

NOTICE TO COUNSEL IN PAGA CASES

Labor Code section 2699, concerning the Labor Code Private Attorney General Act of 2004 (“PAGA”), was recently amended effective June 27, 2016. The statute now requires the Court to review and approve any “settlement” of any PAGA action. (Lab. Code, § 2699, subd. (1)(2), as amended by Stats. 2016, Chap. 31, § 189.) Prior to this amendment, the Court’s responsibility was limited to reviewing and approving “any penalties sought” as part of a proposed settlement agreement of a PAGA case.

Because of the expanded scope of the Court’s responsibilities, all applications for approval of PAGA settlements shall henceforth be made by noticed motion.

Any provision of any case management order in any PAGA cases that states that the Court’s review of a PAGA settlement agreement is limited to the penalties to be paid pursuant to the agreement should be disregarded.