Employee attempted to take a meal period, she was subjected to pressure from supervisory personnel, including her manager [redacted] who questioned her whereabouts and informed her that physicians were seeking her, creating an environment in which Employee felt she had no opportunity to take a bona fide meal period free from interruption or interference. Additionally, as a salaried employee classified as exempt, Employee was not provided a ten-minute **rest periods** as required by California law. Employer failed to provide premium pay for every untimely, missed, shortened, or interrupted meal or rest period. Employer's conduct is in violation of Labor Code sections 226.7 and 512 and is actionable under PAGA.

As a result of Employer's failure to pay all wages owed as described herein, Employer further failed to keep accurate payroll records and failed to provide Employee and other aggrieved employees with complete and accurate wage statements showing the actual hours worked, the accurate rate of pay for each hour worked, accurate overtime wages earned, and accurate net and gross wages earned per pay period. This conduct is in violation of Labor Code sections 226 and 1174 and is actionable under PAGA.

Further, Employer failed to reimburse Employee for necessary business expenses incurred in the course and scope of her employment. Employee was required to use her personal cell phone on a daily basis to communicate with Employer's personnel, coordinate patient plans of care, and conduct Medicare-mandated care meetings, yet Employer never reimbursed her for this expense. On information and belief, other aggrieved employees similarly incurred unreimbursed business expenses. Employer's conduct is in violation of Labor Code section 2802 and is actionable under PAGA.

As a further result of Employer's failure to pay all wages owed as described herein, Employer also violated Labor Code sections 201, 202, and 203, due to its uniform policy, practice, and procedure of failing to timely pay all wages earned to separated employees upon termination. Employee provided two weeks' notice, and her last day of employment was November 3, 2025. To the extent Employer failed to timely pay all final wages, this conduct is actionable under PAGA.

Finally, Employee will bring her lawsuit on behalf of herself and all other aggrieved employees who were employed by Employer.

3. Demand and Intent to Litigate

Pursuant to PAGA, this notice is provided to allow the LWDA an opportunity to investigate. If the LWDA does not investigate or issue a notice indicating it does not intend to investigate, Employee and Employee 2 intend to file a civil lawsuit in Ventura County Superior Court to recover civil penalties, unpaid wages, and attorney fees.

We look forward to your response, and please feel free to contact our office if you have any questions, comments, or concerns.

223 N. GARFIELD AVE, SUITE 106, LOS ANGELES, CALIFORNIA 91754
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Sincerely,



Alexander Perez, Esq.
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