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**Via Online Filing (at <https://dir.tfaforms.net/128>)**

Attn: PAGA Administrator  
Labor Workforce Development Agency  
1515 Clay Street, Ste. 801  
Oakland, CA 94612

**Re: Notice of Labor Code §2699, et seq., “PAGA” Violations**  
**Claimant: Stephanie Schultz**  
**Respondent: MarketerHire LLC**

Dear California Labor & Workforce Development Agency:

Pursuant to Labor Code § 2699.3, this letter provides notice to the Labor and Workforce Development Agency (“LWDA”), MarketerHire LLC, and all affiliated entities (the “Company”) that Complainant Stephanie Schultz (“Schultz”) intends to file a civil lawsuit based on claims, among others, arising under the Private Attorney General Act, California Labor Code §§ 2699, *et seq.*, (“PAGA”), if LWDA declines to pursue the matter on its own.

From 2017 through February 10, 2021, Schultz worked for MarketerHire as a Product Manager. Schultz was a founding member of the Company and the first of the founders to work full time on the product. She continued to work full time for the remainder of her tenure at the Company, apart from a brief period of maternity leave from June 24 through November 9, 2020. Schultz resumed working full time following her return from maternity leave.

Throughout Schultz’ employment at MarketerHire, Schultz was paid a “distribution” in a flat sum on a monthly basis, regardless of how many hours she had worked in that month. Schultz was not provided with paystubs for each pay period reflecting the applicable hourly rate and hours worked. The Company did not maintain payroll records of her hours worked. She was not paid overtime. She was not always paid minimum wage. On her last day of employment, Schultz was not paid all earned wages.

Schultz was not free from the control and direction of the Company in connection with the performance of her work. The work she was performing was fully within the usual course of MarketerHire's business, as she was developing product and managing the Talent Team. Schultz did not perform outside work of the same nature for outside entities or engage in an occupation or business of the same nature as the work performed for MarketerHire.

Schultz intends to bring PAGA claims representing herself, former employees and current employees who were and are subjected to Labor Code violations by MarketerHire. Based on information and belief, other employees were not paid all earned wages on semi-monthly pay dates, were not provided accurate wage statements, were not paid earned overtime, were not paid minimum wage, and were not paid all wages, including vacation pay, commissions and bonuses, on their last day of employment.

The Company's misconduct violates numerous provisions of the Labor Code, including without limitation:

- LC § 201 (failure to timely pay wages upon involuntary discharge)
- LC § 202 (failure to timely pay wages upon voluntary departure)
- LC § 203 (waiting-time penalties for failure to pay timely the above in full)
- LC § 204 and 204(a) (failure to pay all earned wages on semi-monthly pay dates)
- LC § 226 (wage statement violations)
- LC § 246 (paid sick leave)
- LC § 247.5 (maintenance of hours worked and paid sick days accrued)
- LC § 510/1194 (overtime pay)
- LC § 558 (minimum wage)
- LC § 1174 (maintenance of payroll records)

Schultz intends to seek all associated remedies, including without limitation, unpaid principal amounts, penalties, injunctive relief, interest and attorney's fees and costs, under the Labor Code, including without limitation:

- LC § 210 (\$100/\$200 per pay period per employee, plus 25% of withheld wages)
- LC § 225.5 (\$100/\$200 plus 25% of amount withheld)
- LC § 226(e) (\$50 initial pay period and \$100 per subsequent pay period)
- LC § 226(h) (attorney's fees and costs for paystub violations)
- LC § 226.3 (\$250/\$1000 per employee per pay period per violation)
- LC § 226.6 (\$1,000 on employer and individuals)
- LC § 256 (waiting-time penalties)
- LC § 558 (\$50/100 per pay period, plus unpaid overtime)
- LC § 1174.5 (\$500 for recordkeeping violations)
- LC § 1194 (attorneys' fees and costs for overtime violations)
- LC § 1194.2 (liquidated damages for minimum wage and interest)
- LC § 1197.1 (\$100/\$250 per employee per pay period)
- LC § 2699(f)(2) (\$100/\$200 per employee per pay period for LC requirements without specific penalties, including without limitation, all section listed in this letter)

- LC § 2699(g)(1) (attorney's fees and costs)

If the LWDA provides notice that it does not intend to pursue these matters, or we do not receive notice within 60 calendar days of the date of the letter, we intend to file a claim under PAGA in addition to other potential claims.

Should you have any questions or need further information, please contact our office on Schultz's behalf directly at (650) 463-9488 and/or at the address at the bottom of this letter's first page. Thank you for your attention to the matter.

Very truly yours,

Berman North LLP

By: *Gretchen Birkheimer*  
Gretchen Birkheimer

cc: (via certified mail U.S. Mail)

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