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IN THE SUPREME COURT OF CALIFORNIA

TINA TURRIETA,
Plaintiff and Respondent,

v.

LYFT, INC.,
Defendant and Respondent.

MILLION SEIFU et al.
Movants and Appellants.

AFTER A DECISION BY THE COURT OF APPEAL, SECOND APPELLATE DISTRICT, DIVISION FOUR
CASE NO. B304701

COMBINED ANSWER TO AMICI CURIAE BRIEFS

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COMBINED ANSWER TO AMICI CURIAE BRIEFS

INTRODUCTION

The Private Attorneys General Act (PAGA) leaves settlement approval to the discretion of the trial court, with a secondary role for the Labor and Workforce Development Agency (LWDA). PAGA plaintiffs pursuing separate actions—like petitioner Brandon Olson—have no unilateral right to interfere with this process.

The Division of Labor Standards Enforcement (DLSE) and California Employment Lawyers Association (CELA) disagree with this statutory arrangement. But amici's arguments are largely unmoored from the language of PAGA and the general statutes governing intervention and vacatur. The amicus briefs articulate no valid legal basis to hold that PAGA plaintiffs have a right to object, intervene, or seek vacatur in a different PAGA action.

Moreover, amici's public policy arguments are misplaced. Trial courts already have tools to review PAGA settlements, including by exercising their discretion to consider objections. CELA's abstract conjecture and nonspecific anecdotes about reverse auctions should not influence this Court's analysis, both because they are irrelevant and because the specific reverse auction claims in this case were reviewed by the trial court and proved to be baseless. To the extent that the amicus briefs highlight policy trade-offs inherent in the statutory scheme, that only underscores why any decision to give plaintiffs rights in the

settlement approval process should be reserved for the Legislature.

LEGAL ARGUMENT

I. California law does not grant Private Attorneys General Act plaintiffs a right to object, intervene, or seek vacatur.

A. The Legislature did not create a right to object.

Amici recognize that PAGA gives plaintiffs no right to object to a PAGA settlement in another action. (See CELA ACB 30 [acknowledging "[t]he absence of enumerated requirements in the PAGA statute"]; DLSE ACB 24 [arguing for a right to intervene because freestanding objections are "procedurally uncertain"].)

CELA suggests, however, that a right to object could be inferred from PAGA's general requirement that the trial court "review and approve" the settlement. (CELA ACB 29.) CELA draws a comparison to the class action context, where courts have developed standards for approval of class settlements despite a lack of specific statutory guidance. (CELA ACB 29–30.)

But CELA's argument relies on decisions assessing the *merits* of a class settlement. (CELA ACB 29–30, citing *Kullar v. Foot Locker Retail, Inc.* (2008) 168 Cal.App.4th 116, 128 and *Dunk v. Ford Motor Co.* (1996) 48 Cal.App.4th 1794, 1801.) Decisions like *Kullar* and *Dunk* do not address the distinct *procedural* issue before this Court of who has a right to object to a settlement.

Indeed, those class action cases had no reason to address that question because, unlike with PAGA, the California Rules of Court expressly authorize absent class members to object to a settlement. (Lyft ABOM 24–25.) The rules do so because, as Lyft has explained, class members have a personal interest in their own claims, and due process therefore protects their right to notice of the settlement and an opportunity to object and opt out. (*Ibid.*) By contrast, PAGA plaintiffs have no personal interest in a PAGA-only settlement, and as such, they have no right to notice of the settlement and no right to opt out. (Lyft ABOM 25.)[1] Given that PAGA plaintiffs lack any personal interest in the settlement, there is no basis to infer a right to object from the general statutory requirement that trial courts "review and approve" the settlement. (Lab. Code, § 2699, subd. (*l*)(2).)

Consequently, the class action cases on which CELA relies do not support CELA's position. Rather, CELA's inapposite comparison of class action settlements to PAGA-only settlements highlights material differences between the two types of settlements. Nothing in the class action cases CELA cites suggests that statutory silence is a valid reason to give persons who lack an interest in the settlement a procedural right to object to it.

[1] We refer to "PAGA-only settlements" because PAGA claims are often resolved through "hybrid" settlements that also involve class claims. (See Lyft ABOM 36–37; Employers Group/California Employment Law Council (CELC) ACB 26.) Absent class members have a personal interest in the class claims resolved as part of a hybrid settlement, and thus have a right to file objections in those distinct proceedings.

B. There is no basis for intervention.

1. The state has no right to intervene, nor do PAGA plaintiffs have a derivative right to do so.

The DLSE asserts that the state has a right to intervene through the LWDA, and it claims that PAGA plaintiffs have the same authority as the state. (DLSE ACB 16–22.) The DLSE is mistaken.

The state has no right to intervene in a PAGA action. Unlike the qui tam statutes to which PAGA has often been compared (e.g., Olson OBOM 34–35 [Olson emphasizing the "parallels" between PAGA claims and the federal and California False Claims Acts]), PAGA contains no provision expressly allowing state intervention. (See Lyft ABOM 33–35; *Viking River Cruises, Inc. v. Moriana* (2022) 596 U.S. __ [142 S.Ct. 1906, 1914, fn. 2, __ L.Ed.2d __] [noting that PAGA does not feature a "provision[ ] authorizing the State to intervene"].)

The DLSE does not dispute that point. Instead, it claims a right to intervene based on the Court of Appeal's recent decision in *California Business & Industrial Alliance v. Becerra* (2022) 80 Cal.App.5th 734 (*CBIA*). *CBIA* holds that, while PAGA creates no unconditional right for the state to intervene, the state may still intervene "[i]n the event of an abusive or improper settlement of a PAGA claim," in order "to protect the state's interest in recovering its share of the civil penalties and oppose judicial approval of the settlement." (*Id.* at p. 748, citing Code Civ. Proc., § 387, subd. (d)(1)(B), (2).)

The Court of Appeal's decision in *CBIA* is wrong. Not only does "the State ha[ve] no authority *under PAGA* to intervene in a case brought by an aggrieved employee" (*Magadia v. Wal-Mart Associates, Inc.* (9th Cir. 2021) 999 F.3d 668, 677, emphasis added), the state—contrary to *CBIA*'s erroneous conclusion—lacks authority under the general intervention statute, Code of Civil Procedure section 387. As Lyft has explained, intervention under section 387 is limited to a "nonparty," and the state is already a party—the real party in interest, in fact. (Lyft ABOM 31–32; see *Howitson v. Evans Hotels, LLC* (July 21, 2022, D078894) ___ Cal.App.5th ___ [2022 WL 2866213, at p.*6] [as the real party in interest, the state is always a "party" to a PAGA action].) That conclusion flows from the legislative plan: once the state deputizes a plaintiff to pursue PAGA claims, the state relinquishes control over the litigation of those claims. Thus, as the Ninth Circuit has explained, "PAGA *prevents* California from intervening in a suit brought by the aggrieved employee." (*Magadia*, at p. 677, emphasis added.)

CBIA also suggested, in a conclusory sentence devoid of any analysis, that "California law plainly permits" the state's intervention because PAGA "requir[es] timely notice to be given to the executive upon submission of a proposed settlement to the court for approval." (*CBIA*, *supra*, 80 Cal.App.5th at p. 748.) But that cursory conclusion is wrong too. PAGA's notice provision might allow the LWDA to comment on proposed settlements, but it does so without authorizing the LWDA to intervene. (See Lyft ABOM 21–25, 33, fn. 7.)

And even if the state itself could intervene, the DLSE is wrong to assert that PAGA plaintiffs would have a derivative right to do so—a subject *CBIA* does not even address. That PAGA plaintiffs represent the state's interest in the specific actions they have been deputized to pursue does not mean they enjoy the same procedural rights as the state in *other* PAGA actions. On the contrary, the statute confers on plaintiffs no right to act on the state's behalf in other actions. (See Lyft ABOM 32–33.) The DLSE asks this Court to "provid[e] a clear procedural basis" for objectors to intervene (DLSE ACB 24), but the lack of any statutory basis for intervention is precisely the reason intervention by PAGA plaintiffs in different lawsuits should not be permitted. The Legislature could have given PAGA plaintiffs a right to intervene in overlapping actions, but it did no such thing.

Indeed, the language of the statute shows a contrary intention. PAGA does not require notice of settlement to other plaintiffs—only to the LWDA. PAGA therefore treats the LWDA differently than it does private plaintiffs acting as state's proxy in other actions. The statute contemplates no role at all for those nonsettling PAGA plaintiffs in the settlement approval process. Thus, even if *CBIA* were correct that PAGA's notice provision supports the *state's* right to intervene, that right cannot extend to plaintiffs like Olson who have no right to notice of the settlement.

Nor do the default provisions of Code of Civil Procedure section 387 provide a basis for intervention. To the extent that a PAGA plaintiff from a different lawsuit claims to *be* the state,

intervention is not available under section 387 because the state is already a party to the action being settled. (Lyft ABOM 31–32.) And to the extent that a PAGA plaintiff from a different lawsuit claims an interest distinct from the state, that plaintiff cannot meet the statutory requirement to show that he or she is a "person" with a requisite "interest" in the litigation (Code Civ. Proc., § 387, subd. (d)(1)(B), (2)) since the plaintiff has no personal interest in the PAGA claim (Lyft ABOM 29–30). The DLSE asserts that, for purposes of section 387, "a deputized employee's representation of the public's interests under PAGA *is* a personal 'interest' in the outcome of an overlapping PAGA action." (DLSE ACB 20, emphasis added.) But Olson has abandoned any claim to a personal interest in the *Turrieta* action. (Olson OBOM 31; Olson RBOM 26.) Olson's concession is correct because, contrary to the DLSE's assertion, this Court has long made clear that PAGA plaintiffs lack any such interest.

2. Amici's other arguments rehash points the Court of Appeal properly rejected.

Elsewhere, the DLSE implies that intervention might be permissible in a specific procedural context: "[W]here the proposed settlement releases PAGA claims that only the non-settling plaintiff has been authorized to bring." (DLSE ACB 25.) In the agency's view, this may occur when the settling plaintiff fails to provide the LWDA with at least 65 days of prefiling notice of some claims being settled. (See DLSE ACB 25–26.)

This is a variation on an argument that the DLSE belatedly raised below and that this Court declined to review. In the Court

of Appeal, Olson and the DLSE challenged the *merits* of the settlement based on a technical complaint about the amount of prefiling notice that Turrieta gave the LWDA for some claims in the settlement. (*Turrieta v. Lyft, Inc.* (2021) 69 Cal.App.5th 955, 972, fn. 14 (*Turrieta*).) The Court of Appeal held that Olson forfeited this argument and observed that the LWDA (through the DLSE) raised it "only belatedly and in its limited role as amicus on appeal," rather than "address[ing] [it] to the trial court below." (*Ibid.*) Olson sought review of this prefiling notice issue, and the DLSE supported review. (Olson PFR 7, 28–33; DLSE AC Letter in Support of PFR 4–5.) But this Court limited the scope of review to exclude this merits issue. It is not properly before the Court.[2]

At any rate, the argument is incorrect. The DLSE contends that "[f]airness to the non-settling plaintiff . . . and to the LWDA . . . dictate that the non-settling plaintiff's perspective be heard regarding such a settlement." (DLSE ACB 26.) Unlike its approach with other qui tam claims, the Legislature chose not to

[2] The DLSE contends otherwise, asserting that this issue "is relevant to the need to permit intervention by duly deputized employees." (DLSE ACB 26, fn. 5.) But there is no practical way to assess this as a procedural argument without delving into the merits of this settlement as it relates to the prefiling notice issue. (See Turrieta ABOM 62–64 [explaining why the prefiling notice argument lacks merit].) It would be especially improper to consider this issue because Olson does not contest the Court of Appeal's conclusion that he forfeited the prefiling notice argument and " '[a]mici curiae must take the case as they find it.' " (*County of Santa Clara v. Superior Court* (2009) 170 Cal.App.4th 1301, 1322, fn. 7.)

permit intervention in PAGA's statutory scheme, and the plain text of Code of Civil Procedure section 387 likewise does not authorize such intervention. (See Lyft ABOM 30–35.) Generalized notions of "fairness" are not a warrant to deviate from the Legislature's statutory scheme. (See, e.g., *People v. Cannata* (2015) 233 Cal.App.4th 1113, 1122 [statutory provisions "cannot be determined by simply applying judicial notions of fairness or public policy"].) Moreover, the DLSE's fairness argument seems to turn on the notion that the nonsettling plaintiff has a personal interest in the claims because that plaintiff has "spent time investigating the claims . . . to understand their value." (DLSE ACB 27.) As discussed, Olson has correctly conceded that PAGA plaintiffs *lack* any personal interest that could support intervention.

Likewise, CELA implies that PAGA plaintiffs who filed their claims before the settling plaintiff have a special interest in the settlement. CELA suggests that courts have a duty to "protect [the] hard work" of earlier filers against "latecomers," and it refers to the notion that "top-filing plaintiffs" may "rid[e] the coattails of another plaintiff's work" and seek to "extinguish[ ] a stronger, more-developed case." (CELA ACB 13, 29, 33.)

CELA's position echoes an argument that Million Seifu unsuccessfully advanced below. In the lower courts, Seifu claimed a personal interest in the *Turrieta* settlement because he was the "first-filed" plaintiff—that is, because his PAGA claims were on file a few days before Turrieta sued. (*Turrieta*, *supra*, 69 Cal.App.5th at pp. 962 & fn. 2, 965, 972, fn. 12.) But Seifu failed

to timely petition for review, so his "first-filed" argument is not before this Court.

In any event, CELA's variation on Seifu's argument lacks merit. The Court of Appeal found "no authority supporting that contention." (*Turrieta*, *supra*, 69 Cal.App.5th at p. 972, fn. 12.) Like Seifu's argument, CELA's suggestion that earlier-filed plaintiffs have a special interest in PAGA settlements has no basis in the statute, and it conflicts with the rule that PAGA plaintiffs have no personal interest in the state's claims.

C. There is no basis for vacatur.

Amici have little to say about the third component of the issue presented: whether PAGA plaintiffs have a right to move to vacate the judgment. The DLSE mentions this issue only in passing, asserting that "a preclusive judgment in an overlapping action aggrieves non-settling plaintiff under [Code of Civil Procedure] section 663 because they can no longer represent the public's interest in maximizing recovery of civil penalties owed and deterring unlawful conduct." (DLSE ACB 20.)[3]

The DLSE fails to develop this argument, but it lacks merit in any event. The DLSE seems to be suggesting that a nonsettling PAGA plaintiff is personally aggrieved because his or her action will be precluded by the settlement. But as already

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[3] CELA frames its commentary about vacatur as a public policy argument in which it presents intervention and vacatur as interchangeable concepts. (CELA ACB 12–14, 27, 30–31, 33–34.) We respond to CELA's policy argument below. (See part II.A, *post*.)

discussed, a PAGA plaintiff has no personal interest in the PAGA claims he or she pursues as a proxy for the state—a point that Olson concedes.

Because PAGA plaintiffs have no personal interest that could support vacatur, the key threshold question is whether the state is a "party aggrieved" by the judgment, as required to seek vacatur under Code of Civil Procedure section 663. Yet the DLSE fails to dispute Lyft's point that the state is not aggrieved by a judgment entered based on a court-approved PAGA settlement when, as here, the state did not object to the settlement in the trial court. (See Lyft ABOM 43–45.) In that scenario, the settling plaintiff sought the judgment on the state's behalf, the state implicitly accepted the judgment, and the judgment will result in payment of penalties to the state. That is a favorable outcome for the state, not one that produces an "immediate, pecuniary and substantial effect" that "injuriously affect[s]" the state's rights. (*County of Alameda v. Carleson* (1971) 5 Cal.3d 730, 737.) The DLSE claims that it lacks the resources to review and comment on every proposed settlement, but it fails to explain why those purported resource constraints would make the state a "party aggrieved" by a judgment in the state's favor. The DLSE's silence on this point is telling.[4]

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[4] Because the DLSE fails to explain how the state might be aggrieved by the judgment, the agency also fails to address the second step of the analysis: whether PAGA plaintiffs can move to vacate the judgment on state's behalf (as Lyft has explained, they cannot). (See Lyft ABOM 45–46.)

II. Amici's public policy arguments do not dictate a different result.

A. Trial courts already review and approve PAGA settlements.

CELA contends that, under the Court of Appeal's holding, trial courts will have "little incentive to engage in a rigorous process to ensure that the settlement was fair and consistent with the goals of PAGA." (CELA ACB 14.) As discussed, however, trial courts have a statutory duty to "review and approve" a PAGA settlement. (Lab. Code, § 2699, subd. (*l*)(2); see *Williams v. Superior Court* (2017) 3 Cal.5th 531, 549 (*Williams*) [this requirement "ensur[es] that any negotiated resolution is fair to those affected"].) Under PAGA, there is no right for nonsettling plaintiffs to object, intervene, or seek vacatur, yet CELA points to no evidence that trial courts are disregarding their statutory duty to review PAGA settlements before approving them. Appellate courts "presume the trial court knew and properly applied the law absent evidence to the contrary." (*McDermott Will & Emery LLP v. Superior Court* (2017) 10 Cal.App.5th 1083, 1103.)

CELA worries about a world in which "objections are not permitted," trial courts lack "access to crucial information about the settlement," and PAGA plaintiffs "will not be able to alert the court that there might be a problem with the settlement." (CELA ACB 13, 27, 31; see CELA ACB 29 [suggesting that "a trial court will *never* learn" of objections].) Likewise, the DLSE suggests that without formal intervention, trial courts will be

"deprive[d] . . . of relevant knowledge and informed analysis." (DLSE ACB 24.)

These concerns are misplaced. Turrieta and Lyft agree that the LWDA may comment on proposed settlements and that trial courts have discretion to consider objections from nonsettling PAGA plaintiffs—even though those plaintiffs have no absolute right to object. (See Turrieta ABOM 17, 58; Lyft ABOM 23, 28.) Thus, the state may comment, and if nonsettling plaintiffs are unhappy with a proposed settlement, those plaintiffs can seek to object. The trial court can choose to hear the plaintiffs' objections, just as the court did here. (*Turrieta*, *supra*, 69 Cal.App.5th at pp. 965, 973, fn. 13; see *Moniz v. Adecco USA, Inc.* (2021) 72 Cal.App.5th 56, 79.) Trial courts will therefore have a chance to consider outside opinions about proposed settlements. But because PAGA affords nonsettling plaintiffs no absolute right to object, the trial court remains in control of the settlement approval process—not those objectors.[5]

CELA argues that intervention and vacatur are necessary to enable appellate review of PAGA settlements. (CELA ACB 30–33.) But it makes no sense for appellate review to drive the analysis. Appellate review of settlement agreements is the exception, not the rule, under California law. When a party

[5] CELA ignores Lyft's discussion of the other tools available to trial courts when reviewing PAGA settlements. (See Lyft ABOM 27.) The Employers Group/California Employment Law Council amicus brief discusses additional safeguards, such as the widespread use of experienced PAGA mediators and superior court local rules for PAGA settlements. (Employers Group/CELC ACB 20–24.)

agrees to a judgment as part of a settlement agreement, that party cannot challenge the judgment on appeal. (See Lyft ABOM 44–45.) In all events, appellate review is a creature of statute, and CELA has not shown that its concerns about appellate review are grounded in PAGA itself. (See *Hernandez v. Restoration Hardware, Inc.* (2018) 4 Cal.5th 260, 267 [setting aside separation-of-powers concerns not implicated here, "[t]he right to appeal judgments in state civil actions . . . is entirely statutory"].)

CELA suggests that lack of appellate review will stunt the development of legal standards for PAGA settlement approval. But settlement approval standards are not properly before this Court: while Olson sought review on that issue (Olson PFR 8, 33–37), this Court limited the scope of review to exclude it. Moreover, as the DLSE points out, courts have already articulated standards for settlement approval. (See DLSE ACB 13–14, citing, e.g., *Williams*, *supra*, 3 Cal.5th at p. 549 and *O'Connor v. Uber Technologies*, *Inc.* (N.D.Cal. 2016) 201 F.Supp.3d 1110, 1134.) Thus, the trial court here assessed whether the settlement was fair, adequate, and reasonable under the circumstances, including in light of the litigation risks that Turrieta faced. (2 AA 498–499.)

B. Assertions about reverse auctions are misguided.

CELA's amicus brief focuses on what it calls "reverse auction and top-filing practices." (CELA ACB 10.) CELA

contends that this case presents an opportunity to address those broader issues. (CELA ACB 34.)

There is no basis for this Court to address CELA's conjecture about reverse auctions, for several reasons.

First, that issue pertains to the merits of the settlement. The issue is therefore beyond the scope of this Court's review, since this Court's order granting review limited the issue presented to the distinct nonmerits issue of whether PAGA plaintiffs have the procedural right to object to a PAGA settlement or to move for intervention or vacatur. (See Lyft ABOM 48–49.)

Second, CELA's generalized conjecture about the supposed pitfalls of reverse auctions is irrelevant because, as Lyft has explained, the trial court considered the validity of Olson's and Seifu's reverse auction allegations and found them meritless. (Lyft ABOM 48–50; 2 AA 485, 499; see RT 20–22, 306.) There was no reverse auction here. Likewise, there is no claim that Lyft "conceal[ed] the existence of overlapping cases." (CELA ACB 12.) Counsel for Olson, Seifu, and Turrieta knew about each other's actions, including because Olson sought coordination. (2 AA 307–308, 437–440.) Nor was this a case in which a copycat "top-filer" undercut the work of an earlier-filed plaintiff. Turrieta filed PAGA claims *before* Olson and only a few days after Seifu. (*Turrieta*, *supra*, 69 Cal.App.5th at p. 962 & fn. 2 [Turrieta filed on July 13, 2018, and Seifu filed on July 5, 2018]; Olson OBOM 13 [Olson added PAGA claims in August 2018].)

Third, these facts illustrate a broader problem with CELA's claims. It is easy to *allege* a reverse auction, as Olson and Seifu did here. But that does not mean the accusation is true. CELA identifies no examples of proven reverse auctions. It relies instead on a composite hypothetical, anonymous quotes, and nonspecific "reports" for its assertions about the prevalence of reverse auctions. (CELA ACB 14–24.) CELA fails to show that reverse auctions are in fact a significant problem—or, more to the point, that reverse auctions regularly result in trial court approval of PAGA settlements whose terms are objectively unfair to the state. (See *Williams*, *supra*, 3 Cal.5th at p. 549.)[6]

Fourth, CELA's own "Reverse Auction Policy" shows that the plaintiff's employment bar is already addressing whatever problem may exist. CELA reports that it has about 1,200 members, that it "requires all members to sign a pledge to abide by the Reverse Auction Policy," and that it disciplines members deemed to have violated the policy. (CELA ACB 2, 26.) That

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[6] Judicial decisions addressing this issue are not necessarily a representative sample. We note, however, that many courts have rejected reverse auction allegations as unfounded, just as the trial court did here. (See, e.g., Lyft ABOM 50 [collecting cases]; *Rutter & Wilbanks Corp. v. Shell Oil Co.* (10th Cir. 2002) 314 F.3d 1180, 1189; *Harvey v. Morgan Stanley Smith Barney LLC* (N.D.Cal., Sept. 5, 2019, No. 18-cv-02835-WHO) 2019 WL 4462653, at pp. *1–*2 [nonpub. opn.]; *Smith v. CRST Van Expedited, Inc.* (S.D.Cal., Nov. 20, 2012, No. 10-CV-1116-IEG (WMC)) 2012 WL 5873701, at p. *4 [nonpub. opn.]; *Salmonson v. Bed Bath and Beyond, Inc.* (C.D.Cal., Apr. 27, 2012, No. CV 11-2293 SVW (SSX)) 2012 WL 12919187, at pp. *4–*5 [nonpub. opn.].)

alone is reason not to let CELA's speculative and abstract fears about reverse auctions shape the Court's analysis.

C. The choice between competing policy alternatives is best left to the Legislature.

Throughout their briefs, CELA and the DLSE present *their* policy views about how PAGA should work. But there are countervailing policy considerations. As the Employers Group and California Employment Law Council explain, allowing PAGA plaintiffs to object, intervene, and move to vacate the judgment in different PAGA actions would make it harder for defendants to settle PAGA claims, would encourage nonsettling plaintiffs to challenge settlement approval regardless of the merits, and would delay payment of PAGA penalties to the state. (See Employers Group/CELC ACB 10–13, 18.) Allowing objector participation would impose significant systemic costs. These policy trade-offs are inherent in a statutory scheme that allows multiple plaintiffs to pursue overlapping claims simultaneously.

As such, the amicus briefs "raise issues of policy that should be addressed to the Legislature rather than this court, whose task is limited to construing the laws enacted by the Legislature." (*Lonicki v. Sutter Health Central* (2008) 43 Cal.4th 201, 215; see *Cassel v. Superior Court* (2011) 51 Cal.4th 113, 124 ["Where competing policy concerns are present, it is for the Legislature to resolve them"]; *Marine Forests Society v. California Coastal Com.* (2005) 36 Cal.4th 1, 25 [" 'the choice among competing policy considerations in enacting laws is a legislative function' "].) Under the current version of PAGA,

plaintiffs like Olson lack the right to object, intervene, or move to vacate the judgment. The Legislature could choose to amend the statute. But given the competing policy considerations in play, the Legislature should have the chance to make that choice in the first instance.

CONCLUSION

This Court should affirm the decision of the Court of Appeal.

August 17, 2022

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Dated: August 17, 2022

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Turrieta v. Lyft
Case No. S271721

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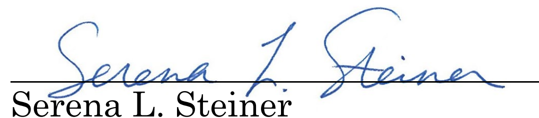

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