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VIA PAGA FILING PORTAL

Labor & Workforce Development Agency (LWDA)

VIA E-MAIL

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Re: LWDA-CM-1155242-26
Keisha Willis v. Aya Healthcare Local, LLC, et al.

To Whom It May Concern:

Our firm represents Aya Healthcare Local, LLC, Aya Healthcare Services, Inc., and Aya Healthcare, Inc. (collectively, “Aya Healthcare”) in connection with the February 4, 2026, letter submitted by Keisha Willis’s counsel, Lawyers for Justice, P.C., on behalf of and purporting to satisfy the pre-litigation exhaustion and notice requirements set forth in the Private Attorney General Act (“PAGA”) Labor Code section 2698, *et seq.* Please allow this letter to serve as Respondents’ objection and response to Ms. Willis’s PAGA Notice.

I. SUMMARY OF RESPONDENTS’ OBJECTIONS

Aya Healthcare hereby objects to the PAGA Notice and respectfully requests that (i) the LWDA require Ms. Willis to withdraw and amend her inadequate PAGA Notice and (ii) grant Aya Healthcare an additional 33 days from the date of such amendment to investigate and cure any properly noticed, legitimate violations (or, if she is unable to do so, require her to withdraw her allegations entirely).

The basis for this request is that Ms. Willis’s PAGA Notice does not satisfy the pre-litigation notice requirements set forth in California Labor Code section 2699.3, subdivision (c)(1). Pursuant to this statute, a LWDA Notice must identify “the specific provisions of this code alleged to have been violated, including the *facts and theories* to support the alleged violation.” (Cal. Lab. Code, § 2699.3(c)(1) [emphasis added].)

II. MS. WILLIS’S NOTICE FAILS TO COMPLY WITH THE SPECIFICITY REQUIREMENTS OF PAGA

The prelitigation PAGA notice obligation has been described as an “administrative exhaustion” requirement (*Rojas-Cifuentes v. Super. Ct.* (2020) 58 Cal.App.5th 1051, 1056), and courts have affirmed that “[p]roper notice under section 2699.3 is a ‘condition’ of a PAGA lawsuit.” (*Uribe v. Crown Bldg. Maint. Co.* (2021) 70 Cal.App.5th 986, 1003.) As explained below, Ms. Willis did not provide proper notice required under the PAGA statute.

a. MS. WILLIS FAILS TO PROPERLY ADVANCE THE FACTS AND THEORIES UNDERLYING HER PAGA CLAIM

A PAGA notice “must be specific enough such that the LWDA and the [employer] can glean the underlying factual basis for the alleged violations.” (*Ibarra v. Chuy & Sons Labor, Inc.* (2024) 102 Cal.App.5th 874, 882, quoting *Gunther v. Alaska Airlines, Inc.* (2021) 72 Cal.App.5th 334, 351.) Thus, “more than bare allegations” are required. (*Ibarra, supra*, 102 Cal.App.5th at p. 881.) The LWDA notice serves a real purpose and it must contain sufficient information to allow LWDA “to intelligently assess” the alleged violations and to give the employer enough information to understand the nature of the violations so it may decide “whether to fold or fight.” (*Ibid.*, quoting *Brown v. Ralph’s Grocery Co.* (2018) 28 Cal.App.5th 824, 837.) A proper notice informs the employer of the violations and enables it to submit an intelligent and informed response to LWDA, which, in turn, further promotes informed agency decision-making. (*Uribe, supra*, 70 Cal.App.5th at pp. 1003-1004.)

Ms. Willis’s PAGA Notice does not meet this standard. She does not provide specific facts or time periods substantiating the wage and hour violations she supposedly suffered. Her PAGA Notice simply avers in an overbroad and conclusory fashion that she and other California employees experienced Labor Code violations and never once provides facts of *when and how* the Labor Code violation occurred. It is not enough to simply regurgitate Labor Code provision in a PAGA notice.

In fact, Ms. Willis does not even bother to provide any information about what her role was. It is proper to require Ms. Willis to provide factual details regarding her job duties and how the alleged Labor Code violations manifested with respect to her job duties with some degree of specificity.¹ Under PAGA’s amendments, employers are permitted to cure underlying wage and hour violations by investigating a PAGA plaintiff’s specific allegations and, where the records

¹ For example, Ms. Willis could identify the specific managers who allegedly prevented her from taking, or instructed her not to take, her rest breaks and meal periods, or required her to perform work during those times, and identify when these interactions occurred. Ms. Willis specifies none of these facts.

establish such violations occurred, reimbursing the plaintiff and the potential/alleged aggrieved employees for any wage and hour violations actually suffered. (Cal. Lab. Code § 2699.3(C)(2)(A).) In this way, employers may simultaneously avoid excessive penalties and compensate employees and former employees for any previous wage and hour violations actually suffered. Importantly, PAGA now requires that plaintiffs allege specific instances of violations rather than simply stating, “during the relevant period they suffered violations.”

To remain consistent with the Legislature’s intent in enacting the PAGA amendments, it is crucial that Ms. Willis amend her Notice to provide both specific instances (times of occurrence) and the factual basis supporting each potential/alleged aggrieved employee-wide wage and hour violation. Otherwise, Aya Healthcare will be denied of its statutory right under PAGA to investigate and cure the alleged violation. It would be unfair to allow Ms. Willis to proceed with a shotgun, kitchen-sink style pleading, as this is the very type of overbroad, fishing-expedition approach the PAGA amendments intended to eliminate. (Cal. Lab. Code § 2699(c)(1); *see also Id.* § 2699.3(f).)

b. MS. WILLIS DOES NOT PROPERLY ALLEGE STANDING

PAGA was recently amended. Even before the 2024 Amendments, the law was clear that the pleading standard, although not necessarily a “weighty” or burdensome one, required the notice, at a bare minimum, to satisfy the standard of “nonfrivolousness.” (Williams v. Super. Ct. (2017) 3 Cal.5th 531, 545-46.) The considerations underlying PAGA’s prelitigation notice requirements take on even more importance after the recent reforms which permit various cure and early evaluation procedures as a means of mitigating against abuse of the PAGA statute. The effectiveness of the newly enacted PAGA, and especially its administrative cure procedures set forth in section 2699.3, depends on proper notice of the violations. Otherwise, the LWDA cannot accurately assess the nature of the claims, and an employer cannot properly identify the basis for the claims, much less seek to correct them.

The new standing requirements also make the pre-litigation notice more important than they perhaps were under the previous version of the statute. The recent amendments to PAGA establish more stringent standing requirements for individuals seeking to pursue violations in a representative capacity. (See Cal. Lab. Code § 2699(c)(1); *see also id.* § 2699.3(f).) Specifically, an employee who is allegedly aggrieved must establish not only that he or she personally suffered each alleged Labor Code violation described in their notice but also show that he or she is only seeking penalties for violations she personally suffered as described in the notice. (Ibid.)

Ms. Willis’s PAGA Notice is woefully inadequate in these regards. She does not allege specific facts showing that she personally suffered the same violations as the proposed PAGA aggrieved employees. For example, Ms. Willis states in her PAGA Notice that Aya Healthcare employed her as an hourly-paid, non-exempt employee but does not provide any meaningful facts establishing that she even personally experienced a Labor Code violation during the time she

worked for Aya Healthcare. Ms. Willis's PAGA Notice does not even attempt to describe how her role as an hourly-paid, non-exempt employee renders any of her alleged wage and hour violations similar to the Labor Code violations allegedly suffered by the overbroad group of "other California non-exempt employees" she seeks to represent.

The standing requirement is of particular importance here given the diversity of Aya Healthcare's non-exempt workforce which includes employees who hold myriad different job descriptions, have different duties, work different shifts, and are subject to different training requirements and policies. These employees also work at dozens of different facilities throughout the state. Ms. Willis should be required to identify the group she is seeking to represent and describe how the violations she contends to have suffered also applied to the other allegedly aggrieved employees, particularly those who worked at different facilities or during different times then she worked.

I. CONCLUSION

We believe our request aligns with the LWDA's proposed regulatory action, which is expressly aimed at curtailing the very type of abusive practice Plaintiff's counsel is engaging in here. Because the LWDA is currently seeking to eliminate fill-in-the-blank, template-style PAGA complaints by implementing a uniform, prescribed notice format, requiring Ms. Willis to withdrawal and amend her Notice would be consistent with that intent. As the LWDA has emphasized, "[t]hese filing practices impede the Agency's role under PAGA and frustrate the proper functioning of the administrative processes the law provides." (Labor & Workforce Development Agency, Initial Statement of Reasons in Support of Proposed Regulatory Action: Labor Code Private Attorneys General Act of 2004 (Feb. 6, 2026) (Notice File No. Z2026-0121-03).)

Consequently, Aya Healthcare respectfully requests that the LWDA require Ms. Willis to withdraw and amend her inadequate PAGA Notice—which relies on nothing more than conclusory, vague, ambiguous, and otherwise overbroad allegations of wage and hour violations—and grant Aya Healthcare an additional 33 days from the date of such amendment to investigate and cure any properly noticed, legitimate violations.

Sincerely,



Mollie M. Burks
Nina Y. Mirzai