



2024
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 2024 FLSA litigation trends as well as our forward-looking predictions for 2025.

Wage and hour litigation and enforcement actions decreased in 2024 again, which continues a trend we have observed since the COVID-19 pandemic. Not only did private federal FLSA lawsuits continue to trend lower, the Department of Labor saw a significant drop-off in its enforcement and recovery as well. Specifically, FLSA filings in federal courts across the country fell another 9% in 2024, which follows the 4% drop between 2022 and 2023 we observed last year. Annual FLSA filings are now more than 40% lower than they were in 2015. There were fewer FLSA cases initiated in 2024 than even 2021, when the COVID-19 pandemic led to a significant decline in filings.

Unfortunately, we anticipate that this trend will soon reverse itself—and federal filing statistics may mask hidden surges in enforcement activity

in other venues like state courts and arbitration. Litigation trends are impacted by numerous and sundry influences, including economic uncertainty, novel claims forged in multiple jurisdictions, decertified collective actions, and more. Although litigation activity was significantly heavier in 2015, 2016, 2017 than it is in this post-pandemic environment, there are still thousands of cases that continue to be filed each year alleging minimum wage and overtime violations. Employers must therefore continue to be vigilant in their compliance efforts, especially in those states that (a) have seen filing surges (e.g. New York), and (b) those states with their own evolving wage-hour laws, whose provisions are more employee-favoring than the FLSA's (e.g. California, Colorado, Massachusetts, Pennsylvania, Washington, Virginia, and others).

8 Key Trends

In 2024, there were approximately 5,456 FLSA lawsuits filed across the country, approximately 2,300 of which were designated by court coding as collective actions.

Source: Lex Machina



Stable Monthly Filings



10-Year Timeline



US District Court Trends



Hot States



Industries Impacted



2024 Case Life Timeline



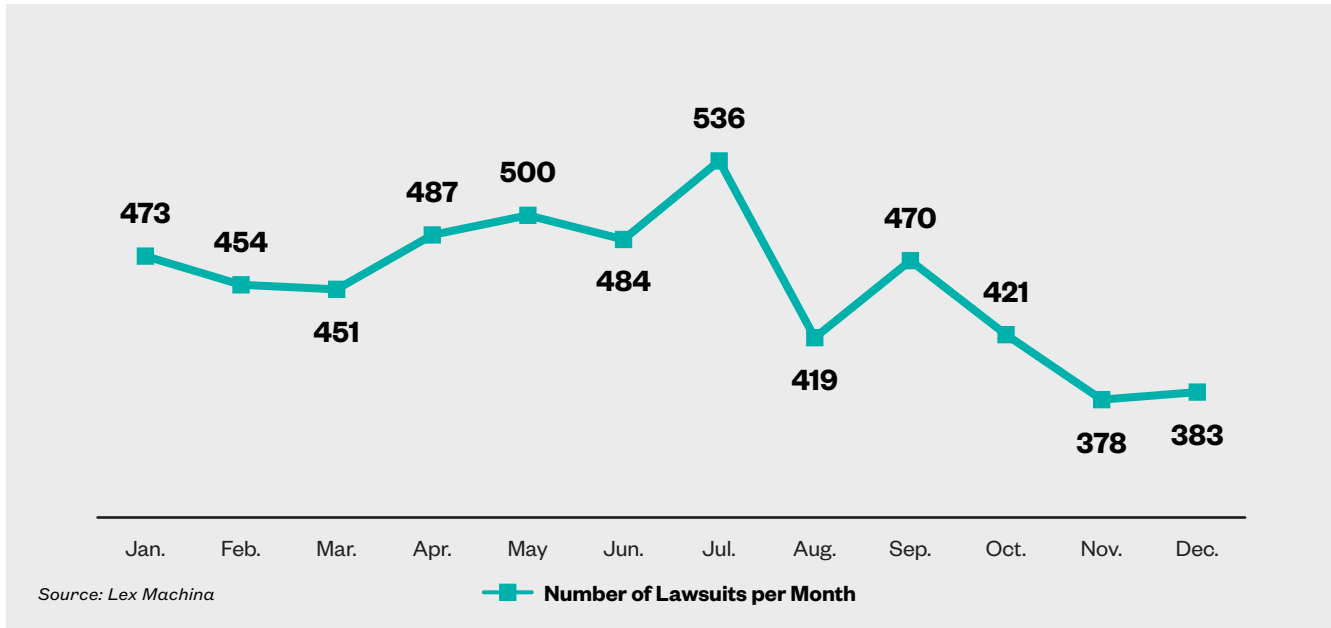
Settlement and Damages



California

1 Stable Monthly Filings

In contrast to prior years, we saw a far more steady stream of FLSA case filings throughout the year in 2024. Although the drop in filings November and December resembles prior trends, we saw a fairly consistent trend of 450-500 new FLSA cases per month in the other months.

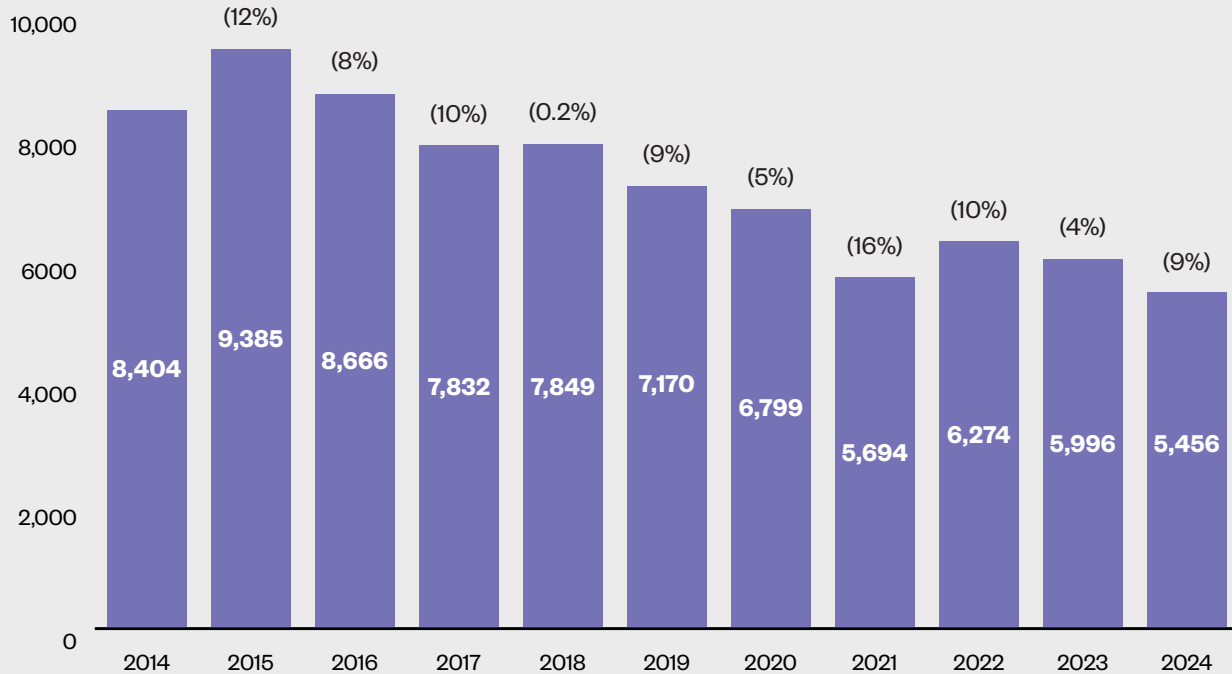


② 10-Year Timeline

Since a peak in 2015, we have generally seen a downward trend in annual FLSA filings. Although we wondered if the uptick in 2022 represented the start of a new, upward trend—2023 dispelled that theory, and now in 2024, we saw an even more pronounced drop of 9% in federal FLSA filings.

FLSA Cases

12 months ending December 31



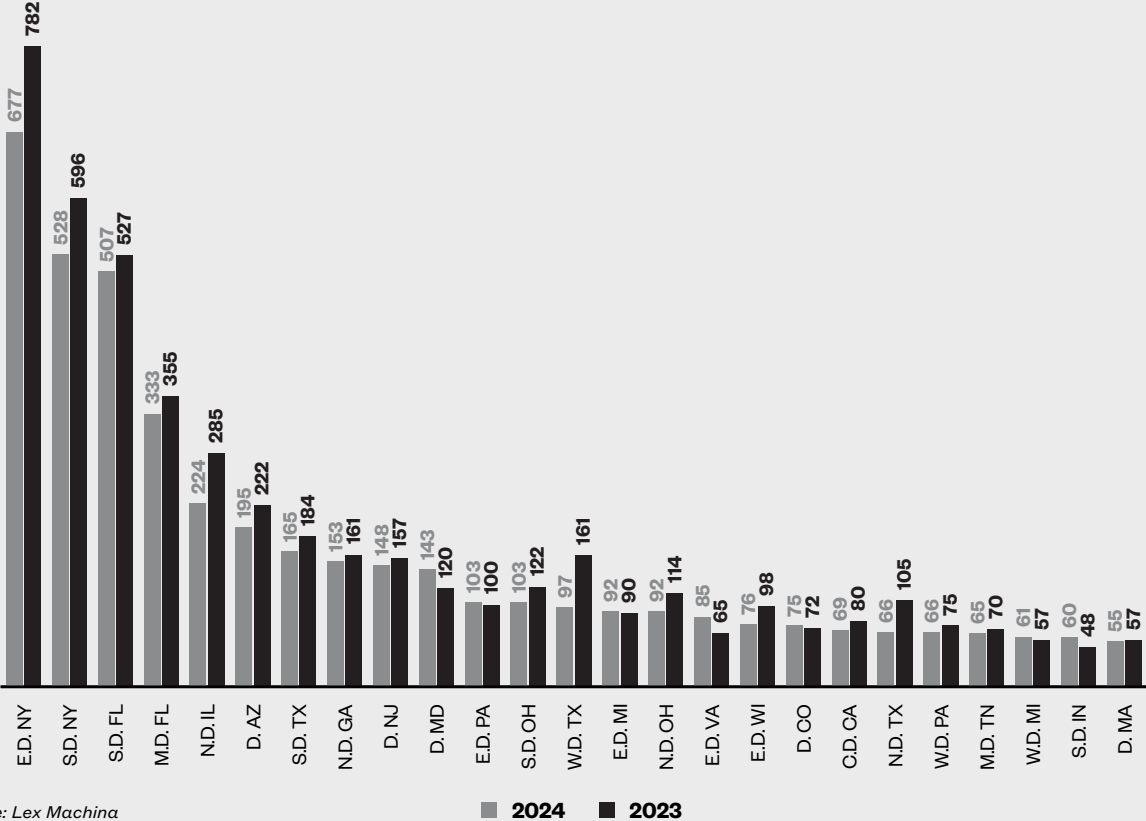
Source: Lex Machina

③ US District Court Trends

The district courts that saw the most FLSA filings in 2023 continued to lead the nation in 2024. In particular, the five courts that saw the most FLSA filings remained the United States District Courts for the Eastern and Southern Districts of New York, the Southern and Middle Districts of Florida, and the Northern District of Illinois. These five courts continue account for more than 40% of all FLSA filings in the country.

As shown below, the drop-off in FLSA filings between 2023 and 2024 cannot be tied to any particular regional trends. With just a handful of exceptions, each district court saw fewer FLSA filings in 2024 when compared to 2023.

US District Court Trends



Source: Lex Machina

4 Hot States

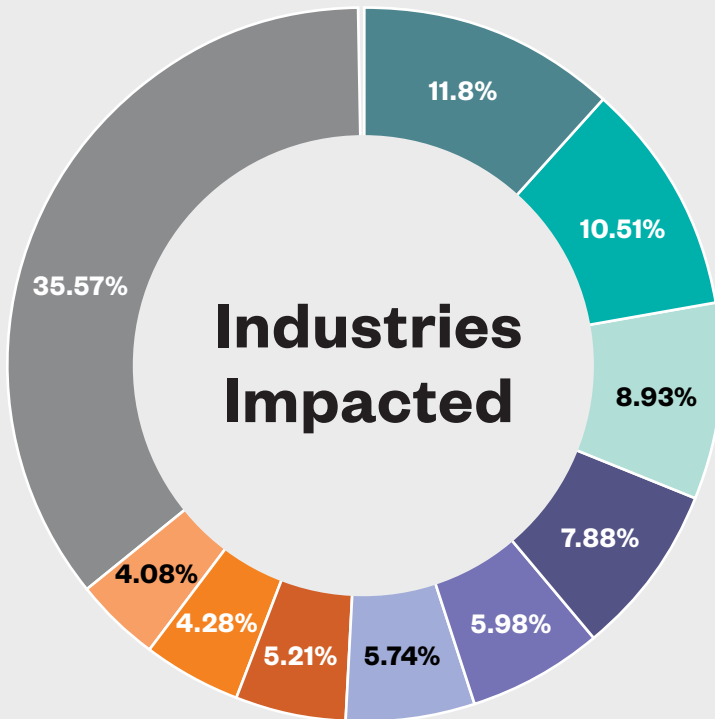
Number of FLSA lawsuits filed by state.

State	2024	State	2024	State	2024
NY	1251	AL	56	RI	15
FL	884	MA	55	WV	14
TX	371	NC	47	IA	13
IL	256	LA	41	DE	11
PA	205	NV	38	NE	10
OH	195	OR	35	ID	7
AZ	195	DC	33	PR	6
GA	191	SC	33	HI	5
TN	169	CT	32	ME	5
CA	164	AR	30	NH	4
MI	153	KY	27	ND	4
NJ	148	UT	26	MT	4
MD	143	KS	24	N.M.I.	3
VA	113	NM	24	AK	3
WI	94	OK	23	SD	2
IN	88	MS	21	WY	2
CO	75	WA	18	VT	1
MO	74	MN	15		

5 Industries Impacted

The top industries that these employees' advocates attacked:

Medical:	11.8%
Professional Services:	10.51%
Retail:	8.93%
Construction and Related Services:	7.88%
Transportation and Logistics:	5.98%
Consumer Goods and Services:	5.74%
Computer Hardware, Software, and Services:	5.21%
Food and Beverage:	4.28%
Oil and Energy:	4.08%
Other:	35.57%



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- Business Services: **10.51%**
- Retail: **8.93%**
- Construction and Related Services: **7.88%**
- Transportation and Logistics: **5.98%**
- Consumer Goods and Services: **5.74%**
- Computer Hardware, Software, and Services: **5.21%**
- Food and Beverage: **4.28%**
- Oil and Energy: **4.08%**
- Other: **35.57%**

Source: Lex Machina – Our data pool only includes FLSA cases for which industries were identified in Lex Machina, not for all FLSA cases filed in 2024

⑥ 2024 Case Life Timeline

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 2024 and received an order on conditional certification, the court issued the order 375 days after commencement of the lawsuit. Just 14% of these cases received a conditional certification order in 180 days or less.

For the median case that terminated in 2023 and received a summary judgment order, the court issued the order 750 days after commencement of the lawsuit. Just 18% of these cases received an order on summary judgment within one year.

Source: Lex Machina

7 Settlement and Damages

In 2024, 219 federal district court cases were resolved on a collective basis with publicly available settlement data. Those settlements totaled approximately \$270 million, or \$1.2 million on average per case.

In 2023, 280 federal district court cases were resolved on a collective basis with publicly available settlement data. Those settlements totaled approximately \$460 million, or \$1.6 million on average per case.

In 2022, 292 federal district court cases were resolved on a collective basis with publicly available settlement data. Those settlements totaled approximately \$254 million or \$870,000 per case.

In 2021, 268 federal district court cases were resolved on a collective basis with publicly available settlement data. Those settlements totaled approximately \$262 million or \$977,000 per case.

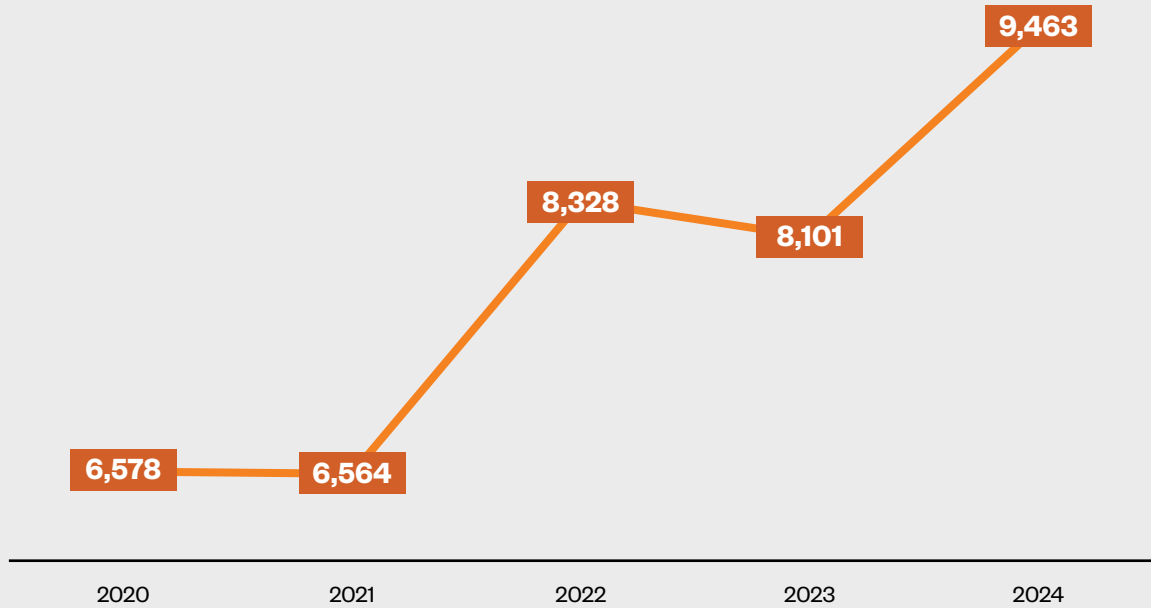
Accordingly, although gross settlement values and cases resolved on a collective basis are lower than they were in 2023, the average value of the settlements remains elevated when compared to 2021 and 2022.

Source: Lex Machina

8 California

PAGA claims continue to remain prolific in California. While the California Legislature enacted a PAGA reform bill in 2024 that placed some limitations on PAGA claims, this did not slow down the pace of PAGA filings in 2024. We expect to continue to see more PAGA cases in the future and the numbers will continue to have an upward trajectory.

PAGA Notices 2020-2024



Source: California Department of Industrial Relations

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.

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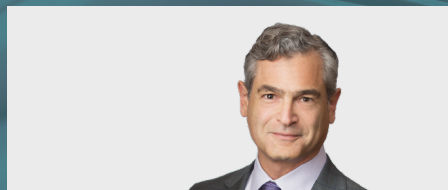


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