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Supreme Court of California
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Case No. S279622

**IN THE SUPREME COURT
OF THE STATE OF CALIFORNIA**

HECTOR CASTELLANOS, ET AL.,

Plaintiffs and Respondents,

vs.

STATE OF CALIFORNIA, ET AL.,
Defendants and Appellants,

PROTECT APP-BASED DRIVERS AND SERVICES, ET AL.,
Interveners and Appellants.

First Appellate District, Case No. A163655
Alameda County Superior Court, Case No. RG21088725
Honorable Frank Roesch, Judge

APPLICATION TO FILE AMICI CURIAE BRIEF
AND AMICI CURIAE BRIEF IN SUPPORT OF
PLAINTIFFS AND RESPONDENTS

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APPLICATION FOR LEAVE TO FILE AMICI CURIAE BRIEF

Pursuant to California Rules of Court, rule 8.520(f)(1), Senator Dave Cortese and Assembly Member Liz Ortega ("Amici Curiae") respectfully request permission to file the attached brief in support of the position of Plaintiffs, Respondents, and Petitioners Hector Castellanos, et al. ("Petitioners") that Section 7451 of the Business and Professions Code ("Section 7451"), as enacted by Proposition 22 (2020), conflicts with article XIV, section 4 of the California Constitution.

Senator Cortese is Chair of the Senate Committee on Labor, Public Employment and Retirement and Assembly Member Ortega is Chair of the Assembly Committee on Labor and Employment. Each committee is responsible for evaluating issues affecting California's workforce.

Amici Curiae are interested in this matter because the California Constitution grants the California State Legislature plenary power to create and enforce a complete system of workers' compensation. (Cal. Const., art. XIV, § 4.) For more than a century, the Legislature has passed legislation pursuant to this authority, including Assembly Bill 5 (Ch. 296, Stats. 2019), which codified the test for determining a worker's employment status established in *Dynamex Operations W. v. Superior Court* (2018) 4 Cal.5th 903, and which confirmed that this test applies for purposes of workers' compensation coverage. In the view of Amici Curiae, Section 7451 conflicts with article XIV, section 4 by restricting the Legislature's constitutionally-protected authority to create and enforce a system of workers' compensation for app-based drivers.

As chairs of the committees that regularly evaluate legislation affecting California's workforce, Amici Curiae are well-equipped to explain the scope of the Legislature's authority under article XIV, section 4, and to offer their unique perspective regarding the deleterious impact of Proposition 22 on that authority, in order to assist the Court in deciding

whether Section 7451 conflicts with article XIV, section 4. Accordingly, Amici Curiae respectfully request permission to file the attached brief.

This brief was authored, and the preparation of this brief was funded, solely by Amici Curiae and their counsel. No party or counsel for any party authored this brief, participated in its drafting, or made any monetary contributions intended to fund the preparation or submission of the proposed brief. (Cal. Rules of Court, rule 8.520(f)(4).)

Date: April 2, 2024

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AMICI CURIAE BRIEF

INTRODUCTION

Amici Curiae submit this brief in support of Plaintiffs, Respondents, and Petitioners Hector Castellanos et al. ("Petitioners") in order to address four arguments considered by the Court of Appeal with respect to whether Section 7451 of the Business and Professions Code ("Section 7451"),[1] as enacted by Proposition 22 (2020), conflicts with article XIV, section 4 of the California Constitution.

First, Amici Curiae assert that an initiative statute – specifically, Section 7451 – may not remove a class of workers from the workers' compensation system that the Legislature created and has enforced, by constitutional fiat, for more than a century. Amici Curiae agree with Petitioners that to do so would clearly conflict with article XIV, section 4.

Second, Section 7451, together with Section 7465 of the Business and Professions Code, invalidly amends article XIV, section 4 by removing app-based drivers from this constitutionally prescribed workers' compensation system and preventing the Legislature from passing future legislation that provides similar protections for these workers.

Third, a close review of *Independent Energy Producers Assn. v. McPherson* (2006) 38 Cal.4th 1020 and the authorities cited therein demonstrates that *McPherson* does not support the argument that an initiative statute may limit the Legislature's plenary power as prescribed by article XIV, section 4.

Fourth, as Justice Streeter noted in his dissenting opinion, California courts have recognized limitations on the initiative power of article II, section 8. This power is not in all instances coextensive with the

[1] Section 7451 provides that "an app-based driver is an independent contractor and not an employee or agent with respect to the app-based driver's relationship with a network company" under specified criteria.

Legislature's power, and a similar limitation should be recognized with respect to article XIV, section 4.

DISCUSSION

I. An initiative statute may not remove a class of workers from the workers' compensation system that the Legislature has created and enforced for more than a century.

The question before this Court is "whether app-based drivers, a category of wage workers that did not exist prior to 1918, may be expelled from the present-day workers' compensation system by labelling them independent contractors, thereby depriving them of any ability to have their employment status determined within the system." (*Castellanos v. State of California* (2023) 89 Cal.App.5th 131, 206, conc. and dis. opn. of Streeter, J.) Amici Curiae agree with Petitioners that the legislative and electoral history of article XIV, section 4 – which is well-documented in Petitioners' opening brief and in Justice Streeter's dissenting opinion[2] and need not be repeated here – fully supports the conclusion that the voters intended article XIV, section 4 to preclude initiative statutes like those enacted by Proposition 22 from infringing upon the Legislature's power to create and enforce a "complete workers' compensation system" as described in that section.

Amici Curiae write separately, however, to emphasize that the Legislature has been creating and refining the workers' compensation system contemplated by article XIV, section 4 for more than a century, and Proposition 22's wholesale removal of a class of workers from this system

[2] *See* Justice Streeter's historical review and analysis of ballot measures that established the current article XIV, section 4. Article XIV, section 4 is substantively the same as former article XX, section 21, as amended by a legislatively referred constitutional amendment, Proposition 23 (1918). (*Castellanos, supra*, 89 Cal.App.5th at pp. 182-86, conc. and dis. opn. of Streeter, J.)

is a significant barrier to the Legislature exercising this constitutionally-vested authority.[3]

Every requirement of this "complete workers' compensation system" has been codified in statute, most notably within Division 4 of the Labor Code, pertaining to workers' compensation and insurance, and Division 5 of the Labor Code, pertaining to safety in employment. (See Lab. Code, § 3201 [Divisions 4 and 5 "are an expression of the police power and are intended to make effective and apply to a complete system of workers' compensation the provisions of Section 4 of Article XIV of the California Constitution"].)

For example, Division 4 establishes: extensive criteria for "no fault" compensation for employees and their dependents acting within the scope of employment (Lab. Code, § 3600 et seq.); requirements for employers to obtain workers' compensation insurance or to be self-insured (*Id.*, § 3700 et seq.);[4] funds to assume the workers' compensation obligations for employers who fail to secure insurance or who are insolvent self-insurers (*Id.*, §§ 3710 et seq. and 3740 et seq.); requirements for claimants submitting to medical examinations (*Id.*, § 4050 et seq.); methods for computing compensation for temporary and permanent disability, medical and hospital treatment, death benefits, and subsequent injuries (*Id.*, § 4451 et seq.); in qualifying cases, benefits to be used for retraining or skill

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[3] Justice Streeter observes that Proposition 22 is "the first attempt in the history of California workers' compensation to drop a class of wage workers in one industry entirely from the workers' compensation system." (*Castellanos, supra*, 89 Cal.App.5th at p. 207, conc. and dis. opn. of Streeter, J.)

[4] The State Compensation Insurance Fund, which administers workers' compensation insurance for employers, and provides related insurance and defense benefits, is established within Article 1 (commencing with Section 11770) of Chapter 4 of Part 3 of Division 2 of the Insurance Code.

enhancement (*Id.*, § 4658.7); provisions for enforcing employers' obligation to obtain insurance, including prosecutions for criminal violations by county officials, by the Attorney General, and by designees of the Department of Industrial Relations (*Id.*, § 3710); civil penalties for fraud (*Id.*, § 3820); and an extensive system for evaluation of a workers' compensation claim through arbitration (*Id.,* § 5270 et seq.) and by the Workers' Compensation Appeals Board (*Id.*, § 5300 et seq.), with provision for judicial review (*Id.*, § 5950 et seq.). Division 5 imposes additional responsibilities and duties for employers and employees with respect to occupational safety and health. (Lab. Code, § 6300 et seq.)

For at least the last two decades, the Legislature has passed amendments to the workers' compensation system in every legislative session. For example, thus far during the 2023-24 regular session, and including only those bills signed by the Governor, the Legislature has extended the period during which an employer can deposit disability indemnity payments into a prepaid account for an employee (Assem. Bill No. 489, Ch. 63, Stats. 2023); extended the exemption from a limitation on the receipt of death benefits to family members of specified state safety members, peace officers, and firefighters who are active members of the Public Employees' Retirement System (Assem. Bill No. 621, Ch. 448, Stats. 2023); and extended the repeal date for an existing law that provides workers' compensation coverage for post-traumatic stress sustained by certain state and local firefighters and peace officers (Sen. Bill No. 623, Ch. 621, Stats. 2023). During the 2021-22 regular session, and again including only those bills signed by the Governor, the Legislature has expanded the time period for workers' compensation claims for which the Division of Workers' Compensation is required to contract with an independent organization to evaluate the impact of claimants' medical treatment (Assem. Bill No. 2848, Ch. 292, Stats. 2022); expanded the definition of

medical treatment for claimants to include the services of clinical social workers (Sen. Bill No. 1002, Ch. 609, Stats. 2022); extended the time period for the application of specified requirements related to COVID-19 for employers and employees and applied these requirements to additional categories of employees (Assem. Bill No. 1751, Ch. 758, Stats. 2022); and increased the number of compensable weeks for specified firefighters and peace officers experiencing temporary disability (Sen. Bill No. 1127, Ch. 835, Stats. 2022).

The Legislature also provides funding each year to administer the workers' compensation system, through appropriations in the annual State Budget from several funds, including the Workers' Compensation Administration Revolving Fund, the Occupational Safety and Health Fund, and the Labor Enforcement and Compliance Fund. (See Sen. Bill No. 101, Ch. 12, Stats. 2023; see also Lab. Code, § 62.5, subds. (a), (d), and (e).)

And of most relevance here, the Legislature has already passed legislation with the specific intent of providing workers' compensation protections to app-based drivers, among other categories of workers. (Assem. Bill No. 5, Ch. 296, Stats. 2019, § 3, adding Lab. Code, § 3351, subd. (i); *see also People v. Uber Technologies, Inc.* (2020) 56 Cal.App.5th 266, 297 ["we have little doubt the Legislature contemplated that those who drive for Uber and Lyft would be treated as employees under the ABC test"].)

In sum, the Legislature has created and enforces a complete system of workers' compensation, and continues to modify that system to meet the needs of a changing workforce and growing populace. By contrast, Proposition 22 does not provide a complete workers' compensation system for app-based drivers. (See Petitioners' Opening Brief at p. 23.) Proposition 22 permits a network company merely to make "available" limited insurance coverage. (Bus. & Prof. Code, § 7455.) Section 7455 is

silent with respect to health and safety protections; contains no provisions for vocational training if a driver cannot return to work or compensation for permanent disability; and contains no provision for an administrative body to resolve disputes. (*Id.*, subd. (a).)

It is also doubtful that a statutory initiative like Proposition 22 could replicate and enforce a complete system like that required by article XIV, section 4. Because statutory initiatives are only presented for a vote at statewide general elections that occur every other year (see art. II, § 8(c)), the voters are ill-equipped to create and enforce a complete system, as required by article XIV, section 4. Moreover, voters approving an initiative statute do so at their discretion. They are under no obligation to create or enforce a particular provision of article XIV, section 4. By contrast, the Legislature is expressly authorized, in accordance with an express "social public policy of this State," to establish and maintain a workers' compensation system that satisfies the elements of article XIV, section 4. (*Castellanos, supra*, 89 Cal.App.5th at pp. 194-95, conc. and dis. opn. of Streeter, J.; *Bautista v. State of California* (2011) 201 Cal.App.4th 716, 724-33.)

Accordingly, Amici Curiae agree with Petitioners that the minimal insurance benefits provided by Proposition 22 are not a complete workers' compensation system, and that the wholesale removal of app-based drivers from the system established by the Legislature over the past century runs contrary to article XIV, section 4.

II. Proposition 22 prevents the Legislature from exercising its constitutional authority to provide workers' compensation benefits to app-based drivers.

In addition to removing app-based drivers from the current workers' compensation system, Proposition 22 prevents the Legislature from

providing workers' compensation protections for these workers through future legislation.

First, Proposition 22 provides that "an app-based driver is an independent contractor and not an employee" for its network company if certain criteria are met, including that the company does not unilaterally schedule the driver's hours or mandate that they accept rides. (Bus. & Prof. Code, § 7451.)

Second, Proposition 22 prohibits the Legislature from amending its provisions, including Section 7451, except by a seven-eighths vote of each house and provided that the amendment is consistent with and furthers the purposes of Proposition 22. (*Id.*, § 7465(a).) This vote threshold is not just high – it is a complete outlier among statutory initiatives that permit amendment by the Legislature. No other statutory scheme established by initiative that permits amendment by the Legislature requires a seven-eighths vote. Few statutory initiatives that permit legislative amendment require more than a two-thirds vote.[5]

Finally, Proposition 22 specifies that any statute that amends Section 7451 does not further the purposes of Proposition 22. (*Id.*, § 7465(c)(2).)

Taken together, these components of Proposition 22 make it impossible for the Legislature to pass legislation conferring additional protections on app-based drivers without submitting the legislation to the voters for approval. By restricting the Legislature in this fashion, in direct contravention of article XIV, section 4, Proposition 22 effectively amends the Constitution by means of a statutory initiative.

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[5] For recent examples of initiatives with vote thresholds higher than two-thirds, see Proposition 14 (Nov. 3, 2020), The California Stem Cell Research, Treatments, and Cures Initiative of 2020 (seven-tenths vote); Proposition 12 (Nov. 6, 2018), Farm Animal Confinement Initiative (four-fifths vote); Proposition 66 (Nov. 8, 2016), Death Penalty Reform and Savings Act of 2016 (three-fourths vote).

The proponents of Proposition 22 could have placed an initiative constitutional amendment on the ballot if they had obtained signatures equal to 8 percent of the votes for all candidates for Governor at the last gubernatorial election. (Cal. Const., art. II, § 8, subd. (b); Cal. Const., art. XVIII, § 4.) They chose not to do so, and "in the final analysis, that is what this case is about. Until and unless voter electors escalate things to the level of a proposed constitutional amendment, the Constitution expressly gives our elected Legislature a unique role … when statutes are enacted pursuant to article XIV, section 4." (*Castellanos, supra*, 89 Cal.App.5th at p. 200, conc. and dis. opn. of Streeter, J.; see also *Legislature v. Deukmejian* (1983) 34 Cal.3d 658, 674, quoting *Wallace v. Zinman* (1927) 200 Cal. 585, 593 ["[I]t was at no time intended that … permissive legislation by direct vote should override the other safeguards of the constitution. If an amendment of the constitution were intended, the provision requires steps to be taken that will apprise the voters thereof so that they may intelligently judge of the fitness of such measure as a constituent part of the organic law."].)

III. *McPherson* does not support the position that the Legislature's plenary power provided in article XIV, section 4 is coextensive with the voters' initiative power.

As has been argued at length by Petitioners and analyzed in Justice Streeter's dissenting opinion, *McPherson* harmonized the Legislature's power in Article XII, section 5 to confer additional regulatory authority on the Public Utilities Commission with the electors' power to confer additional authority through an initiative statute. However, *McPherson* did not consider a scenario, like the one in the instant case, in which the electors limited the commission's authority. *McPherson* emphasized in footnote 9 that:

> "[O]ur holding is limited to a determination that the provisions of article XII, section 5 do not preclude the use of the initiative process to enact statutes conferring additional authority upon the PUC. We have no occasion in this case to consider whether an initiative measure relating to the PUC may be challenged on the ground that it improperly *limits* the PUC's authority or improperly conflicts with the Legislature's exercise of *its* authority to expand the PUC's jurisdiction or authority. Should these or other issues arise in the future, they may be resolved through application of the relevant constitutional provision or provisions to the terms of the specific legislation at issue."

(*McPherson, supra*, 38 Cal.4th at p. 1044, fn 9, original italics.)

By removing app-based drivers from the workers' compensation system and making it impossible for the Legislature to unilaterally confer similar protections, Proposition 22 presents a situation that falls squarely within *McPherson's* footnote 9.

Furthermore, the cases cited in *McPherson* do not concern analogous constitutional provisions or factual issues and therefore do not support the argument that the power of the "Legislature," as that reference appears in article XIV, section 4, includes the power of statutory initiative.

The Court of Appeal cites *McPherson* for the principle that "longstanding California decisions establishing that references in the California Constitution to the authority of the Legislature to enact specified legislation generally are interpreted to include the people's reserved right to legislate through the initiative power." (*Castellanos*, *supra*, 89 Cal.App.5th at p. 149, maj. opn., citing *McPherson*, *supra*, 38 Cal.4th at p. 1043.) However, the two primary decisions discussed in *McPherson* concerned claims that statutory initiatives raising taxes conflicted with the Legislature's authority under article XIIIA, section 3 and article XIII, section 28, respectively. (*See Kennedy Wholesale, Inc. v. State Bd. of Equalization* (1991) 53 Cal.3d 245 and *State Comp. Ins. Fund v. State Bd. of Equalization* (1993) 14 Cal.App.4th 1295.) Those provisions are not

textually analogous to article XIV, section 4, and thus do not meaningfully support an argument that article XIV, section 4 should be interpreted, as those provisions were, to include the people's initiative power.

Specifically, *Kennedy Wholesale, Inc. v. State Bd. of Equalization* concerned an initiative measure that increased taxes on cigarettes. The Plaintiff claimed that the measure violated article XIIIA, section 3, which, as of the date of this Court's opinion in 1991, provided that "any change in State taxes enacted for the purpose of increasing revenues ... must be imposed by an Act passed by no less than two-thirds of all members elected to each of the two houses of the Legislature...." (*Kennedy Wholesale, supra*, 53 Cal.3d at p. 248.) In rejecting Plaintiff's claim that the reference to the "Legislature" meant that only the Legislature could raise taxes, this Court observed that article XIIIA, section 3 did not mention, let alone purport to restrict, the people's reserved powers of initiative. (*Id.* at p. 249.) Finding Section 3 ambiguous with respect to the scope of the initiative power, the Court considered evidence of the voter's intent beyond Section 3's plain language; the Court observed that the ballot pamphlet for Proposition 13, which added Article XIIIA to the California Constitution, did not in any manner suggest that voters wanted to limit their ability to raise taxes through a statutory initiative, and instead reflected a populist theme that would disfavor such an interpretation. (*Id*. at p. 250.)

In *State Comp. Ins. Fund v. State Bd. of Equalization*, an insurance company challenged a provision of Proposition 103, a statutory initiative measure delegating to the State Board of Equalization the authority to increase the rate of the insurance premium tax imposed on insurers, notwithstanding article XIII, section 28, subdivision (i). Subdivision (i) of Section 28 provides: "The Legislature, a majority of all the members elected to each of the two houses voting in favor thereof, may by law change the rate or rates of taxes herein imposed upon insurers." In

rejecting State Fund's claim that this reference to the "Legislature" prohibited the people from changing the tax rate by a statutory initiative, the Court of Appeal found that the "language 'Legislature may' is found throughout article XIII[fn] and in many other places in the California Constitution.[fn] It would be absurd to attribute to the framers of the constitution an intention to limit the initiative power in the many and varied contexts in which the phrase appears. Though the matter can never have been seriously in doubt, it has been held specifically that the initiative power extends to tax legislation." (*State Comp. Ins. Fund, supra,* 14 Cal.App.4th at p. 1300 [citing cases].)

Neither article XIIIA, section 3 nor article XIII, section 28 vests the Legislature with plenary power, unlimited by any provision of the Constitution, to create and enforce a complete system of taxation. The text of those provisions therefore is not an appropriate analogy for the Legislature's authority conferred by article XIV, section 4.[6] The factual

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[6] It also is worth noting that, apart from article XIV, section 4 and article XII, section 5, there are only two other provisions in the California Constitution that refer to the Legislature's "plenary power": article XVI, section 11 and article XIII, section 8.5. (The Constitution also refers to "plenary" power in article XVI, section 17 and article XI, section 5, but this power is not vested in the Legislature.)

Article XVI, section 11 was added to the Constitution in 1938 and provides the Legislature "plenary power to provide for the administration of any constitutional provisions or laws heretofore or hereafter enacted concerning the administration of relief," which referred to the administration of aid for unemployment, destitution, and other hardship. (*City of Los Angeles v. Post War Public Works Rev. Bd.* (1945) 26 Cal.2d 101, 113.) That provision further provides that the "Legislature, *or the people by initiative*, shall have power to amend, alter, or repeal any law relating to the relief of hardship and destitution …", which reinforces the view that reference to the "Legislature" in the Constitution does not necessarily include the people's initiative power. (Cal. Const., art. XVI, sec. 11, emphasis added.) Article XIII, section 8.5 permits the Legislature to enact statutes establishing the manner in which property taxes may be

and legal issues considered in *Kennedy Wholesale* and *State Comp. Ins. Fund* – namely, the people's initiative power relative to taxation – are also not analogous for the instant case.

Finally, the Court of Appeal's majority opinion in the instant case specifically holds that article XIV, section 4 should be read as if it stated "The Legislature *or the electorate acting through the initiative power are* hereby expressly vested with plenary power…."[7] But the court's immediate authority for this holding is *McPherson*'s finding that "the power of the people [to enact statutes] through the statutory initiative *is coextensive* with the power of the Legislature." (*Castellanos*, *supra*, 89 Cal.App.5th at pp. 149-150, maj. opn. [citing *McPherson*, *supra*, 38 Cal.4th at p. 1032].) But there, *McPherson* was quoting *Deukmejian*, *supra*, 34 Cal.3d at p. 675, which was summarizing a conclusion reached in *Associated Home Builders, etc., Inc. v. City of Livermore* (1976) 18 Cal.3d 582 that notice and hearing requirements of zoning laws were not intended

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postponed, and requires the Legislature to provide subventions of funds to local governments that would lose revenue and to recover reimbursement for those subventions. Section 8.5 provides the Legislature "plenary power to define" the terms of the section.

Neither of these constitutional provisions, nor article XII, section 5, requires enforcement by the Legislature, provides a comprehensive scheme that the Legislature is tasked with establishing and enforcing, or declares itself to be the social public policy of the state. The text of article XIV, section 4 is unique in this respect.

[7] It is a basic principle of statutory and constitutional construction that "[u]nder the guise of construction, a court should not rewrite the law, add to it what has been omitted, omit from it what has been inserted, give it an effect beyond that gathered from the plain and direct import of the terms used, or read into it an exception, qualification, or modification that will nullify a clear provision or materially affect its operation so as to make it conform to a presumed intention not expressed or otherwise apparent in the law." (*Frazier v. City of Richmond* (1986) 184 Cal.App.3d 1491, 1496.)

to apply to zoning ordinances enacted by initiative. That issue is not relevant to the scope of the Legislature's authority in article XIV, section 4.

In sum, the authorities relied upon by *McPherson* do not stand for the position that the word "Legislature" in the Constitution in all instances encompasses a truly coextensive power with respect to the power of the Legislature to pass legislation and the people's initiative power.

IV. In other instances, the voters' initiative power must defer to the constitutionally delegated power of the Legislature.

Finally, Amici Curiae would underscore Justice Streeter's observation that the people's initiative power has implied limitations. (*Castellanos*, *supra*, 89 Cal.App.5th at p. 191, conc. and dis. opn. of Streeter, J.) Article XVIII, section 1 permits the Legislature to propose an amendment *or revision* of the Constitution, while article XVIII, section 3 permits the voters only to amend the Constitution by initiative. This Court has also held that the voters may not enact a statutory initiative requiring the Legislature to pass resolutions rather than statutes. (*See* Article II, § 8(a) [the initiative power encompasses only "statutes and amendments to the Constitution"]; *American Federation of Labor v. Eu* (1984) 36 Cal.3d 687, 708 ["Even under the most liberal interpretation, however, the reserved powers of initiative and referendum do not encompass all possible actions of a legislative body"].) A statutory initiative also cannot be used to regulate the Legislature's internal operations, because article IV, sections 7 and 11 assign this power exclusively to the Legislature. (*People's Advocate, Inc. v. Superior Court* (1986) 181 Cal.App.3d 316, 326, original italics ["the people through the electorate have been given the power to make statutes, i.e., the power to make *laws* for all the people, but not the power to make rules for the selection of officers or rules of proceeding or rules which regulate the committees or employees of either or both houses of the Legislature"].)

Accordingly, there is precedent for finding that the people's initiative power must cede to a power constitutionally delegated to the Legislature, and article XIV, section 4 presents such an instance.

CONCLUSION

Amici Curiae agree with Petitioners that Section 7451 of the Business and Professions Code, as enacted by Proposition 22, conflicts with article XIV, section 4 of the California Constitution, and respectfully request that Proposition 22 be held invalid in its entirety.

Date: April 2, 2024

Respectfully submitted,

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CERTIFICATION OF WORD COUNT

I certify that the foregoing brief of Amici Curiae contains 4114 words without the preceding application, and 4479 words including the application, as measured by the word count of the computer program used to prepare this brief.

Date: April 2, 2024

By: /s/ Benjamin R. Herzberger
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Castellanos, et al., v. State of California, et al.
California Supreme Court, No. S279622

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Declarant

Signature

Supreme Court of California
Jorge E. Navarrete, Clerk and Executive Officer of the Court

STATE OF CALIFORNIA
Supreme Court of California

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STATE OF CALIFORNIA
Supreme Court of California

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4/2/2024
Date

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