From:	geno@brickhousedining.com
To:	West, Danielle@Labor
Subject:	RE: LWDA Notice of Public Rulemaking Hearing, OAL Notice File No. Z2026-0121-03; Private Attorneys General Act (PAGA)
Date:	Thursday, April 9, 2026 11:45:31 AM
Attachments:	image001.png

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Hi Danielle,

I just wanted to provide you one more submission to reiterate my comments:

PAGA already rewards employers that take "all reasonable steps" to comply, but it does not correct the defense-cost asymmetry that drives settlements even where the employer has strong compliance defenses. A targeted defense-side fee provision would better align incentives, promote serious early evaluation of compliance, and reduce settlements driven primarily by trial cost rather than merits. Sure, the opposite can be said by the other side (Big corporations vs. little law firm, or little business/small corporation vs. big law firm). Currently, it seems to me that the little business/small corporation is the one left the most vulnerable. In addition, let not forget about people employed by little businesses/small corporation. What happens to them when their services can no longer be afforded by an employer they love to work for?

Suggested Reform: Amend Labor Code section 2699(k) to authorize a court, in its discretion, to award reasonable attorney's fees and costs to a prevailing employer where the court finds that the PAGA claim or particular theories were **frivolous, objectively unreasonable, pursued in bad faith, or maintained after the employer's cure or substantial-compliance showing made the claim untenable.**

- This narrower standard mirrors California's existing approach in FEHA and trade-secret litigation, while anti-SLAPP shows the Legislature is also willing to use stronger fee shifting where litigation itself becomes the abuse.
- That approach avoids undermining legitimate employee claims, but gives defendants a realistic path to trial when they have substantial compliance defenses and the plaintiff's leverage comes primarily from unrecoverable defense costs.

Thank you for your consideration!

Geno Cassella
Owner – Brickhouse Restaurant & Catering
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From: West, Danielle@Labor <Danielle.West@labor.ca.gov>
Sent: Tuesday, March 24, 2026 1:47 PM
To: West, Danielle@Labor <Danielle.West@labor.ca.gov>
Subject: LWDA Notice of Public Rulemaking Hearing, OAL Notice File No. Z2026-0121-03; Private Attorneys General Act (PAGA)

Please take notice that the California Labor and Workforce Development Agency will hold a public hearing on **Thursday, April 9, 2026, at 9:00 a.m.**, to allow any person interested in presenting oral comments relating to the proposed rulemaking action referenced above an opportunity to do so. The hearing will be conducted via Zoom. A copy of the LWDA's Notice of Public Rulemaking Hearing is attached, which includes additional information about the hearing and submitting public comments during the hearing.

Additional information regarding the LWDA's proposed rulemaking action is available on the LWDA's Web site at https://www.labor.ca.gov/resources/paga/rulemaking/.

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