

BLUMENTHAL NORDREHAUG BHOWMIK DE BLOUW LLP

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WRITERS EXT:
1009

June 9, 2025
CA3675

VIA ONLINE FILING TO LWDA AND CERTIFIED MAIL TO DEFENDANT

Labor and Workforce Development Agency
Online Filing

Baker Distributing Company LLC
Certified Mail #9589071052703176334419
CSC - LAWYERS INCORPORATING SERVICE
BECKY DE GEORGE
2710 GATEWAY OAKS DRIVE, Suite 150N
SACRAMENTO, CA 95833

RE: Notice Of Violations Of California Labor Code Sections §§ 201, 202, 203, 204, 210, 226(a), 226.7, 510, 512, 558(a)(1)(2), 1194, 1197, 1197.1, 1198, 2802, California Code of Regulations, Title 8, Section 11040, Subdivision 5(A)-(B), California, and Violation of Applicable Industrial Welfare Commission Wage Order(s) brought Pursuant To California Labor Code Section 2699.5.

Dear Sir/Madam:

“Aggrieved Employees” refers to all individuals who are or previously were employed by Baker Distributing Company LLC in California, including any employees staffed with Baker Distributing LLC by a third party, and classified as non-exempt employees during the time period of June 9, 2024 until a date as determined by the Court. Our offices represent Plaintiff Orlando Arellano and other Aggrieved Employees in a lawsuit against Defendant. Plaintiff was employed by Defendant in California from January 1, 2025 through March 23, 2025. Plaintiff worked for Defendant as a Back-Up Shipping Lead at Defendant’s warehouse located at 2904 S. Agnus Ave., Fresno, CA 93725. Plaintiff’s job duties included auditing orders that were pulled for shipping, creating bills for shipping trailers and helping to make sure shipments were processed correctly.

Plaintiff was at all times classified by Defendant as a non-exempt employee, paid on an hourly basis, and entitled to the legally required meal and rest periods and payment of minimum and overtime wages due for all time worked. Defendant, however, unlawfully failed to record and pay Plaintiff and other Aggrieved Employees for, including but not limited to, all of their time worked, including minimum and overtime wages, for all of their missed meal and rest breaks, for all of their time spent working off the clock as described further below, and for businesses expenses incurred but not reimbursed.

Plaintiff was required to work off the clock as directed by Defendant which resulted in unpaid minimum and overtime wages in violation of California Labor Code Sections 510, 1194,

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1197 & 1198. For example, while clocked out and on his meal breaks, Plaintiff was regularly contacted on his work radio regarding work-related issues, such as asking Plaintiff about the status of a particular load or shipment to a particular client, or whether it was too late to add items to a shipment. Plaintiff's 10-hour shift was from 6:30 a.m. to 5 p.m. (Monday thru Friday) and it was known throughout the warehouse that Plaintiff took his lunch at 11:30 a.m. – but this did not deter co-workers and/or supervisors from contacting Plaintiff during his meal break. Plaintiff's supervisor, Hue Yang, also knew when Plaintiff took his meal break and was aware that Plaintiff was contacted during his meal breaks regarding work-related issues.

In addition, during the PAGA period Plaintiff and other Aggrieved Employees were often unable to take compliant meal breaks and rest breaks which is in violation of Cal. Labor Codes Sections 226.7 and 512. As to meal breaks, as set forth above, Plaintiff was unable to take uninterrupted, duty-free meal breaks due to constant work-related communications he received from co-workers and/or supervisors. Also, Plaintiff regularly missed his 2nd meal break for shifts lasting more than 10 hours. With respect to rest breaks, Plaintiff was often too busy to take his 2nd rest break for shifts lasting between 6.1-10 hours and never took a 3rd rest break for shifts lasting between 10.1 to 14 hours. Despite violating his rights as to meal breaks and rest breaks, Plaintiff received only **one** meal break premium payment and **zero** rest break premium payments. Attached as **Exhibit #1** are true and correct copies of Plaintiff's wage statements from January 20, 2025 through March 16, 2025, showing **one** meal break premium paid and **no** rest break premiums paid by Defendant in violation of Cal. Lab. Code Sections 226.7 & 512.

Pursuant to Labor Code § 204 *et seq.*, Defendant failed to timely provide Plaintiff and other Aggrieved Employees with their wages, including the meal and rest break penalties described above. Plaintiff further contends that Defendant failed to provide him and other Aggrieved Employees with accurate wage statements in violation of California Labor Code section 226(a). Plaintiff and the Aggrieved Employees were paid on an hourly basis. Accordingly, the wage statements should accurately display all applicable hourly rates during the pay period and the total hours worked, and the applicable pay period in which the wages were earned pursuant to California Labor Code Section 226(a)(2). The wage statements Defendant provided to Plaintiff and the Aggrieved employees were not accurate because, for example, they failed to identify the correct number of hours worked since Defendant failed to record the time Plaintiff spent dealing with work issues during his meal breaks.

Plaintiff was also not reimbursed for business related expenses that he incurred as a result of his job duties for Defendant in violation of Cal. Lab. Code Section 2802. For example, Plaintiff had to purchase his own work gloves every two weeks or as needed. This is because one of the newer managers, Francisco Rios, halted supplying gloves which previously were supplied by Defendant. Plaintiff also had to use his cell phone at work for work-related purposes, such as downloading the ADP application to track hours and for scheduling. Plaintiff also used his cell phone to take photographs in order to send to management at least once per week. Specifically, Plaintiff was tasked with taking and

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sending photographs to management so that they could verify certain work-related issues, such as whether the plastic wrap on pallets was installed incorrectly or whether the right or wrong items were contained within a particular shipment. Plaintiff also regularly used the calculator function on his cell phone in order to calculate the weight of shipping loads. Plaintiff was not reimbursed for any of the above-referenced expenses he incurred for the benefit of Defendant in violation of Cal. Lab. Code Section 2802.

Finally, as described in detail in this notice, Defendant failed to pay all wages and premiums owed to Plaintiff and Aggrieved Employees during their employment and also failed to timely pay those amounts due and earned to departing employees upon separation of employment, such as when Plaintiff's employment with Defendant ended in March of 2025, in violation of California Labor Code Sections 201-204. Defendant also failed to pay the waiting time penalties owed to Plaintiff and other Aggrieved Employees that stemmed from the non-payment of wages and premiums owed based on the allegations above. Said conduct, in addition to the foregoing, violates Labor Code §§ 201, 202, 203, 204, 210, 226(a), 226.7, 510, 512, 558(a)(1)(2), 1194, 1197, 1197.1, 1198, 2802, California Code of Regulations, Title 8, Section 11040, Subdivision 5(A)-(B), Violation of the applicable Industrial Welfare Commission Wage Order(s), and is therefore actionable under California Labor Code section 2699.3.

This notice is provided to enable Plaintiff to proceed with a Complaint against Defendant as authorized by California Labor Code section 2699, *et seq.* The lawsuit will consist of other Aggrieved Employees. As counsel, our intention is to vigorously prosecute the claims, and to procure civil penalties as provided by the Private Attorney General Statute of 2004 on behalf of Plaintiff and all Aggrieved Employees.

If you have any questions of concerns, please do not hesitate to contact me at the above number and email address.

Respectfully,

/s/ Ricardo R. Ehmann

Ricardo R. Ehmann, Esq.

EXHIBIT 1

CO.	FILE	DEPT.	CLOCK	VCHR. NO.	130
9HP	730358	300600		0000060998	1

Earnings Statement



BAKER DISTRIBUTING COMPANY, LLC
CORPORATE OFFICE
14610 BREAKERS DRIVE
JACKSONVILLE, FL. 32258

Period Beginning: 01/20/2025
Period Ending: 02/02/2025
Pay Date: 02/07/2025

Filing Status:
Exemptions/Allowances:
Federal: Standard Withholding Table

ORLANDO A ARELLANO

Social Security Number: XXX-XX-

Earnings	rate	hours	this period	year to date
Regular	19.0000	72.00	1,368.00	1,368.00
Overtime	28.5000	14.18	404.13	404.13
Gross Pay			\$1,772.13	1,772.13

Other Benefits and Information	this period	total to date
PTO BALANCE	0.00	
401K ELG EARNs	1,772.13	
Totl Hrs Worked	86.18	

Deductions	Statutory		
Social Security Tax	-109.87	109.87	
Medicare Tax	-25.70	25.70	
CA State Income Tax	-25.20	25.20	
CA SDI Tax	-21.27	21.27	
Net Pay	\$1,590.09		
Dirdep Checkng1	-1,590.09	1,590.09	
Net Check	\$0.00		

Important Notes

YOUR COMPANY PHONE NUMBER IS 904-407-4344

Additional Tax Withholding Information

Taxable Marital Status:

CA:

Exemptions/Allowances:

CA:

Your federal taxable wages this period are
\$1,772.13

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BAKER DISTRIBUTING COMPANY, LLC
CORPORATE OFFICE
14610 BREAKERS DRIVE
JACKSONVILLE, FL. 32258

Advice number: 00000060998
Pay date: 02/07/2025

Deposited to the account of	account number	transit ABA	amount
ORLANDO A ARELLANO	XXXXXXX	XXXX XXXX	\$1,590.09

NON-NEGOTIABLE

CO. FILE DEPT. CLOCK VCHR. NO. 130
9HP 730358 300600 0000081196 1

Earnings Statement



BAKER DISTRIBUTING COMPANY, LLC
CORPORATE OFFICE
14610 BREAKERS DRIVE
JACKSONVILLE, FL. 32258

Period Beginning: 02/03/2025
Period Ending: 02/16/2025
Pay Date: 02/21/2025

Filing Status:
Exemptions/Allowances:
Federal: Standard Withholding Table

ORLANDO A ARELLANO

Social Security Number: XXX-XX-

Earnings	rate	hours	this period	year to date
Regular	19.0000	80.00	1,520.00	2,888.00
Overtime	28.5000	15.40	438.90	843.03
Gross Pay			\$1,958.90	3,731.03

Other Benefits and Information	this period	total to date
PTO BALANCE	0.00	
401K ELG EARNs	1,958.90	
Totl Hrs Worked	95.40	

Deductions	Statutory		
	Social Security Tax	-121.45	231.32
	Medicare Tax	-28.40	54.10
	CA State Income Tax	-29.31	54.51
	CA SDI Tax	-23.50	44.77
	Other		
	Child Support	-182.76	182.76
	Net Pay	\$1,573.48	
	Dirdep Checkng1	-1,573.48	3,163.57
	Net Check	\$0.00	

Important Notes

YOUR COMPANY PHONE NUMBER IS 904-407-4344

Additional Tax Withholding Information

Taxable Marital Status:

CA:

Exemptions/Allowances:

CA:

Your federal taxable wages this period are
\$1,958.90

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BAKER DISTRIBUTING COMPANY, LLC
CORPORATE OFFICE
14610 BREAKERS DRIVE
JACKSONVILLE, FL. 32258

Advice number: 0000081196
Pay date: 02/21/2025

Deposited to the account of	account number	transit ABA	amount
ORLANDO A ARELLANO	XXXXXXXX	XXXX XXXX	\$1,573.48

NON-NEGOTIABLE

CO.	FILE	DEPT.	CLOCK	VCHR. NO.	130
9HP	730358	300600		0000105004	1

BAKER DISTRIBUTING COMPANY, LLC
CORPORATE OFFICE
14610 BREAKERS DRIVE
JACKSONVILLE, FL. 32258

Filing Status:
Exemptions/Allowances:
Federal: Standard Withholding Table

Social Security Number: XXX-XX-

Earnings	rate	hours	this period	year to date
Regular	19.0000	80.00	1,520.00	4,408.00
Overtime	28.5000	9.05	257.93	1,100.96
Ca Meal Prem	19.0000	1.00	19.00	19.00
Imputed Std			2.94	2.94
Gross Pay			\$1,799.87	5,530.90

Deductions	Statutory		
	Social Security Tax	-111.50	342.82
	Medicare Tax	-26.07	80.17
	CA State Income Tax	-25.77	80.28
	CA SDI Tax	-21.58	66.35
	Other		
	Accident Plan	-3.86	3.86
	Basicstd Ercost	-2.94	
	Child Support	-182.76	365.52
	Employee Life	-13.85	13.85
	Supplmntal Ad&D	-2.04	2.04
	Vision	-1.61*	1.61
	Net Pay	\$1,407.89	
	Dirdep Checkng1	-1,407.89	4,571.46
	Net Check	\$0.00	

* Excluded from federal taxable wages

Earnings Statement

Period Beginning: 02/17/2025
Period Ending: 03/02/2025
Pay Date: 03/07/2025

ORLANDO A ARELLANO

Your federal taxable wages this period are \$1,798.26

Other Benefits and Information	this period	total to date
BASIC LIFE ER	0.55	0.55
BASICADD ERCOST	0.18	0.18
BASICSTD ERCOST	2.94	2.94
PTO BALANCE	0.00	
VISION ER COST	1.05	1.05
401K ELG EARNs	1,796.93	
Totl Hrs Worked	89.05	

Important Notes
YOUR COMPANY PHONE NUMBER IS 904-407-4344

Additional Tax Withholding Information
Taxable Marital Status:
CA:
Exemptions/Allowances:
CA:

BAKER DISTRIBUTING COMPANY, LLC
CORPORATE OFFICE
14610 BREAKERS DRIVE
JACKSONVILLE, FL. 32258

Advice number: 00000105004
Pay date: 03/07/2025

Deposited to the account of	account number	transit	ABA	amount
ORLANDO A ARELLANO	XXXXXXX	XXXX	XXXX	\$1,407.89

THIS IS NOT A CHECK

NON-NEGOTIABLE

Earnings Statement



BAKER DISTRIBUTING COMPANY, LLC
CORPORATE OFFICE
14610 BREAKERS DRIVE
JACKSONVILLE, FL. 32258

Period Beginning: 03/03/2025
Period Ending: 03/16/2025
Pay Date: 03/21/2025

Filing Status:
Exemptions/Allowances:
Federal: Standard Withholding Table

ORLANDO A ARELLANO

Social Security Number: XXX-XX-

Earnings	rate	hours	this period	year to date
Regular	19.0000	79.47	1,509.93	5,917.93
Overtime	28.5000	7.75	220.88	1,321.84
Imputed Std			2.94	5.88
Ca Meal Prem				19.00
Gross Pay			\$1,733.75	7,264.65

Your federal taxable wages this period are
\$1,732.14

Deductions	Statutory		
	Social Security Tax	-107.39	450.21
	Medicare Tax	-25.12	105.29
	CA State Income Tax	-24.32	104.60
	CA SDI Tax	-20.79	87.14
	Other		
	Accident Plan	-3.86	7.72
	Basicstd Ercost	-2.94	
	Child Support	-182.76	548.28
	Employee Life	-13.85	27.70
	Supplmntal Ad&D	-2.04	4.08
	Vision	-1.61*	3.22
	Net Pay	\$1,349.07	
	Dirdep Checkng1	-1,349.07	5,920.53
	Net Check	\$0.00	

Other Benefits and Information	this period	total to date
BASIC LIFE ER	0.55	1.10
BASICADD ERCOST	0.18	0.36
BASICSTD ERCOST	2.94	5.88
PTO BALANCE	0.00	
VISION ER COST	1.05	2.10
401K ELG EARNs	1,730.81	
Totl Hrs Worked	87.22	

Important Notes

YOUR COMPANY PHONE NUMBER IS 904-407-4344

Additional Tax Withholding Information

Taxable Marital Status:
CA:
Exemptions/Allowances:
CA:

* Excluded from federal taxable wages

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BAKER DISTRIBUTING COMPANY, LLC
CORPORATE OFFICE
14610 BREAKERS DRIVE
JACKSONVILLE, FL. 32258

Advice number: 00000121215
Pay date: 03/21/2025

Deposited to the account of	account number	transit ABA	amount
ORLANDO A ARELLANO	XXXXXXX	XXXX XXXX	\$1,349.07

NON-NEGOTIABLE