



2025 FLSA Litigation Metrics & Trends



As the FLSA landscape continues to evolve, Seyfarth's national Wage and Hour Litigation practice group is pleased to share our observations and analysis of the 2025 FLSA litigation trends as well as our forward looking predictions for 2026.

Wage and hour litigation and enforcement actions increased in 2025 compared to 2024. Private FLSA actions in federal courts increased slightly (5,702 cases versus 5,456 in 2024), and the US Department of Labor recovered more back wages in 2025 than in any year since 2019.

Additionally, annual PAGA filings in California remained elevated at 9,343. This elevated PAGA figure represents only a modest drop versus 2024, when filings surged leading up to the PAGA reform that took effect in June

2024. While it is difficult to surmise from the total of all filings which industries were most regularly targeted by wage and hour plaintiffs in 2025, it appears that retail, medical, and professional services firms remained at the top of the list.

The totality of these trends (elevated PAGA activity, an increase in federal FLSA filings, and a marked rise in WHD enforcement recoveries) reflects a broader re-acceleration of wage and hour activity that had been muted in the immediate post-pandemic years.

7 Key Trends

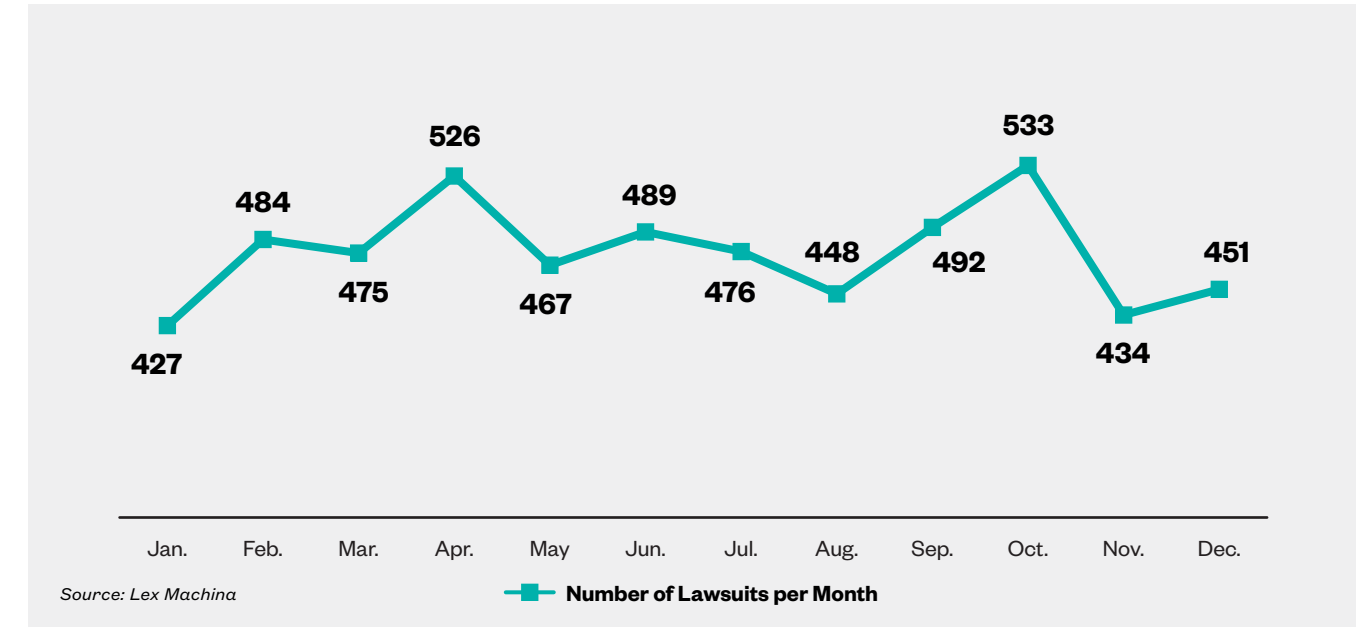
In 2025, there were approximately 5,702 FLSA lawsuits filed across the country, approximately 2,467 of which were designated by court coding as “collective actions.”

Source: Lex Machina



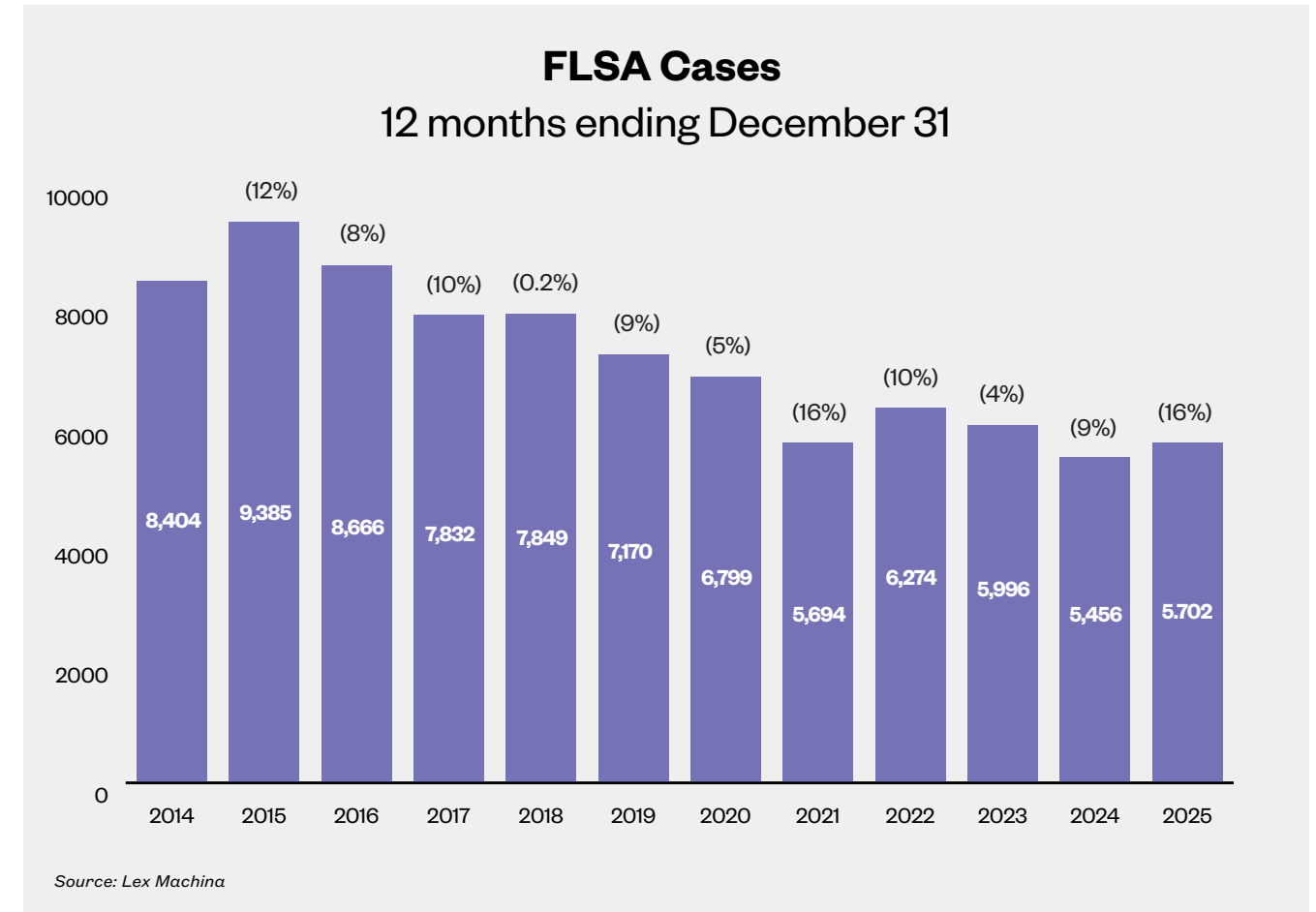
1 Stable Monthly Filings

Monthly filing data shows that filings are relatively consistent throughout the year. In 2025, October was the busiest month and January was the slowest month when it came to federal FLSA new case filings.



② 12-Year Timeline

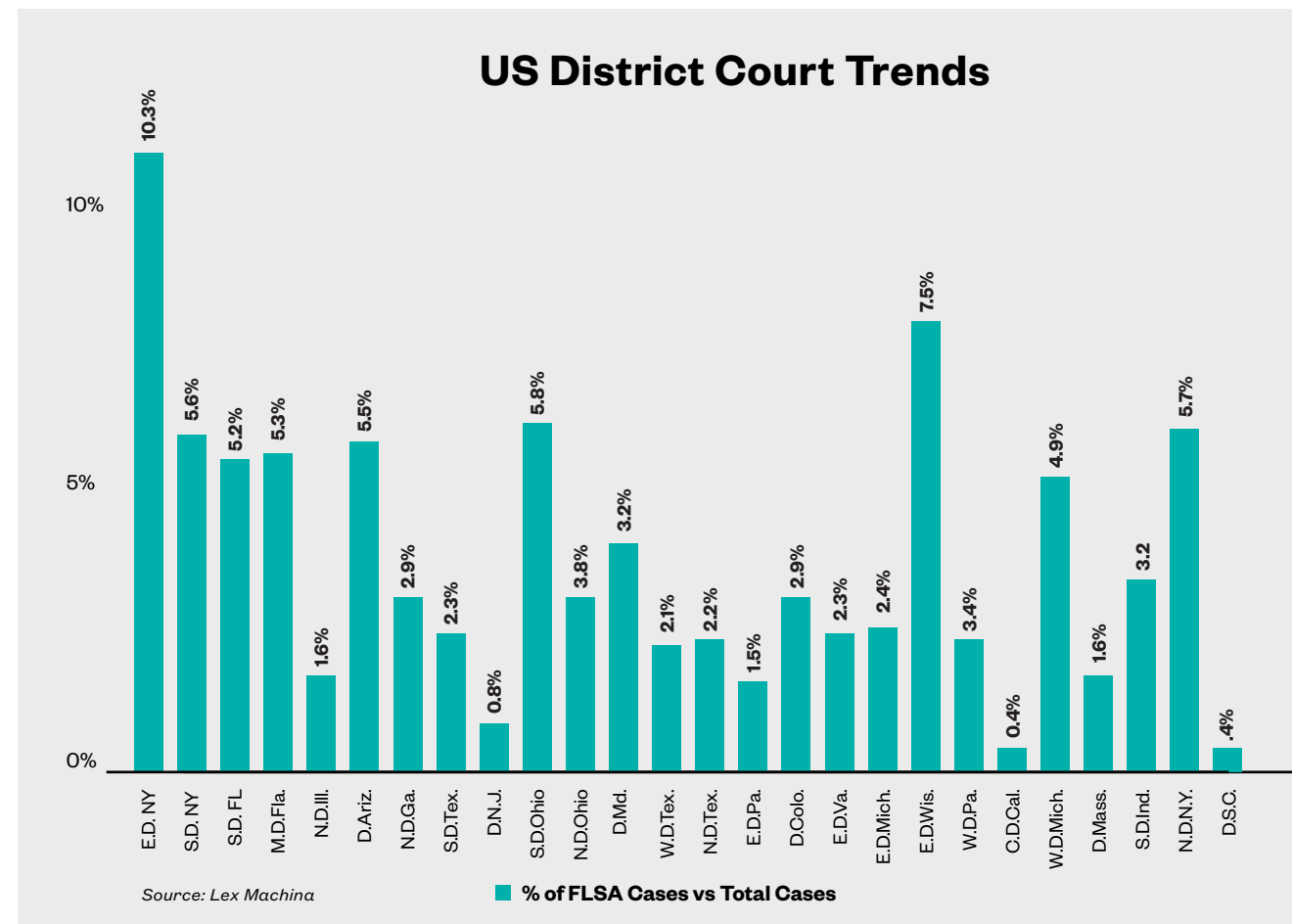
Since 2021, we have seen a consistent trend of around 6,000 FLSA cases filed year over year. As shown, there are still significantly fewer private FLSA lawsuits filed in federal courts than 12 years ago.



③ US District Court Trends

The Eastern and Southern Districts of New York continue to see significantly more FLSA activity than any other courts in the country. Only the Southern and Middle Districts of Florida come close. Together, these four courts make up more than 35% of annual FLSA case volume.

When we consider what percentage of a district court's annual civil volume comes from FLSA, E.D.N.Y.'s dominance becomes even more prolific: more than 10% of its new annual civil cases are FLSA cases. Just across the Hudson however, the situation is flipped: the District of New Jersey saw just 139 new FLSA cases in 2025, despite receiving a massive influx of new civil cases (17,856 cases).

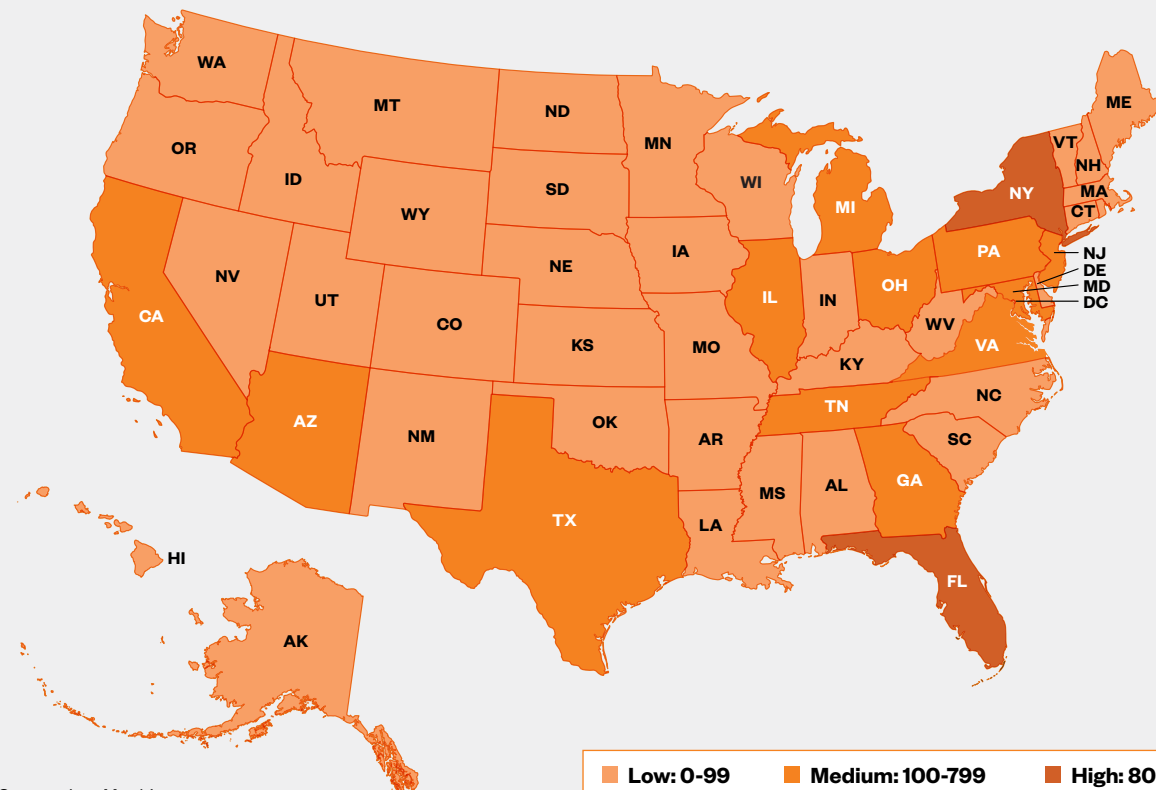


4 Hot States

Number of FLSA lawsuits filed by state.

State	2025	State	2025	State	2025
NY	1269	AL	60	RI	20
FL	870	MA	65	WV	14
TX	419	NC	56	IA	16
IL	270	LA	63	DE	21
PA	207	NV	53	NE	8
OH	236	OR	31	ID	5
AZ	231	DC	33	PR	2
GA	245	SC	55	HI	6
TN	142	CT	36	ME	7
CA	158	AR	20	NH	7
MI	144	KY	30	ND	4
NJ	139	UT	22	MT	5
MD	107	KS	33	N.M.I.	1
VA	101	NM	24	AK	7
WI	98	OK	30	SD	2
IN	90	MS	36	WY	2
CO	92	WA	30	VT	3
MO	49	MN	24		

FLSA Lawsuits Filed by State



Source: Lex Machina

This map reflects only filings under the FLSA and does not include complaints alleging violations of state wage-hour law. California, for example, sees thousands of filings each year under its state wage-hour laws.

5 2025 Case Life Timeline

Of the 2,420 FLSA collective action cases terminated in 2025, 322 cases reached an order on conditional certification (13.3%); 129 cases reached an order on summary judgment (5.3%); and 29 cases went to trial (1.2%).

This is similar to 2024. In that year, of the 2,709 FLSA collective action cases terminated in 2024, 376 cases reached an order on conditional certification (12.6%); 155 cases reached an order on summary judgment (5.7%); and 34 cases went to trial (1.3%).

For the median case that terminated in 2025 and received an order on conditional certification, the court issued the order 317 days after commencement of the lawsuit. Just 30% of these cases received a conditional certification order in 180 days or less.

Source: Lex Machina

6 Reported Collective Action Settlements

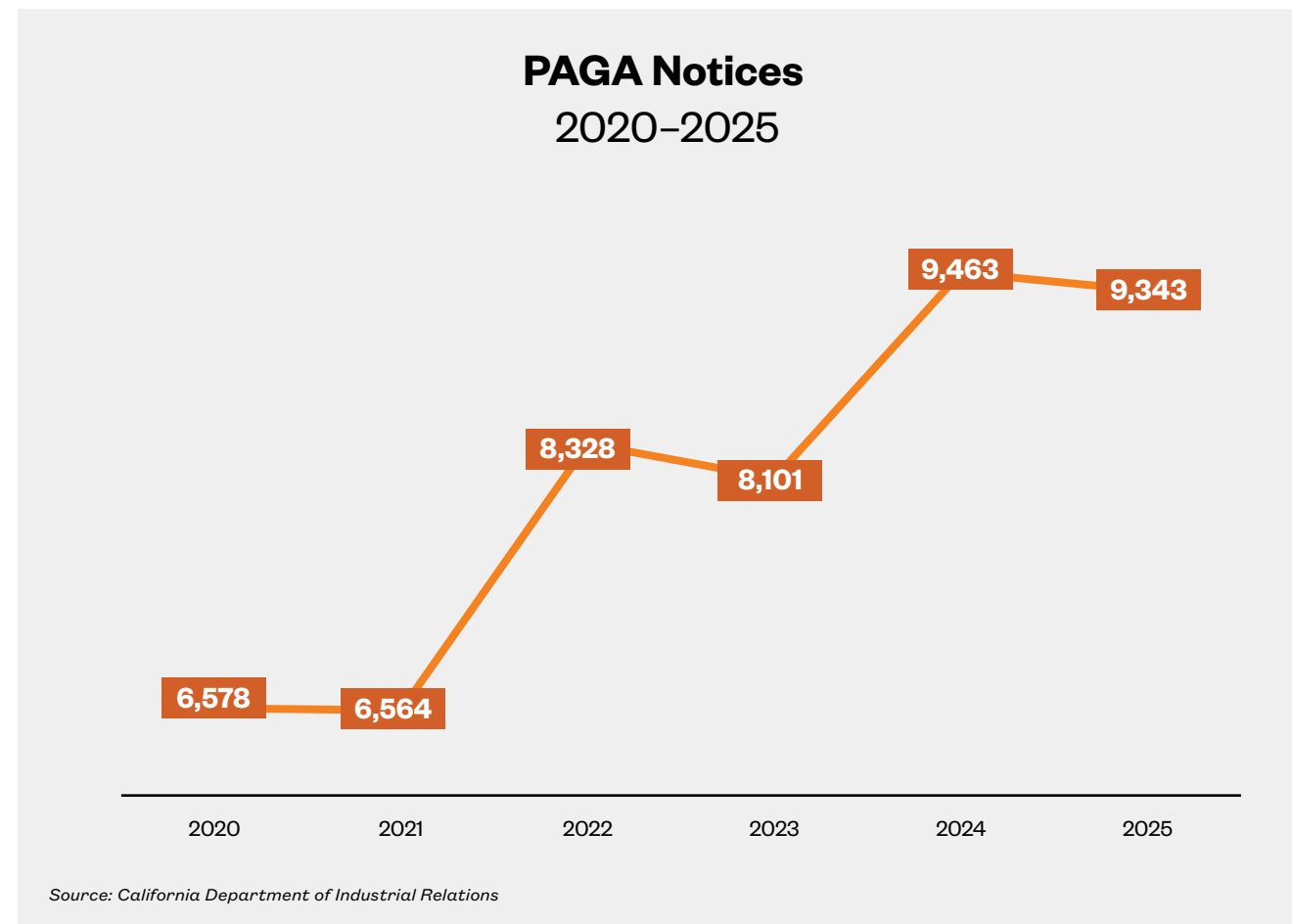
In contrast to prior years, although gross settlement values and cases resolved on a collective basis remained lower than they were in 2023, *reported* settlements (i.e., those disclosed in public filings in federal court), remained elevated when compared to 2021 and 2022, and consistent with 2024. It is worth noting that in 2025, the largest award was nearly \$56 million, and more than 40 cases involving an FLSA claim resolved for more than \$2 million.

Year	Number of Federal District Cases Resolved on a Collective Basis	Total Value of Reported Settlements (in Millions)	Average Reported Settlement Per Case
2025	337	\$418	\$1.2 Million
2024	219	\$270	\$1.2 Million
2023	280	\$460	\$1.6 Million
2022	292	\$254	\$870,000
2021	268	\$262	\$977,000

Source: Lex Machina

7 California

The 2024 PAGA reforms have yet to prove to be the solution for which employers hoped. With 9,343 filings in 2025, volume remains nearly identical to the record highs of 2024. The data reveals a plaintiffs' bar that has quickly adapted to the new landscape. As we enter 2026, PAGA remains the single biggest wage-and-hour threat for California employers, with filing rates still about 15% higher than pre-reform standards.



About the Team

Seyfarth's national Wage and Hour Litigation practice group comprises more than 100 attorneys across our US domestic platform who devote a substantial amount of their practices to defending employers in state and federal pay-related litigation brought in individual plaintiff litigation, as class and collective actions, and through government enforcement. We also help employers develop practical compliance measures that ensure, to the greatest extent possible, a reduction in the risks caused by the threat of litigation and state and federal agency enforcement.

To learn more about our wage hour litigation capabilities, please visit our website at www.seyfarth.com/wagehourclassactions.

The dataset may not include every case filed, but rather is intended to reflect general trends and observations.

Contact Us

To reach a member of our team who might serve your needs, contact:



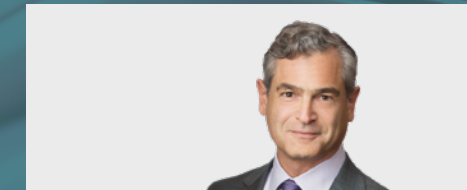
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