D.Law

250 N. Madison Ave
Pasadena, CA 91101

(818) 875-2008
(818) 722-3974

March 22, 2026

VIA FEDERAL EXPRESS AND EMAIL

Danielle West, PAGA Rulemaking and Policy Analyst
California Labor and Workforce Development Agency
1416 Ninth Street (MIC-55)
Sacramento, CA 95814
Danielle.West@labor.ca.gov

Dear Ms. West,

D.Law, Inc. hereby submits these comments in response to the Notice of Proposed Rulemaking Action on the Labor Code Private Attorneys General Act of 2004 (PAGA). D.Law thanks the Labor and Workforce Development Agency (LWDA) for its work on the proposed regulations.

D.Law is an employment law firm dedicated to defending the rights of workers under California employment law. Based in Pasadena, California, D.Law represents workers in every industry, whether they work for large corporations or small companies.

As the LWDA considers ways to improve the proposed text, D.Law submits the following comments regarding the specified regulations for consideration.

Section 17415(b)(1)(A)

This subdivision defines "high-frequency filer" as "any attorney or law firm that has filed 200 or more PAGA notices in the 12-month period preceding the filing of the current PAGA notice."

The inclusion of "law firm" in this definition is not reasonably related to the harm to be alleviated. The harm is identified in Notice of Proposed Rulemaking, p. 9, as the use of template PAGA notices for use in high volume filings containing "conclusory, boilerplate, or frivolous" allegations, which impedes the LWDA's role in reviewing notices. It is reasonable to assume that an attorney who files a high volume of PAGA notices uses a template with boilerplate allegations to do so. However, a law firm with, for example, 40 attorneys that files 200 PAGA notices in a 12-month period, i.e., five notices per attorney, should not be treated the same as a single attorney who files 200 PAGA notices. The latter is most likely using template notices with boilerplate language to produce such a high volume. The former is not. The discrimination against attorneys who work at a large firm is not reasonably related to the Agency's purpose. (*Hays v. Wood* (1979) 25 Cal.3d 772, 791 [holding that when an enactment draws a line to discriminate within a given class, the discrimination must be rational in light of the harm to be alleviated].)

We recommend revising this subdivision to eliminate "law firm" from the definition of "high-frequency filer."

Section 17415(b)(2) and (d)

These subdivisions define "vexatious filer" and set forth the procedure by which a person can be designated a "vexatious filer."

First, the definition of "vexatious filer" is "any person or attorney who has repeatedly filed PAGA notices that do not comply with legal requirements, including, but not limited to, on grounds the PAGA notices fail to allege adequately the facts and theories supporting the violations alleged or where the violations alleged are frivolous or appear intended to harass." This provision appears to be impermissibly vague because it does not provide fair notice of the conduct proscribed. (*DeLisi v. Lam* (2019) 39 Cal.App.5th 663, 672.)

Further, the "vexatious filer" provisions governing the procedures for such a designation do not set forth "any procedural safeguards to protect against arbitrary or discriminatory enforcement." (*Mae M. v. Komrosky* (2025) 111 Cal.App.5th 198, 220.) "What is the reporting process for perceived violations? Is there an investigation procedure? …Who determines whether a [filer] is [vexatious]? What is the burden of proof at the hearing?" (*Ibid.*) The regulation "is unconstitutionally vague because it is devoid of any guideline for its application, which leaves it vulnerable to 'arbitrary and discriminatory enforcement.'" (*Ibid.*)

These provisions are particularly concerning because their aim appears to be stigmatization of targeted attorneys. Being labeled a "vexatious filer" through this process is a "public attack on an attorney's integrity and motives," which can "seriously impair his or her ability to obtain employment and work effectively within the judicial system." (*In re Marriage of Flaherty* (1982) 31 Cal.3d 637, 652.)

In addition, subdivision (d)(3)(A) provides that an attorney who has been designated a "vexatious filer" may subject his or her law firm to "prefiling screening requirements." Again, there are no criteria set forth to protect against the arbitrary inclusion of a law firm. Further, there is no limitation that would remove such designation upon the separation of a "vexatious filer" from the law firm.

Finally, the "prefiling screening" procedures raise issues regarding not only vagueness and arbitrary enforcement, but also a litigant's right of access to the courts (*Hung v. Wang* (1992) 8 Cal.App.4th 908, 921) and to choose counsel (*People ex rel. Dept. of Corporations v. SpeeDee Oil Change Systems, Inc.* (1999) 20 Cal.4th 1135, 1145).

Because of the numerous due process and other constitutional concerns these provisions raise, we recommend eliminating the "vexatious filer" designation.

Section 17415(c)

This subdivision sets forth additional burdens on "high-frequency filers."

First, subdivision (c)(1)(A) requires "high-frequency filers" to include a cover letter with each PAGA notice filed and served announcing the sender's status as a "high-frequency filer." This does not appear to be reasonably related to the stated purpose of reducing the use of template PAGA notices with boilerplate allegations.

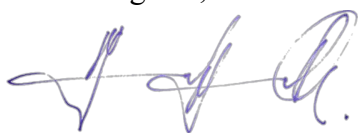
Second, subdivision (c)(1)(B) requires the client of a "high-frequency filer" to sign the cover letter certifying that the PAGA notice "accurately describe[s] the violations" and is "not presented for an improper purpose." Requiring such a certification unfairly exposes a claimant to scrutiny not faced by litigants who choose attorneys who file fewer PAGA cases.

We recommend either eliminating the "high-frequency filer" provision or tailoring requirements for such filers to the stated purpose of the provision. For example, the certification required by proposed section 17420(e) could be applied only to "high-frequency filers."

* * *

Thank you for the opportunity to provide comments on these proposed regulations and for your continued work on this important issue. We respectfully urge the agency to reconsider key aspects of the proposed regulations and revise them to better align with the stated goals. Thoughtful adjustments will help ensure the final rules better protect California's workers.

Kind regards,



Emil Davtyan
Founder and Managing Attorney