



STATE OF CALIFORNIA
Labor & Workforce Development Agency

GOVERNOR Gavin Newsom • SECRETARY Stewart Knox

Agricultural Labor Relations Board • California Unemployment Insurance Appeals Board
California Workforce Development Board • Department of Industrial Relations
Employment Development Department • Employment Training Panel • Public Employment Relations Board

April 1, 2025

Bardia A. Akhavan
Akhavan & Associates
15670 Ventura Boulevard, Suite 1720
Encino, CA 91436

Certified Mail

USPS Tracking No. 9589 0710 5270 0078 3295 29

**Re: Notice Directing Submission of Amended PAGA Notices
See Index Listing Cases**

Mr. Akhavan:

It has come to the attention of the Private Attorneys General Act (PAGA) Unit of the California Labor and Workforce Development Agency (LWDA) that you have been filing boilerplate PAGA notices on behalf of allegedly aggrieved employees against employers throughout the state. These notices do not appear to satisfy PAGA's prelitigation administrative notice requirements under Labor Code section¹ 2699.3. Accordingly, you hereby are directed to file amended PAGA notices in each pending matter listed in the index included with this letter consistent with the instructions provided.

The PAGA Case Search site, available at < <https://cadir.my.salesforce-sites.com/PagaSearch> >, shows you have filed 48 PAGA notices since July 1, 2024.² Two letters already have been issued to you in specific cases requiring you to file an amended PAGA notice. (*Madrigal v. High Tech Irrigation Inc.*, case no. LWDA-CM-1075068-25 [Mar. 3, 2025]; *Mansour v. Hoist Fitness Systems, Inc.*, case no. LWDA-CM-1079307-25 [Mar. 24, 2025].)³ As explained in those matters, the PAGA notice filed in each appears to be based on a template previously used by another firm that also was determined to be insufficient.

¹ Subsequent statutory citations are to the Labor Code unless otherwise indicated.

² See < <https://cadir.my.salesforce-sites.com/PagaSearch/PAGASearchResults?ed=2025-04-02&sd=2024-07-01&ss=akhavan&st=PAGA+Notice> >, last visited Apr. 1, 2025.

³ The PAGA notice filed in *Hoist Fitness Systems, Inc.*, *supra*, is not included in the index at the end of this letter, as you already have been directed to file an amended notice in that case.

Although it is acknowledged the form of the PAGA notices you have filed since March 3 (when you first were directed to amend a notice) have changed significantly, the same underlying concerns nonetheless remain. Specifically, while the notice format now is reduced to three (from 17) pages, each notice contains only a single block paragraph describing the alleged violations in the same generic, conclusory form. The allegations of overtime, minimum wage, meal period, rest period, separation pay, wage statement, and timely pay violations—identically alleged in each case—merely restate the legal definitions of the violations alleged with no actual facts included to support them. This does not satisfy PAGA's notice requirements. (*Uribe v. Crown Bldg. Maint. Co.* (2021) 70 Cal.App.5th 986, 1004 [allegations paraphrasing statutory language insufficient].)⁴

Before an "aggrieved employee" may commence a civil action under PAGA, section 2699.3, subdivision (c)(1) requires the employee give written notice to LWDA and the employer "of the specific provisions of this code alleged to have been violated, including the facts and theories to support the alleged violation."⁵ This prelitigation notice obligation has been described as an "administrative exhaustion" requirement (*Rojas-Cifuentes v. Superior Court* (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, supra*, 70 Cal.App.5th at p. 1003.)

The PAGA reforms enacted last year (Stats. 2024, ch. 44 [Assem. Bill No. 2288 (2023-2024 Reg. Sess.)], ch. 45 [Sen. Bill No. 92 (2023-2024 Reg. Sess.)]), effective July 1, 2024, establish a legislative intent to increase LWDA oversight of PAGA, including for purposes of providing more robust early resolution avenues for employers and to achieve more timely remedies for employees without the type of protracted and costly litigation that has led to criticism of the Act. (Sen. Com. on Jud., analysis of Assem. Bill No. 2288 (2023-2024 Reg. Sess.) as amended June 21, 2024, p. 1; Assem. Com. on Jud., Analysis of Sen. Bill No. 92 (2023-2024 Reg. Sess.) as amended June 21, 2024, p. 12.) Two key components of the reforms are (1) the small employer prelitigation cure process administered by LWDA and (2) the early evaluation conference procedure available after a civil action has commenced, both of which are designed to facilitate more timely resolution of PAGA claims. (Assem. Com. on Jud., Analysis of Sen. Bill No. 92 (2023-2024 Reg.

⁴ It is acknowledged the notice you filed on March 24 in *Olivos v. Kampground of Lost Hills, LLC*, case no. LWDA-CM-1088104-25, follows a different template. That notice is not included in the index at the end of this letter and no determination is made here concerning the sufficiency of that notice.

⁵ Subdivisions (a)(1)(A) and (b)(1) include similar notice requirements for claims subject to those provisions.

Sess.) as amended June 21, 2024, p. 13.)

These early resolution opportunities are complemented by amendments to section 2699.5 expanding the types of claims subject to cure and early resolution procedures, including the most common types of wage and hour violations alleged in PAGA notices. Another important aspect of the reforms relevant here is the limitation on employee standing; under section 2699, subdivision (c)(1) a claimant must have been employed by the employer “and personally suffered each of the violations alleged” within one year of the date the PAGA notice is filed.

With these considerations in mind, a PAGA notice properly must inform both LWDA and the employer of the nature of the violations alleged with some level of detail in describing the “facts and theories” supporting them. The boilerplate PAGA notices you are filing generally fail to demonstrate any applicability or relevance to a particular claimant or their unique circumstances in terms of their employment with their current or former employer in any specific case. Given the conclusory allegations in each matter it is unclear what violation(s), if any, a claimant in any case actually personally suffered, and how. (See § 2699, subd. (c)(1).) Such boilerplate notices are tantamount to no notice at all, either to LWDA for purposes of determining whether to investigate a particular matter or to an employer seeking to ascertain the nature of the claims at issue for purposes of attempting to cure or resolve them. While the pleading standard attendant to PAGA notices is not necessarily a “weighty” or burdensome one, the notices you are filing do not satisfy even the minimal standard of “nonfrivolousness” applicable to PAGA notices preceding the recent reforms. (*Williams v. Superior Court* (2017) 3 Cal.5th 531, 545, citing Code Civ. Proc., § 128.7.)

Courts previously have found 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 of Labor Code violations” are required. (*Ibarra, supra*, 102 Cal.App.5th at p. 881; *Uribe, supra*, 70 Cal.App.5th at p. 1004.) The notice must contain sufficient information to allow LWDA “to intelligently assess the seriousness of 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.” (*Ibarra, supra*, 102 Cal.App.5th at p. 881, quoting *Brown v. Ralph’s Grocery Co.* (2018) 28 Cal.App.5th 824, 837.) Proper notice to the employer informing it of the violations alleged enables the employer to submit a response to LWDA, which, in turn, further promotes informed agency decisionmaking whether to allocate resources to an investigation. (*Ibarra, supra*, 102 Cal.App.5th at p. 881.)

These considerations underlying PAGA's prelitigation notice requirements take on even more importance after the reforms enacted last year. The effectiveness of the new administrative cure procedure set forth in section 2699.3, subdivision (c)(2) and judicial early evaluation procedure set forth in section 2699.3, subdivision (f) depend on proper notice of the violations alleged both so LWDA accurately can assess the nature of the claims at issue and an employer has a reasonable opportunity to identify, respond, and endeavor to correct them.⁶ New standing requirements under section 2699, subdivision (c)(1) further limit the scope of the violations a PAGA claimant may allege.

A claimant or claimant's representative must participate in PAGA's prelitigation administrative procedures in good faith. Abusive, evasive, or other tactics designed to frustrate the role of LWDA during these procedures, or the ability of employers to identify the nature of the claims actually at issue, will not be tolerated. An attorney presenting a matter to LWDA in accordance with PAGA's prelitigation administrative notice requirements is certifying the matter (1) is not being presented for an improper purpose, such as to harass a party; (2) the claims asserted are warranted and not frivolous; and (3) the allegations and other factual contentions are supported by evidence. (See Code Civ. Proc., § 128.7, subd. (b).)

Accordingly, you hereby are directed to file amended PAGA notices in each matter listed in the index included with this letter.⁷ All amended notices shall set forth those specific violations personally suffered by each individual claimant and describe the particular facts and theories supporting the specific violations alleged in each case. All amended PAGA notices must be filed via the online PAGA filing portal with service to the employer or any identified employer representative by certified mail as required by section 2699.3, subdivision (c)(1).

Absent amendment, the notices in the matters listed in the index included with this letter appear insufficient to satisfy the administrative notice requirements of section 2699.3, subdivision (c).

⁶ You state in most cases there are 50 impacted employees. If true, each such employer against whom you have filed a notice is eligible to participate in the cure procedures described in section 2699.3, subdivision (c)(2).

⁷ The index is limited to matters pending before LWDA and within the applicable period for administrative investigation. (See § 2699.3, subd. (c)(1)(E).)

Failure to comply prospectively with PAGA's prelitigation notice requirements may result in further action against you and/or your law firm, after due notice and an opportunity to be heard, including, but not limited to, pre-filing screening requirements.

Sincerely,

A handwritten signature in blue ink, appearing to read "Todd M. Ratshin", with a stylized flourish at the end.

Todd M. Ratshin
Deputy Secretary for Enforcement

cc: All Employers or Identified Employer Representatives in the Matters Listed in
the Following Index

Index of PAGA Notices Filed by Bardia A. Akhavan
January 27, 2025 — April 1, 2025*
[Lab. Code, § 2699.3, subds. (a)(2)(B), (c)(1)(E)]

#	LWDA #	Date	Employer Name	#/Employees	Law Firm for PAGA Plaintiff	Plaintiff for PAGA Case	Filer/Attorney for PAGA Case
1	LWDA-CM-1089411-25	3/31/2025	Hof's Hut Restaurants, Inc.	50	Akhavan & Associates	Daniel Anzaldo	Bardia Akhavan
2	LWDA-CM-1089025-25	3/28/2025	MONARCA, INC. dba LA MONARCA BAKERY	50	Akhavan & Associates	Norma M. Guerrero	Bardia Akhavan
3	LWDA-CM-1088592-25	3/27/2025	QUICKBITES, INC. dba SUBWAY	100	Akhavan & Associates	Wayne D. Cannavina	Bardia Akhavan
4	LWDA-CM-1086039-25	3/14/2025	Spray Enclosure Technologies, Inc.	50	Akhavan & Associates	Edgar Perez Gutierrez	Bardia Akhavan
5	LWDA-CM-1085886-25	3/13/2025	MARROMAC, INC.	50	Akhavan & Associates	Arturo Perez	Bardia Akhavan
6	LWDA-CM-1084540-25	3/7/2025	Dave's Hot Chicken	50	Akhavan & Associates	Ana Bertha Rodales	Bardia Akhavan
7	LWDA-CM-1083726-25	3/3/2025	EFI Engineering Inc.	50	Akhavan & Associates	Orlando Sanchez Gil	Orlando Gil
8	LWDA-CM-1083187-25	2/28/2025	Stone Blue, Inc.	30	Akhavan & Associates	Luis Montiel	Luis Montiel
9	LWDA-CM-1082045-25	2/25/2025	S.D. Hotel Holdings, Inc. dba Holiday Inn	50	Akhavan & Associates	Brunelia Adrien	Brunelia Adrien
10	LWDA-CM-1081054-25	2/20/2025	California Dynamics Corporation	50	Akhavan & Associates	Uriel Garcia Piceno	Uriel Piceno
11	LWDA-CM-1078322-25	2/6/2025	Sports Academy Management LLC	50	Akhavan & Associates	Kristina Drake	Kristina Drake
12	LWDA-CM-1078304-25	2/6/2025	SPD Manufacturing Inc.	50	Akhavan & Associates	Rosa Juarez	Rosa Juarez
13	LWDA-CM-1078295-25	2/6/2025	MVN Productions, LLC	50	Akhavan & Associates	Evelyn Armida Schotch	Evelyn Schotch
14	LWDA-CM-1077928-25	2/5/2025	OASIS SYSTEMS, LLC	50	Akhavan & Associates	Francisco Laborin	Francisco Laborin

* The information set forth in this index is extracted from search results using the PAGA Case Search site, available at < <https://cadir.my.salesforce-sites.com/PagaSearch> >, for PAGA notices filed by Akhavan & Associates from January 27, 2025, through April 1, 2025.