

Paul DeCamp, Rich Frey Quoted in *Courthouse News* on Business Group's Suit Challenging California's PAGA Law

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Paul DeCamp and **Richard J. Frey**, Members of the Firm in the Employment, Labor & Workforce Management practice, in the firm's Washington, DC and Los Angeles offices, respectively, were quoted in *Courthouse News Service*, in "Judge Wants Defined Scope of Facial Challenge to California Labor Law," by Martin Marcias, Jr.

Following is an excerpt:

The California Business & Industrial Alliance said in its 2018 lawsuit that the state's Private Attorneys General Act unlawfully prevents employers from defending against labor complaints in courts or before state labor agencies.

The trade group claims that the law strips away due process rights from employers, impedes the Labor Workforce Development Agency from performing its functions and allows private attorneys to exploit the law for personal gain.

The law, enacted in 2004 during a state budget crisis, originally sought to alleviate understaffed state labor agencies by allowing employees to file labor code violation complaints against employers on the state's behalf while represented by private attorneys. ...

People



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In court Thursday on the state's demurrer motion, the trade group's attorney Paul DeCamp of Epstein, Becker & Green told Wilson that the law has created a paradigm where the prospect of businesses having to pay penalties – on top of court-related fees – from labor disputes forces many to settle otherwise frivolous complaints.

"The fines aggregate, sometimes in excess of the net worth of defendants," DeCamp told Wilson, adding that potential penalties impede businesses from mounting a defense in court. "As a defendant, sometimes you cannot proceed to trial even if you believe in your defense." ...

Attorney Richard Frey, also representing the trade group, told Wilson he could review well pled facts in the complaint and statements by the Labor Workforce Development Agency that the law impedes them from handling labor disputes.

"Normally these cases are brought by the agency," Frey told Wilson, adding that the impediment violates separation of powers.