



STATE OF CALIFORNIA
Labor & Workforce Development Agency

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Agricultural Labor Relations Board • California Unemployment Insurance Appeals Board
California Workforce Development Board • Department of Industrial Relations
Employment Development Department • Employment Training Panel • Public Employment Relations Board

October 16, 2024

Certified Mail

USPS Tracking No. 7010 0290 0001 1514 8649

Richard D. Schramm
55 South Market Street, Suite 900
San Jose, CA 95113-2324

Re: *Miriam Wilson v. Ro Health, LLC*
Case No. LWDA-CM-1046795-24

Notice Re: Employer Cure Proposal Untimely

Dear Mr. Schramm:

The Private Attorneys General Act (PAGA) Unit of the California Labor and Workforce Development Agency has reviewed your letter dated September 20, 2024, submitted as an employer response on behalf of Ro Health, LLC via the PAGA online filing portal on October 4, 2024. However, the letter is titled "Notice of Cure" and purports to cure certain alleged violations. Accordingly, your letter has been reviewed as a cure proposal pursuant to subdivision (c)(2)(A) of Labor Code section 2699.3.

The PAGA notice on behalf of Miriam Wilson and other current and former allegedly aggrieved employees of Ro Health was filed on August 21, 2024. Ro Health's cure proposal submitted on October 4 is untimely. (Lab. Code, § 2699.3, subd. (c)(2)(A).)¹

No determination is made regarding the sufficiency of the cures described in Ro Health's letter, nor is any determination made regarding the alleged violations

¹ It is assumed for purposes of this letter that Ro Health is eligible to participate in the cure process set forth in Labor Code section 2699.3, subdivision (c)(2). However, Ro Health's cure letter does not state whether it "employed fewer than 100 employees in total during the period covered by the notice." (Lab. Code, § 2699.3, subd. (c)(2)(A).)

disputed by Ro Health.² Nothing herein should be understood to preclude Ro Health from requesting an early evaluation conference under Labor Code section 2699.3, subdivision (f) in the event a civil action is commenced. (See Lab. Code, § 2699.3, subd. (f)(14).)

Sincerely,



Todd M. Ratshin
Deputy Secretary for Enforcement

cc: Peter R. Dion-Kindem (via certified mail # 7010 0290 0001 1514 8656)

² Ro Health's cure letter is deemed a confidential settlement proposal and may not be used to prove the validity of any claim or deemed an admission of liability. (Lab. Code, § 2699.3, subd. (c)(2)(E); Evid. Code, § 1152.)