



THE FOODMAN FIRM
MEET YOUR EXPECTATIONS

JUNE 2022



WHO WE ARE

WITH NEARLY **TWENTY YEARS** OF EXPERIENCE HANDLING **COMPLEX, HIGH-STAKES** MATTERS FOR A VARIETY OF CLIENTS - BOTH **INDIVIDUALS** AND **CORPORATIONS**, **DOMESTIC** AND **INTERNATIONAL** - **THE FOODMAN FIRM** **CONSISTENTLY PRODUCES** VALUE-DRIVEN **RESULTS** FOR OUR CLIENTS, WITH AN EMPHASIS ON **QUALITY OVER QUANTITY**.

OUR PRIMARY FOCUS AT **THE FOODMAN FIRM** IS TO PROVIDE OUR CLIENTS WITH THE MOST EFFECTIVE COUNSEL, AND TO **FOSTER LONG-TERM RELATIONSHIPS** THAT OUR CLIENTS CAN DEPEND ON.

THE FOODMAN FIRM TAILORS ITS INNOVATIVE FEE STRATEGIES TO MEET THE INDIVIDUAL NEEDS OF EACH CLIENT.

TABLE OF CONTENTS

THE FOODMAN FIRM

The U.S Supreme Court limits employee's ability to bring up workplace grievances for other employees.
- P. 2

Florida Legislative Update
- P. 3

The U.S Supreme Court limits employee's ability to bring up workplace grievances for other employees.

On June 15, 2022, in the closely watched decision of *Viking River Cruises, Inc. v. Moriana*, the U.S. Supreme Court upheld the enforcement of an arbitration agreement that waived an employee's right to bring individual claims through a state law, California's Private Attorneys General Act ("PAGA"). PAGA authorizes aggrieved employees to file lawsuits to recover civil penalties on behalf of themselves, other employees, and the State of California for California Labor Code violations. Under PAGA,

California collects 75% of any penalties collected against the employer and the aggrieved workers receive 25%.

In an 8-1 decision, the Supreme Court held that the Federal Arbitration Act requires the enforcement of an arbitration agreement once individual claims are sent to arbitration. In particular, the Supreme Court determined that there is no standing to bring representative claims for violations of the California Labor Code on behalf of other

aggrieved employees once the individual claims are sent to arbitration. However, the Court left open the possibility of California adjusting PAGA to permit representative claims in court.

This decision is a victory for employers who can attempt to limit PAGA claims in California by mandating the use of arbitration for employees' individual PAGA claims. Indeed, PAGA penalty collections in California exceeded \$80 million in 2019.



FLORIDA LEGISLATIVE UPDATE

On July 1, 2022, nearly 150 laws that the Florida legislature passed will go into effect. Numerous laws will be subject to legal challenges. This includes Florida's new abortion law, which is impacted by the U.S. Supreme Court's holding in *Dobbs v. Jackson Women's Health Organization*, which effectively overturned the precedent of *Roe v. Wade*.

Florida's new abortion law prevents abortions after 15 weeks of pregnancy, with limited exceptions. The law will allow abortions after 15 weeks to save the mother's life, prevent serious injury or if the fetus has a fatal abnormality. However, cases where pregnancies were caused by rape, incest or human trafficking are not exempted. Florida

previously allowed abortions up to 24 weeks. The penalties for violating Florida's new abortion law are significant, with violators facing up to five years in prison, and medical professionals facing the risk of losing their licenses and administrative fines.

Florida's new abortion law is being challenged in the 2nd Judicial Circuit in Leon County, Florida. This legal challenge will undoubtedly take some time to work its way through the system as the legal challenge hinges on a 1980 amendment to the state constitution guaranteeing broad privacy rights, which has previously been interpreted by Florida's Supreme Court to include abortion. The Circuit Court is expected to make preliminary rulings in the coming days.



THE FOODMAN FIRM

We encourage all of you to take the necessary steps to ensure that you and your company are safe, compliant and ready to take on new business! Call us today at **(305) 201-3663** or visit our [WEBSITE](#) to schedule a consultation to discuss your business's needs and how The Foodman Firm can assist you! If you want to sign up for our newsletter, please [CLICK HERE](#), and follow us on [LinkedIn](#)