
Comments on PAGA rule-making

From Dale Standfast <dstandfast@thesantaluzclub.com>
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To West, Danielle@Labor <Danielle.West@labor.ca.gov>

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Danielle,

Having gone through a Class Action/PAGA settlement my company appreciates that the LWDA is concerned about frequent filers and boilerplate complaints.

The unfairness of the process we experienced is summarized as follows:

- The original plaintiff sought out a law firm to represent him in what he perceived as “wrongful termination” – however the law firm (one of the frequent filers in the State) prepared a boilerplate claim with 9 causes of action, none of which concerned the termination of employment.
- The original plaintiff dropped out of the lawsuit. However, the plaintiff firm was able to recruit and substitute a different former employee.
- Prior to mediation, we did not receive any specific allegations, only general complaints.
- The mediation was basically extortion – pay the settlement, or pay all of the plaintiff attorneys fees if the case went to trial. No company is perfect, so who can take that risk?

We would certainly hope for the following in the rule changes:

- Greater scrutiny and penalties for law firms that engage in numerous filings
- Specific allegations and not boilerplate claims
- Opportunity for employers to respond to specific allegations
- Proof of allegations needed before a PAGA suit can move forward

Thank you for your time and consideration.

Sincerely,



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