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“Headless” PAGA Claims Get Their Day: Leeper Set for November 3

California Employment Law on **October 20, 2026**

It’s official: The California Supreme Court will hear oral argument in *Leeper v. Shipt, Inc.* on Tuesday, November 3, 2026. The Court’s newly released calendar lists *Leeper* as the second case in its 9:00 a.m. session in San Francisco.

As we’ve previously discussed here, here, and here, *Leeper* concerns so-called “headless” PAGA claims. Christina Leeper alleged that Shipt misclassified workers as independent contractors but expressly pleaded only non-individual PAGA claims. Under her arbitration agreement, Shipt could compel arbitration of her individual PAGA claim, but not the non-individual claims on behalf of other workers. Leeper’s strategy: Leave out the individual claim and keep the case in court.

The trial court accepted Leeper’s “headless” pleading and denied Shipt’s motion to compel arbitration, reasoning that she had pleaded no individual PAGA claim to arbitrate. The Court of Appeal disagreed. It held that every PAGA action necessarily includes an individual component and directed the trial court to compel arbitration of that component and stay the remaining litigation.

The Supreme Court took up the case on its own motion to decide whether every PAGA action must include individual and non-individual claims—or whether plaintiffs can leave the individual component out.

For employers facing PAGA litigation, the question is straightforward: Can a plaintiff sidestep an arbitration agreement simply by leaving individual PAGA claims out of the complaint? *Leeper* puts that question squarely before the justices.

Mark your calendars! “Headless” PAGA is heading to the Supreme Court. The argument will be livestreamed on the Court’s website.

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