



Seyfarth Shaw LLP

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cbertoldi@seyfarth.com

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February 13, 2024

VIA EMAIL

Stephanie Barrett
Senior Deputy
Division of Labor Standards Enforcement
Department of Industrial Relations
455 Golden Gate Avenue, 10th Floor NE
San Francisco, CA 94102

Re: *Paul Vauclair v. Lyft, Inc.*
State Case No. WC-CM-1003300

Dear Senior Deputy Barrett:

We represent Lyft in the above-referenced matter and received Paul Vauclair's notice of claim. We note that this is one of 14 cases against Lyft pending in your office over which the Labor Commissioner has no jurisdiction.

Specifically, Mr. Vauclair's alleged use of the Lyft platform as a driver (01/01/21 to 12/31/21) was after Prop 22 took effect on December 16, 2020. As of December 16, 2020, drivers using Lyft's platform are considered independent contractors by statute and, thus, cannot seek relief under the Labor Code. We kindly request for Mr. Vauclair's claims to be dismissed on this basis.

Mr. Vauclair's claims should be dismissed for the additional reason that the Labor Commissioner previously exercised her right under Labor Code 98(a) to decline to proceed with claims filed against Lyft on or after January 1, 2020. See August 5, 2020 Notice issued by the DLSE Assistant Chief, Wage Claim Adjudication Unit, which is attached to this letter as **Exhibit A**.

Please feel free to call or email me to discuss.

Very truly yours,

SEYFARTH SHAW LLP

Ashley N. Arnett

EXHIBIT A

DEPARTMENT OF INDUSTRIAL RELATIONS
Division of Labor Standards Enforcement
1515 Clay Street, Ste. 1302
Oakland, CA 94612
Tel: (510) 622-3273



August 5, 2020

**Re: (1) Labor Commissioner to Sue Uber and Lyft for Labor Code Violations against All of Their California Drivers
(2) Pending Administrative Claims Have Therefore Been Dismissed**

Dear Claimant:

I am writing to let you know that the California State Labor Commissioner intends to file lawsuits against Uber and Lyft under the Labor Commissioner's authority to enforce California's labor laws. By filing the lawsuits, the Labor Commissioner will be asking the court to order Uber and Lyft to stop misclassifying their drivers as independent contractors and to provide all drivers with the protections available to employees under the Labor Code.

The lawsuits will also seek recovery of unpaid wages and other amounts due to all of Uber and Lyft's California drivers. These include unpaid minimum wages for all hours worked, rest period wages, unpaid overtime wages, liquidated damages due for minimum wage violations, itemized wage statement violations, paid sick leave violations, penalties for failure to pay all wages due during employment and at separation of employment, and reimbursement of business expenses. The Labor Commissioner is the plaintiff in these lawsuits, proceeding under her independent legal authority to enforce these above-mentioned Labor Code protections on behalf of the State of California.

As the lawsuits eliminate the need for each claim filed by every Uber and Lyft driver to go through the administrative hearing process as provided by Labor Code section 98(a), the Labor Commissioner has exercised her right under Labor Code section 98(a) to decline to proceed with administrative complaint(s) filed with the Labor Commissioner against Uber and/or Lyft on any date after December 31, 2019. Your administrative wage complaint(s) against Uber and/or Lyft have therefore been dismissed.

Please note that the Labor Commissioner is not proceeding as a representative or attorney for you or for any other drivers in this litigation. However, any amounts recovered by the Labor Commissioner in these lawsuits for unpaid wages and other amounts due to drivers, including liquidated damages, statutory penalties, and reimbursement of business expenses will be distributed to the employees who are owed these amounts, as is the Labor Commissioner's responsibility under state law. If necessary, our office will contact you during the court proceedings. Updates about the status of the lawsuits filed by the Labor Commissioner against Uber and Lyft may be found at: <https://www.dir.ca.gov/dlse/Lawsuits-Uber-Lyft.html>

August 5, 2020

Page 2

Thank you for providing us with the information contained in your complaint(s) concerning this matter.

Sincerely,

A handwritten signature in black ink, appearing to read 'Carlos Torres', with a stylized flourish at the end.

Carlos Torres
Assistant Chief, Wage Claim Adjudication Unit



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Ashley N. Arnett

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August 5, 2020

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Sincerely,

A handwritten signature in black ink, appearing to be 'Carlos Torres', with a stylized flourish at the end.

Carlos Torres
Assistant Chief, Wage Claim Adjudication Unit

Part 3: Additional Information Provided by Claimants and Deputies

15. Provide any other information related to the owner/business that may assist for this wage claim. Also, if providing additional for one of the questions above, please write the question number related to the information provided. (Attach additional pages if necessary).

On 1/11/2022, I had a scheduled meeting at the Lyft Office for Drivers in Okland, CA at 2:30pm. It was a meeting with a representative outside, as covid protocols were still in effect. The meeting lasted approximately 30 minutes, where the rep spoke to me then she would go inside to the office building and spoke to a supervisor, and then she would come back to me.

I explained that during the last quarter of 2021 I decided to finally enter my healthcare info on the Lyft Driver app. Then early January 2022 I received my Healthcare Stipend but only the Q4 portion, and that is why I scheduled the meeting to talk to them to get them to pay the remainder of the year's Healthcare Stipend (Q1 ~ Q3 of 2021). So it was a back and forth procedure. They tried to tell me that I had to plug in my Healthcare information in the app at beginning of each quarter. And because I didn't do that they didn't pay for the other quarters. I explained further that, I didn't know that I had to do that or not get paid, and not one HR person called me to explain the NEW law and procedures... The Rep understood me and agreed, however in the end when she came back the last time after seeing her supervisor, she said: "I understand you but they told me to say that THE AMOUNT \$ IS TOO HIGH AND THUS THEY CAN'T PAY ME!"

RECEIVED
DEPT. OF INDUSTRIAL RELATIONS

JAN 12 2024

LABOR STANDS ENFORCEMENT
S.F. WAGE ADJ.

State Case No. WC-CM-1003300

Paul Vaclair

WAIVER TO CERTIFIED MAIL

State Case # WC-CM-1003300

Pursuant to Labor Code, Section 98, I hereby waive all future legal service by certified mail as required by Section 98(b), and will accept any notice of hearing by regular first class mail.

I further understand, that it is my full responsibility to always notify the Deputy in writing of any change of address.

Dated: 1/9/2024 Signed: Paul Vaclav

Please send a copy to my legal representative at:

Name: _____
Address: _____

RENUNCIA DE CORREO CERTIFICADO

Numero de Caso _____

De acuerdo a la sección 98 del Código de Trabajo, yo cedo todo los servicios legales en el futuro por correo certificado como se requiere en la sección 98(b). Y tambien, yo acepto la notificación por correo regular de primera clase.

Cualquier cambio de domicilio sera mi responsabilidad de notificar al diputado por escrito.

Fecha _____ Firma _____

Por favor envíe por correo una copia a mi representante legal:

Nombre: _____
Domicilio: _____

Defendant(s) Profile and Questionnaire

Part 1

1. Type of business employer operates – Circle industry if applies: agriculture/food processing, carwash, construction, day laborer, domestic worker, food processing, gardening, garment, housekeeping (including hotel workers), janitorial, landscaping, trucking, residential care, restaurant/bar, security guards, warehouse).

Other industry (if not listed above): transportation Rideshare.

2. California requires some business to have licenses to operate (i.e. agriculture, carwash, construction, garment, janitorial, residential care). Please provide the license number (if applicable) or write "N/A" if the employer does not have a license. Defendant Industry License No. _____

3. Please include information any corporate officers or high-level managers that may have caused labor code violations including not paying minimum and overtime wages. See Labor Code §558.1. Additional names should be included on Part III.

Individual Name	Relationship With Corporate Defendant	Individual Address (if known)
i.		
ii.		

4. Some California laws provide customers, or businesses where you worked, can be responsible for paying your wages. Also, if you win you case, this information may help you recover your wages. Please provide the names and addresses of **major** customers, businesses that owe your employer money, or where you worked. This can be especially helpful in the agricultural, construction, garment, janitorial, or residential industries. If not applicable, write N/A.

Business/Customer Name (if known)	Address Where You Performed Work
i. <u>Lyft, Inc</u>	<u>Whole SF Bay Area</u>
ii.	

5. Please let us know if your employer was involved in other claims for unpaid wages. If so, please provide any information you have including the case number or names of individuals making such claims.

My wife, [REDACTED], is initiating a similar claim for Q4 2023. I don't have the state case No. yet.

6. Does your employer have a fixed place of business or does your employer conduct business at his/her customer/client's address?

Fixed place of business (please provide address): 185 Berry St. Suite 400, San Francisco, CA 94107
 Work is performed at the customer's work site.

Part 2

7. How long has the employer's business been operating? 11 years, 7 months.
8. Is the business still operating? Yes No (Date business stopped: _____) I don't know.
- a. Why did the business stop operating (e.g., financial problems, sold to new owner, etc.): _____
- b. Is the business operating under a new name or new owner? If yes, please provide the new business name and/or new owner's name: _____
- c. Is there a different or additional employer name on your check? If yes, please provide the additional employer's name: _____
- d. Are you in contact with anyone still working at the business? Would they be willing to talk to us and provide information? N/A
- e. Is the employer selling off major assets, in receivership, or in bankruptcy proceedings? If so please provide any details you have or attach copies of notices you received): _____
9. If you were paid by check:
- a. Who was the payor listed on the checks? (If this changed over the last three years, please list all payors or attach copies of the checks): _____
- b. Which bank(s) were the checks drawn on: _____

10. If not already listed above, please list managers, owners, principals, accountants/bookkeepers and any key people in the business of your employer

Name	Position	Address/Phone Number	Physical Description
i.			

11. Name(s) and Address(es) of Employer's spouse, adult children, and close associates:

12. Valuable Assets. Please list any high value assets you believe your employer owns (e.g., real estate, specialized equipment, vehicles, copyrights and patents): Additional information should be included on Part III.

Type of Asset and Brief Description	Location
i. ?	

13. Please list any banks you believe your employer uses/has used (e.g., Bank of America, Wells Fargo, Citibank, JP Morgan Chase). You can find these in the company or personal paychecks stubs received. **Please attach copies of any paycheck stubs.**

Bank Name	Type of Document (e.g. paystub, etc.)
i. ?	

14. Does your employer own or run other businesses (including rental property)? Please provide name, location and type of business: ?

Part 3: Additional Information Provided by Claimants and Deputies

- 15. Please provide any other information related to the owner/business that may assist for this wage claim. Also, if providing additional for one of the questions above, please write the question number related to the information provided. (Attach additional pages if necessary).

see attached page

Case No. WC-CM-1003200

Labor Code Section 98a provides that,
"A party who has received actual notice of a claim before the Labor
Commissioner shall, while the matter is before the Labor Commissioner, notify the Labor
Commissioner in writing of a any change in that party's business or personal address
within 10 days after the change in address occurs."

Your Full Name: Paul Vauclair

(Su Nombre)

Your Title: Driver

(Su Titulo)

Your Address: [REDACTED]

(Su Domicilio)

Mailing Address: _____

(if Different than above) _____

(Su Direccion si es diferente)

Your Telephone Number: [REDACTED]

(No. de Telefono)

Work or Message Number: SAME

(No. de Telefono de Trabajo o Mensaje)

In What Capacity Are You Appearing?

(En Que Capacidad Se Presenta)

- Plaintiff:
(Demandante)
- Plaintiff's Attorney:
(Abogado del Demandante)
- Plaintiff's Witness:
(Testigo del Demandante)
- Observer:
(Observador)
- Other:
(Otro)
- BOFE

- Defendant:
(Demandado)
- Defendant's Attorney/Rep:
(Abogado del Demandado)
- Defendant's Witness:
(Testigo del Demandado)
- Appellant:
(Apelante)
- Appellant's Attorney/Rep:
(Abogado del Apelante)
- Appellant's Witness:
(Testigo del Apelante)

PLEASE ATTACH BUSINESS CARD, IF AVAILABLE

INTERPRETER INFORMATION

Name/Agency: _____

Start Time: _____ End Time: _____

Staff Initials: _____

Case No. WC-CM-1003300

- Circle all that applies -

Name of Entities: Paul Vauclair

Worker's Email address: [Redacted]

Doing Business As name: Paul Vauclair

Day Phone _____ Cell Phone [Redacted]

Sole Proprietor Partnership- General Limited

Rep: _____ Phone _____

Names of partners: _____

Job Title and Duties: Driver

Corporation - name of officers/"owners": _____

W2 Employee 1099 Employee Intern Consultant

Independent Contractor Other: _____

Limited liability company - name of members: _____

Handshake/Oral agreement Written agreement Offer Letter

Other: _____

CBA (union)

Email address: _____

Name/Title of Interviewer: _____

Website: _____

Name/Title of Hiring Person: _____

Day Phone _____ Cell Phone _____

Name/Title of Supervisor(s): _____

NAICS: _____ (<https://www.naics.com/search/>)

Still employed (includes leave of absence)-

IWC Wage order: _____

Last Work Day: still employed

Low wage business? No Yes: _____

Discharged (includes Laid Off, Severed, etc.)

Hire date: 12/12/2016

by (name and title)- _____

First Work Day: 12/12/2016

Final Pay- Full wages Partial wages

1st day of the workweek- _____

Received on _____

City/County Where Work Performed- _____

No Wages provided

San Francisco Bay Area

Quit (includes retired)

Worksite- Employer's Customer/client of Employer's

Prior Notice of Quit? Yes- notified on (date) _____

Method of timekeeping: Time Clock Timecard /Sheet

by text email in person to: _____

Text Other On Lyft App No Record

No advance notice

Wages: Hourly Salary Piece Rate Commission

No notice at all (abandoned job)

Average hours worked per day/per week: 70 hours/week

Returned for Wages After Quit?

Pay Days: Daily Bi-weekly _____

Yes- Picked up wages on (date) _____

Semi-monthly Monthly Other: _____

Yes- wages were not available on (date) _____

Meal period provided- Yes (how long?) _____ minutes No opportunity

No- Not safe to return Told not to return Unable to return

Rest period(s) provided- Yes, 10 minutes every 4 hours No, less than 10 minutes No opportunity Minimum wages-

Paid Partially paid Not paid at all

Overtime wages- Paid at regular rate Paid at 1.5 times the regular rate

Not paid at all Reporting time pay- Yes No n/a - explain the law if the worker is unsure

Split shift- Yes, paid Yes, not paid No n/a - explain the law if the worker is unsure

Expenses- Incurred and paid Incurred and not paid Not incurred

Sampang, Christopher@DIR

From: Arnett, Ashley <AArnett@seyfarth.com>
Sent: Tuesday, February 13, 2024 11:21 AM
To: DIR LaborComm.WCA.SFO
Cc: Bertoldi, Candace
Subject: Paul Vauclair v. Lyft - WC-CM-1003300
Attachments: 2024.02.13 Paul Vauclair v. Lyft (DLSE) - Letter to Labor Commissioner's Office.pdf

CAUTION: [External Email]

This email originated from outside of our DIR organization. Do not click links or open attachments unless you recognize the sender and know the content is expected and is safe. If in doubt reach out and check with the sender by phone.

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Mr. Vauclair's claims should be dismissed for the additional reason that the Labor Commissioner previously exercised his right under Labor Code 98(a) to decline to proceed with claims filed against Lyft on or after January 1, 2020. See Exhibit A in the attached letter memorializing Lyft's position.

Please feel free to call or email me to discuss.

-Ashley

Ashley Arnett | Associate | Seyfarth Shaw LLP
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CONFIDENTIALITY WARNING: This email may contain privileged or confidential information and is for the sole use of the intended recipient(s). Any unauthorized use or disclosure of this communication is prohibited. If you believe that you have received this email in error, please notify the sender immediately and delete it from your system.

Re: Follow up on my claim #WC-CM-1003300

DIR LaborComm.WCA.SFO <LaborComm.WCA.SFO@dir.ca.gov>

Fri 2/23/2024 3:17 PM

To: Paul [REDACTED]
Bcc: Barrett, Stephanie@DIR <SBarrett@dir.ca.gov>

Hi Paul,

Thank you for your email.

Your case remains open - if we need you to provide any information regarding the claim, we will contact you.

Chris Sampang
San Francisco WCA

From: Paul [REDACTED]
Sent: Friday, February 23, 2024 1:52 PM
To: DIR LaborComm.WCA.SFO <LaborComm.WCA.SFO@dir.ca.gov>
Subject: Follow up on my claim #WC-CM-1003300

CAUTION: [External Email]

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Thank you for your services.

I would like to know if there is anything I still need to do or provide for this claim to go forward?

How can I know if my claim is moving forward?

Thank you.

Paul Vauclair

Sent from my ClearValleys iPhone

- Home
- Search
- Forms
- Help

LYFT, INC. (3181802)

Business Search

The California Business Search provides access to available information for **corporation, limited liability companies and limited partnerships** of record with the California Secretary of State, with **free PDF copies** of over 17 million imaged business entity documents, including the most recent imaged Statements of Information filed for Corporations and Limited Liability Companies.

Currently, information for Limited Liability Partnerships (e.g. law firms, architecture firms, engineering firms, public accountancy firms, and land survey firms), General Partnerships, and other entity types are **not contained** in the California Business Search. If you wish to obtain information about LLPs and GPs, submit a Business Entities Order paper form to request copies of filings for these entity type. **Note:** This search is not intended to serve as a name reservation search. To reserve an entity name, select Forms on the left panel and select Entity Name Reservation ? Corporation, LLC, LP.

Basic Search

A Basic search can be performed using an entity name or entity number. When conducting a search by an entity number, where applicable, **remove "C"** from the entity number. Note, **a basic search** will search **only ACTIVE entities** (Corporations, Limited Liability Companies, Limited Partnerships, Cooperatives, Name Reservations, Foreign Name Reservations, Unincorporated Common Interest Developments, and Out of State Associations). The basic search performs a contains ?keyword? search. The Advanced search allows for a ?starts with? filter. To search entities that have a status other than active or to refine search criteria, use the **Advanced** search feature.

Advanced Search

An Advanced search is required when searching for publicly traded disclosure information or a status other than active.

An Advanced search allows for searching by specific entity types (e.g., Nonprofit Mutual Benefit Corporation) or by entity groups (e.g., All Corporations) as well as searching by ?begins with? specific search criteria.

Disclaimer: Search results are limited to the 500 entities closest matching the entered search criteria. If your desired search result is not found within the 500 entities provided, please refine the search criteria using the Advanced search function for additional results/entities. The California Business Search is updated as documents are approved. The data provided is not a complete or certified record.

Although every attempt has been made to ensure that the information contained in the database is accurate, the Secretary of State's office is not responsible for any loss, consequence, or damage resulting directly or indirectly from reliance on the accuracy, reliability, or timeliness of the information that is provided. All such information is provided "as is." To order certified copies or certificates of status, (1) locate an entity using the search; (2) select Request Certificate in the right-hand detail drawer; and (3) complete your request online.



Request Certificate

Initial Filing Date	12/19/2008
Status	Active
Standing - SOS	Good
Standing - FTB	Good
Standing - Agent	Good
Standing - VCFCF	Good
Formed In	DELAWARE
Entity Type	Stock Corporation - Out of State - Stock
Principal Address	185 BERRY ST STE 400 SAN FRANCISCO, CA 94107
Mailing Address	185 BERRY ST STE 400 SAN FRANCISCO, CA 94107
Statement of Info Due Date	12/31/2024
Agent	1505 Corporation C T CORPORATION SYSTEM
CA Registered Corporate (1505) Agent Authorized Employee(s)	AMANDA GARCIA 330 N BRAND BLVD, GLENDALE, CA
	GABRIELA SANCHEZ 330 N BRAND BLVD, GLENDALE, CA
	DAISY MONTENEGRO 330 N BRAND BLVD, GLENDALE, CA
	BEATRICE CASAREZ-BARRIENTEZ 330 N BRAND BLVD, GLENDALE, CA
	JESSIE GASTELUM 330 N BRAND BLVD, GLENDALE, CA
	JOHN MONTIJO 330 N BRAND BLVD, GLENDALE, CA
	DIANA RUIZ 330 N BRAND BLVD, GLENDALE, CA
	SARAI MARIN 330 N BRAND BLVD, GLENDALE, CA
	EMANUEL JACOBO 330 N BRAND BLVD, GLENDALE, CA
	GLADYS AGUILERA 330 N BRAND BLVD, GLENDALE, CA
	VIVIAN IMPERIAL 330 N BRAND BLVD, GLENDALE, CA
	CARLOS PAZ 330 N BRAND BLVD, GLENDALE, CA
	ALBERTO DAMONTE 330 N BRAND BLVD, GLENDALE, CA
	PETER CAYETANO 330 N BRAND BLVD, GLENDALE, CA
	ELSA MONTANEZ 330 N BRAND BLVD, GLENDALE, CA
	XENIA PEREZ 330 N BRAND BLVD, GLENDALE, CA
	YESENIA CARPENTER 330 N BRAND BLVD, GLENDALE, CA
	JAQUELINE MEJIA 330 N BRAND BLVD, GLENDALE, CA

🔍

Advanced ▾

Results: 14

Entity Information	Initial Filing Date	Status	Entity Type	Formed In	Agent
GET LYFTED INC. (4608418)	> 06/27/2020	Active	Stock Corporation - CA - General	CALIFORNIA	JAMES PETERSON
JOEL LYFTOGT INC. (3348044)	> 01/06/2011	Suspended - FTB	Stock Corporation - CA - General	CALIFORNIA	JOEL WILLIAM LYFTOGT
Level Lyft Transit, Inc. (5982110)	> 11/16/2023	Active	Stock Corporation - CA - General	CALIFORNIA	NORTHWEST REGISTERED AGENT, INC.
LYFT BIKES AND SCOOTERS, INC. (4297195)	> 07/12/2019	Terminated	Stock Corporation - Out of State - Stock	DELAWARE	C T CORPORATION SYSTEM
LYFT CENTER, INC. (4208046)	> 10/31/2018	Active	Stock Corporation - Out of State - Stock	DELAWARE	C T CORPORATION SYSTEM
LYFT ENTERPRISE, INC. (3903161)	> 05/09/2016	Suspended - FTB/SOS	Nonprofit Corporation - CA - Mutual Benefit	CALIFORNIA	WILLIAM DANIEL MAURER

PT Info

[View Publicly Traded Disclosure Information](#)

Home	LYFT FREIGHT GROUP INC (4304880)	>	08/05/2019	Terminated	Stock Corporation - CA - General	CALIFORNIA	LIZ MENDEZ
Search	LYFT HEALTHCARE, INC. (4300591)	>	07/12/2019	Active	Stock Corporation - Out of State - Stock	DELAWARE	CT CORPORATION SYSTEM
Forms	LYFT U MINISTRIES INC (4128485)	>	03/12/2018	Suspended - FTB/SOS	Nonprofit Corporation - CA - Public Benefit	CALIFORNIA	ANISSA SMITH
Help	LYFT, INC. (3181802)	>	12/19/2008	Active	Stock Corporation - Out of State - Stock	DELAWARE	CT CORPORATION SYSTEM
	LYFTED PHARMACY, INC (4594537)	>	05/14/2020	Active	Stock Corporation - CA - General	CALIFORNIA	ZACHARY DRIVON
	LYFTED FARMS, INC. (3942754)	>	09/02/2016	Active	Stock Corporation - CA - General	CALIFORNIA	ZACHARY RYAN DRIVON
	LYFTED INC. (3891029)	>	03/28/2016	Terminated	Nonprofit Corporation - CA - Mutual Benefit	CALIFORNIA	ARTHUR MORA
	LYFTLY INC (4606911)	>	06/25/2020	Active	Stock Corporation - CA - General	CALIFORNIA	SRINIVASAN RAMANUJAM



Request Certificate

Initial Filing Date	12/19/2008
Status	Active
Standing - SOS	Good
Standing - FTB	Good
Standing - Agent	Good
Standing - VCFCF	Good
Formed In	DELAWARE
Entity Type	Stock Corporation - Out of State - Stock
Principal Address	185 BERRY ST STE 400 SAN FRANCISCO, CA 94107
Mailing Address	185 BERRY ST STE 400 SAN FRANCISCO, CA 94107
Statement of Info Due Date	12/31/2024
Agent	1505 Corporation CT CORPORATION SYSTEM
CA Registered Corporate (1505) Agent Authorized Employee(s)	AMANDA GARCIA 330 N BRAND BLVD, GLENDALE, CA GABRIELA SANCHEZ 330 N BRAND BLVD, GLENDALE, CA DAISY MONTENEGRO 330 N BRAND BLVD, GLENDALE, CA BEATRICE CASAREZ-BARRIENTEZ 330 N BRAND BLVD, GLENDALE, CA JESSIE GASTELUM 330 N BRAND BLVD, GLENDALE, CA JOHN MONTIJO 330 N BRAND BLVD, GLENDALE, CA DIANA RUIZ 330 N BRAND BLVD, GLENDALE, CA SARAI MARIN 330 N BRAND BLVD, GLENDALE, CA EMANUEL JACOBO 330 N BRAND BLVD, GLENDALE, CA GLADYS AGUILERA 330 N BRAND BLVD, GLENDALE, CA VIVIAN IMPERIAL 330 N BRAND BLVD, GLENDALE, CA CARLOS PAZ 330 N BRAND BLVD, GLENDALE, CA ALBERTO DAMONTE 330 N BRAND BLVD, GLENDALE, CA PETER CAYETANO 330 N BRAND BLVD, GLENDALE, CA ELSA MONTANEZ 330 N BRAND BLVD, GLENDALE, CA XENIA PEREZ 330 N BRAND BLVD, GLENDALE, CA YESENIA CARPENTER 330 N BRAND BLVD, GLENDALE, CA JAQUELINE MEJIA 330 N BRAND BLVD, GLENDALE, CA

PT Info

Defendant Notice of Claim Filed - Paul Vauclair vs. Lyft - CM-1003300

DIR LaborComm.WCA.SFO <LaborComm.WCA.SFO@dir.ca.gov>

Fri 1/5/2024 6:24 PM

To:Arnett, Ashley <AArnett@seyfarth.com>;jlieu@lyft.com <jlieu@lyft.com>;ytsai@lyft.com <ytsai@lyft.com>
Bcc:Barrett, Stephanie@DIR <SBarrett@dir.ca.gov>

📎 4 attachments (2 MB)

Def Flyers to complete and return.pdf; Flyers for Both Parties.pdf; WCA 013PD, WCA 016A on WC-CM-1003300 - DIRCase WCA 013 (DEF).pdf; WCA 013PD, WCA 016A on WC-CM-1003300 - DIRCase WCA 016A.docx;

Please take note.

Be sure to review and complete all the relevant documents and submit them as soon as is convenient.

If you are interested in settling this claim, please let us know as soon as possible and we will relay that information to the plaintiff.

The California Department of Industrial Relations Division of Labor Standards Enforcement (DLSE) adjudicates wage claims, investigates discrimination and public works complaints, and enforces state labor law. To learn more about the functions of the DLSE, visit our website at www.dir.ca.gov/dlse



Division of Labor Standards Enforcement - Home Page

State of California

www.dir.ca.gov

Plaintiff Notice of Claim Filed - Paul Vauclair vs. Lyft - CM-1003300

DIR LaborComm.WCA.SFO <LaborComm.WCA.SFO@dir.ca.gov>

Fri 1/5/2024 6:24 PM

To

Bcc:Barrett, Stephanie@DIR <SBarrett@dir.ca.gov>

3 attachments (2 MB)

Flyers for Both Parties.pdf; Pltf Flyers - Forms to complete and return.pdf; WCA 013PD, WCA 016A on WC-CM-1003300 - DIRCase WCA 013 (PLT).pdf;

Please take note.

Be sure to review and complete all the relevant documents and submit them as soon as is convenient.


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[Division of Labor Standards Enforcement - Home Page](http://www.dir.ca.gov/dlse)

State of California

www.dir.ca.gov

STATE OF CALIFORNIA Department of Industrial Relations Labor Commissioner's Office 455 Golden Gate Ave, 10TH FLOOR SAN FRANCISCO, CA 94102 EMAIL: LABORCOMM.WCA.SFO@DIR.CA.GOV FAX: (209) 812-1948		
PLAINTIFF: Paul Vauclair,		
DEFENDANT: Lyft, Inc., a Delaware Corporation 185 BERRY STREET, STE 400 SAN FRANCISCO, CA 94107-1725		
State Case Number: WC-CM-1003300	NOTICE OF CLAIM	

A claim has been filed with the State Labor Commissioner by the Plaintiff shown above, alleging nonpayment of:

CLAIM	Amount Earned or Accrued	Less Amount Paid	Balance Due
REGULAR WAGES -- From 01/01/2021 through 12/31/2021, plaintiff claims regular wages earned, as indicated either below or in an attachment. (healthcare stipend)	\$4,095.90	\$0.00	\$4,095.90
LATE PAYROLL: Penalty – Failure by an employer to pay the wages of each employee as provided in Sections 201.3, 204, 204(b), 204.1, 204.2, 204.11, 205.5 and 1197.5, entitles the employee to a penalty of one hundred dollars (\$100) for any initial violation. Two hundred dollars (\$200) for each subsequent violation, or any willful or intentional violation, plus 25 percent of the amount unlawfully withheld. Plaintiff was not paid timely during the period from 01/01/2021 to 12/31/2021 and claims 1 at \$100 each for a total of \$100	\$100.00	\$0.00	\$100.00
TOTAL CLAIMED			\$4,195.90

A document detailing the amount(s) due may be attached. Claim amounts may be approximate and subject to modifications as the claim proceeds. In addition, the employer may be subject to penalties due to the State of California, which may be assessed pursuant to Labor Code Section 210, 225.5 and 226.8.

This notice constitutes demand on behalf of the Plaintiff that all wages due be mailed immediately to the Labor Commissioner at the address listed above. Willful failure to pay when wages are due implicates waiting time penalties pursuant to Labor Code section 203.

The employer shall pay all conceded wages due, or parts thereof, without condition. Therefore, any amounts acknowledged due should be paid immediately by mailing this office a check or money order made payable to the Plaintiff. Plaintiff may continue the claim process on any outstanding claims or balances.

Should any of the claim be disputed, submit a written statement of the facts in response to Plaintiff's allegations. If you would like to resolve this claim through a negotiated settlement on disputed claims, please contact our office in writing at the physical address or email listed above and propose an amount to resolve the matter. Please respond immediately or within 30 days from the date below.

If this claim is not settled, it may be resolved as provided by Section 98 of the Labor Code which includes the accrual of interest pursuant to Labor Code Section 98.1(c), 1194.2 and/or 2802(b).

DEFENDANT(S) - PLEASE TAKE NOTICE:

With respect to the claims above, the basis for liability may be determined on various grounds, including but not limited to liability pursuant to Labor Code sections 2810.3 and/or 238.5, and/or **individual liability** pursuant to Labor Code section 558.1.

Under Labor Code Section 558.1, any employer or other person acting on behalf of an employer who violates, or causes to be violated, any provision regulating minimum wages or hours and days of work in any order of the Industrial Welfare Commission, or violates, or causes to be violated, Labor Code Sections 203, 226, 226.7, 1193.6, 1194, or 2802, may be held liable as the employer for such violation. For purposes of Labor Code Section 558.1, the term "other person acting on behalf of an employer" is limited to a natural person who is an owner, director, officer, or managing agent of the employer.


Under Labor Code section 2810.3, a labor contractor(s) and the business entity (a "Client Employer") that was provided with workers by the contractor(s) to perform labor within the Client Employer's usual course of business may be held jointly and severally liable for any wages, damages, and penalties found due to the workers who performed the labor. A contract for the provision of labor between the contractor(s) and the Client Employer is not required for liability to attach under the law.

Under Labor Code Section 238.5(a)(1) "Any individual or business entity, regardless of its form, that, as a part of its business, contracts for services in the property services or long-term care industries shall be jointly and severally liable for any unpaid wages, including interest,... to the extent the amounts are for services performed under that contract." "Property services" industry includes: "janitorial, security guard, valet parking, landscaping, and gardening services." § 238.5(e)(1).

While this claim is before the Labor Commissioner, you are required under Labor Code Section 98(a) to notify the Labor Commissioner *in writing* of any change in your business or personal address within 10 days after any change occurs.

NOTICE DATE: January 5, 2024

Labor Commissioner's Office
(415) 703-5300

STATE OF CALIFORNIA Department of Industrial Relations Labor Commissioner's Office 455 Golden Gate Ave, 10TH FLOOR SAN FRANCISCO, CA 94102 EMAIL: LABORCOMM.WCA.SFO@DIR.CA.GOV FAX: (209) 812-1948		
PLAINTIFF: Paul Vauclair, ████████████████████ ████████████████████		
DEFENDANT: Lyft, Inc., a Delaware Corporation 185 BERRY STREET, STE 400 SAN FRANCISCO, CA 94107-1725		
State Case Number: WC-CM-1003300	NOTICE OF CLAIM FILED	

A notice of your claim has been mailed to the above name defendant. Your complaint was described as follows:

CLAIM	Amount Earned or Accrued	Less Amount Paid	Balance Due
REGULAR WAGES -- From 01/01/2021 through 12/31/2021, plaintiff claims regular wages earned, as indicated either below or in an attachment. (healthcare stipend)	\$4,095.90	\$0.00	\$4,095.90
LATE PAYROLL: Penalty – Failure by an employer to pay the wages of each employee as provided in Sections 201.3, 204, 204(b), 204.1, 204.2, 204.11, 205.5 and 1197.5, entitles the employee to a penalty of one hundred dollars (\$100) for any initial violation. Two hundred dollars (\$200) for each subsequent violation, or any willful or intentional violation, plus 25 percent of the amount unlawfully withheld. Plaintiff was not paid timely during the period from 01/01/2021 to 12/31/2021 and claims 1 at \$100 each for a total of \$100	\$100.00	\$0.00	\$100.00
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The employer shall pay all conceded wages due, or parts thereof, without condition. Therefore, any amounts acknowledged due should be paid immediately by mailing this office a check or

money order made payable to the Plaintiff. Plaintiff may continue the claim process on any outstanding claims or balances.

Should any of the claims be disputed, the Defendant(s) are to submit a written statement of the facts in response to Plaintiff's allegations along with any conceded sums and/or propose to settle the matter on disputed claims. If such reply is submitted, a copy will be forwarded to Plaintiff for a response.

If this claim is not settled, it may be resolved as provided by Section 98 of the Labor Code which includes the accrual of interest pursuant to Labor Code Section 98.1(c), 1194.2 and/or 2802(b).

With respect to the claims above, the basis for liability may be determined on various grounds, including but not limited to liability pursuant to Labor Code sections 2810.3 and/or 238.5, and/or **individual liability** pursuant to Labor Code section 558.1.

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NOTICE DATE: January 5, 2024

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