

Case No. S279137

IN THE SUPREME COURT
OF THE STATE OF CALIFORNIA

TAMELIN STONE, AMANDA KUNWAR, on behalf of
themselves and all others similarly situated
Plaintiffs/Appellants,

vs.

ALAMEDA HEALTH SYSTEM, a Public Hospital Authority;
Defendants/Respondents

On Petition from a Decision by the Court of Appeal,
First Appellate District, No. A164021

**PLAINTIFFS/APPELLANTS NOTICE OF ERRATA
IN ANSWER BRIEF ON THE MERITS**

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themselves and all others similarly situated

Appellant/Respondents' Answer Brief on the Merits was filed on 9/15/2023. The following errata in the Answer Brief on the Merits should be corrected as follows:

Page 71

As stated in the Brief: Moreover, Labor Code civil and criminal penalties already apply to public entities under some sections. (Labor Code secs. 1103, 1106 - whistle blower violations; Labor Code sections 226(i), 226.3 - payroll record violations; Labor Code section 1197.1 - minimum wage violations) If the legislature held concern for tax revenues in the manner suggested by AHS, those pre PAGA civil penalties would not have been enacted. Moreover, Labor Code civil and criminal penalties already apply to public entities under some sections. (Labor Code secs. 1103, 1106 - whistle blower violations; Labor Code sections 226(i), 226.3 - payroll record violations; Labor Code section 1197.1 - minimum wage violations) If the legislature held concern for tax revenues in the manner suggested by AHS, those pre PAGA civil penalties would not have been enacted.

Corrected: Moreover, Labor Code civil and criminal penalties already apply to public entities under some sections. (Labor Code secs. 1102.5, 1106 - whistle blower violations; Labor Code section 1197.1(a) -

minimum wage violations) If the legislature held concern for tax revenues in the manner suggested by AHS, those pre PAGA civil penalties would not have been enacted.

Attached hereto as Exhibit "1" are the pages of the brief with the corrections described above highlighted in bold italic and strikethrough.

Respectfully submitted.

DATED: 3/7/24

A handwritten signature in black ink, appearing to read "David Y. Imai", written over a horizontal line.

David Y. Imai, Esq.

Attorney for Plaintiffs/Appellants

EXHIBIT “1”

AHS argues that applying PAGA to public entities would fail to “protect their tax funded revenues from legal judgments in amounts beyond those strictly necessary to recompense the injured party” (Opening, 77). This overlooks PAGA’s legislative intent to enhance tax revenues by assuring the employees are properly paid and taxed - “... evidence received by the Senate Judiciary Committee indicated that the DIR was failing to effectively enforce labor law violations. Estimates of the size California’s “underground economy” -- businesses operating outside the state’s tax and licensing requirements -- ranged from 60 to 140 billion dollars a year, representing a tax loss to the state of three to six billion dollars annually.” (California Bill Analysis, S.B. 796 Sen., 9/02/2003, MJN ex. “I”)

Moreover, Labor Code civil and criminal penalties already apply to public entities under some sections. (Labor Code secs. ~~1103~~ **1102.5**, 1106 - whistle blower violations; ~~Labor Code sections 226(i), 226.3 - payroll record violations~~; Labor Code section 1197.1(**a**) - minimum wage violations) If the legislature held concern for tax revenues in the manner suggested by AHS, those pre PAGA civil penalties would not have been enacted.

The Court of Appeal in Sargent, supra, addressed this issue. There, defendant California State University apparently argued that the legislative intent was for PAGA to have no negative effect on the General Fund of the

PROOF OF SERVICE

***STONE, KUNWAR, all others similarly situated v. ALAMEDA HEALTH
SYSTEM, A Public Hospital Authority***

California Supreme Court Case No.S279137

I am employed in the County of Santa Cruz, California. I am over the age of 18 years and not a party to the within entitled action. My business address is 311 Bonita Drive, Aptos, California 95003.

On March 7, 2024, I served the attached ***PLAINTIFFS/APPELLANTS NOTICE OF ERRATA IN ANSWER BRIEF ON THE MERITS*** in the above-captioned matter to the following persons:

Geoff Spellberg, Ryan McGinley-Stempel Anastasia Bondarchuk Renne Public Law Group 350 Sansome Street, Suite 300 San Francisco, Calif. 94104 <i>By Electronic Service</i> gspellberg@publiclawgroup.com rmcginleystempel@publiclawgroup.com abondarchuk@publiclawgroup.com	First District Court of Appeal Division 5 350 McAllister Street San Francisco, CA 94102 <i>By Electronic Service</i>
Alameda County Superior Court René C. Davidson Courthouse Civil Division 1225 Fallon Street, Room 109 Oakland, California 94612 <i>By Electronic Service</i>	

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct, and that this is executed on March 7, 2024, in Aptos, California.



David Imai

STATE OF CALIFORNIA
Supreme Court of California

PROOF OF SERVICE

STATE OF CALIFORNIA
Supreme Court of California

Case Name: **STONE v. ALAMEDA HEALTH
SYSTEM**

Case Number: **S279137**

Lower Court Case Number: **A164021**

1. At the time of service I was at least 18 years of age and not a party to this legal action.
2. My email address used to e-serve: **davidimai@sbcglobal.net**
3. I served by email a copy of the following document(s) indicated below:

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This proof of service was automatically created, submitted and signed on my behalf through my agreements with TrueFiling and its contents are true to the best of my information, knowledge, and belief.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

3/7/2024

Date

/s/David Imai

Signature

Imai, David (142822)

Last Name, First Name (PNum)

Law Office of David Y. Imai

Law Firm