Case No. S271721

IN THE SUPREME COURT
OF THE STATE OF CALIFORNIA

TINA TURRIETA
Plaintiff and Respondent,

v.

LYFT, INC.,
Defendant and Respondent.

BRANDON OLSON,
Petitioner.

After a Decision by the Court of Appeal,
Second Appellate District, Division Four, Case No. B304701
Superior Court Case No. BC714153

RESPONDENT TINA TURRIETA'S RESPONSE TO AMICUS CURIAE BRIEF OF CALIFORNIA EMPLOYMENT LAWYERS ASSOCIATION

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TABLE OF CONTENTS

I. INTRODUCTION 6

II. CELA'S AMICUS BRIEF IS A PARTY BRIEF IN DISGUISE 8

A. Petitioner's Counsel Are Members of CELA's "Reverse Auction Task Force" Committee 8

B. Petitioner's Attorneys Have Directed CELA's Appellate Efforts on the Subject of Reverse Auctions ... 9

C. Petitioner's Attorneys Are On the Committee Directing CELA's Amicus Efforts 9

III. CELA'S AMICUS BRIEF DOES NOT REFLECT THE VIEWS OF PLAINTIFF'S EMPLOYMENT ATTORNEYS 10

IV. CELA PRESENTS NO RELEVANT FACTS 11

A. CELA Provides No Evidence That Any "Reverse Auction" Problem Exists 12

B. CELA Fails to Describe Any Widespread "Problem" ... 17

C. The Case Law Does Not Support the Existence of a Reverse Auction Problem 17

V. CELA'S CONCERNS MUST BE ADDRESSED TO THE LEGISLATURE, NOT THIS COURT 19

VI. CONCLUSION 24

CERTIFICATE OF WORD COUNT 26

PROOF OF SERVICE 27

TABLE OF AUTHORITIES

CASES

7-Eleven Owners for Fair Franchising v. Southland Corp.,
85 Cal. App. 4th 1135 (2000) 14

Amaro v. Anaheim Arena Management, LLC,
69 Cal. App. 5th 521 (2021) 18

Arias v. Superior Court,
46 Cal. 4th 969 (2009) 23

Brown v. Dynamic Pet Prods. & Frick's Meat Prods.,
2019 U.S. Dist. LEXIS 162220 (S.D. Cal. May 20, 2019) 18

Cassel v. Superior Court,
51 Cal. 4th 113 (2011) 19

Cohorst v. BRE Props.,
2011 U.S. Dist. LEXIS 87342 (S.D. Cal. July 19, 2011) 18

Dunk v. Ford Motor Co.,
48 Cal. App. 4th 1794 (1996) 14, 22

Edwards v. City of Long Beach,
2011 U.S. Dist. LEXIS 163730 (C.D. Cal. Oct. 31, 2011) 18

Espinosa v. Ahearn (In re Hyundai & Kia Fuel Econ. Litig.),
926 F.3d 539 (9th Cir. 2019) 18

Gallucci v. Gonzales,
603 Fed. Appx. 533 (9th Cir. 2015) 17

Harvey v. Morgan Stanley Smith Barney LLC,
2019 U.S. Dist. LEXIS 159258 (N.D. Cal. Sept. 5, 2019) 17, 19

Harvey v. Morgan Stanley Smith Barney LLC,
2020 U.S. Dist. LEXIS 37580 (N.D. Cal. Mar. 3, 2020) 10

TABLE OF AUTHORITIES (CONTINUED)

CASES (CONTINUED)

Hernandez v. Restoration Hardware, Inc.,
4 Cal. 5th 260 (2018) 7

Hibler v. Santander Consumer USA, Inc.,
2013 U.S. Dist. LEXIS 203140 (C.D. Cal. Nov. 21, 2013) 18

In re Endosurgical Prods. Direct Purchaser Antitrust Litig.,
2008 U.S. Dist. LEXIS 133216 (C.D. Cal. Dec. 31, 2008) 18

In re Tezos Sec. Litig.,
2018 U.S. Dist. LEXIS 88513 (N.D. Cal. May 25, 2018) 18

Joh v. Am. Income Life Ins. Co.,
2020 U.S. Dist. LEXIS 3808 (N.D. Cal. Jan. 9, 2020) 18

Kim v. Reins International California, Inc.,
9 Cal. 5th 73 (2020) 20

Kullar v. Foot Locker Retail, Inc.,
168 Cal. App. 4th 116 (2008) 22

Los Angeles Metro. Transp. Authority v. Alameda Produce Market, LLC,
52 Cal. 4th 1100 (2011) 20

Marine Forests Society v. California Coastal Com.,
36 Cal.4th 1 (2005) 19

McComber v. Wells,
72 Cal. App. 4th 512 (1999) 12

Moniz v. Adecco USA, Inc.,
72 Cal. App. 5th 56 (2021) 10, 19

Negrete v. Allianz Life Ins. Co.,
523 F. 3d 1091 (9th Cir. 2008) 18

TABLE OF AUTHORITIES (CONTINUED)

CASES (CONTINUED)

Roe v. SFBC Mgmt., LLC,
2017 U.S. Dist. LEXIS 57771 (N.D. Cal. Apr. 14, 2017) 18

Salmonson v. Bed Bath & Beyond, Inc.,
2012 U.S. Dist. LEXIS 199384 (C.D. Cal. Apr. 27, 2012) 18

Siry Investment, L.P. v. Farkhondehpour,
2022 Cal. LEXIS 4052 (2022) 21

Smith v. CRST Van Expedited, Inc.,
2012 U.S. Dist. LEXIS 165913 (S.D. Cal. Nov. 20, 2012) 18

Taylor v. Buth-Na-Bodhaige, Inc.,
2016 U.S. Dist. LEXIS 192699 (C.D. Cal. Sept. 22, 2016) 18

Uribe v. Crown Building Maintenance Co.,
70 Cal. App. 5th 986 (2021) 9

Zepeda v. Paypal, Inc.,
2014 U.S. Dist. LEXIS 56699 (N.D. Cal. Apr. 23, 2014) 18

STATUTES

Cal. Lab. Code §2699(l)(2) 7, 20, 23

RULES

Cal. Rules of Court Rule 3.769(f) 22

I. INTRODUCTION

Amicus Curiae California Employment Lawyers Group ("CELA") presents its brief as being filed on behalf of an association of plaintiffs' lawyers by counsel independent from the instant case. Both of those representations are false. The document is actually the product of a small "task force" led by Objector's own counsel, Jahan Sagafi. It presents the views of a small trade group of attorneys who profit by representing professional objectors. The business model for this trade depends upon raising objections to settlements and then agreeing to withdraw an objection or appeal in exchange for a payment of attorney fees. It is fair for attorneys who specialize in representing objectors to share their perspective. It is inappropriate for them to masquerade their brief as being separate from Objector's own counsel who leads their committee.

Besides being mislabeled, the CELA brief is also devoid of any facts or law to support the position it advances. The brief tells a colorful story about a hypothetical lawyer that finds herself unhappy with a PAGA settlement. But this fairy tale is insufficient to support CELA's argument that this Court should permit PAGA plaintiffs to object to settlements in cases other than their own. While CELA theorizes that precluding such objections will lead to "reverse auctions," the organization fails to provide any evidence to establish its point.

CELA also fails to come to terms with the existing safeguards to prevent reverse auctions including trial court review and the provision of notice to the LWDA. Also absent from the CELA brief is any effort to address the risk imposed by a policy that would allow any PAGA litigant to impose years of delay on any settlement by filing an objection and appeal, followed by a refusal to withdraw until he or she is paid attorney fees. In *Hernandez v. Restoration Hardware, Inc.*, 4 Cal. 5th 260, 272 (2018), this Court described the damage done when rent-seeking objectors delay resolution and increase costs. But CELA's amicus brief does not address that problem.

Nor does the brief address the actual text of Labor Code §2699(l)(2). How can plaintiffs in overlapping actions have standing to object or appeal if the statute itself only provides for notice to the LWDA? How can this Court interpret the statutory language to assign a review function to competing PAGA litigants when the legislative history shows that the review requirement was aimed only at "agency oversight?" CELA does not tell us.

Instead, the brief literally offers fiction; a fact-free story invented by a purported task force that is actually led by the same attorney who represents the Objector in these proceedings. It is a tale, to quote the Scottish play, full of sound and fury, signifying nothing.

II. CELA'S AMICUS BRIEF IS A PARTY BRIEF IN DISGUISE

Petitioner's attorneys are personally involved in driving the advocacy that CELA claims as its own. CELA's brief cannot legitimately be considered "third-party" participation, as both the "task force" that deals with the subject matter of the brief as well as the committee that is responsible for amicus briefing includes Objector's attorneys. CELA's failure to disclose these facts is inappropriate. The purported amicus brief must be viewed as either party advocacy or, alternatively, the argument of a trade group, including Objectors' counsel, who specialize in obtaining attorney fees through representation of professional objectors.

A. Petitioner's Counsel Are Members of CELA's "Reverse Auction Task Force" Committee

In its brief, CELA urges this Court to consider the purported "problem" of reverse auctions supposedly discovered by CELA's "Reverse Auction Task Force." CELA has neglected to inform this Court that attorneys for the Petitioner, Jahan Sagafi and Christian Schreiber, are committee members of this task force. Second Motion for Judicial Notice ("SMJN") Exh. 6. Mr. Sagafi's involvement in particular appears substantial: persons trying to contact the "Reverse Auction Task Force" are directed to contact email addresses belonging to Mr. Sagafi's law firm, Outten & Golden LLP. *Id*.

B. Petitioner's Attorneys Have Directed CELA's Appellate Efforts on the Subject of Reverse Auctions

In addition to the foregoing, Petitioner's attorney Jahan Sagafi has previously drafted at least one amicus brief on behalf of CELA on the very subject CELA raises to this Court. In the case of *Uribe v. Crown Building Maintenance Co.*, 70 Cal. App. 5th 986 (2021), attorney Sagafi, along with Lauren Teukolsky (who here again represents CELA), submitted an amicus brief on behalf of CELA arguing, as here, for the Court to take action against reverse auctions. *Id.* at 988, 990.

C. Petitioner's Attorneys Are On the Committee Directing CELA's Amicus Efforts

Monique Olivier, another attorney of record for Petitioner, is on CELA's Amicus Committee. SMJN Exh. 7. CELA did not inform this Court that Petitioner's attorney is on the committee that directs CELA's amicus efforts. *See id.* Exh. 8. It is reasonable to conclude that Petitioner's attorneys used CELA as a basis to become involved in the *Uribe* case and file an amicus brief in support of their "reverse auction" petition in efforts to affect the instant matter. Mr. Sagafi filed the amicus brief in *Uribe* in February 2021 while *Turrieta* was still pending before the California Court of Appeal. This Court should not give weight to arguments made by a supposed "amicus" who is not in fact independent of the Petitioner in this matter.

III. CELA'S AMICUS BRIEF DOES NOT REFLECT THE VIEWS OF PLAINTIFFS' EMPLOYMENT ATTORNEYS

CELA presents itself as trade group of plaintiffs' employment attorneys. *See* CELA's Application for Leave to File Amicus Curiae Brief, p. 2. But the instant brief does not advance the interests of plaintiffs' counsel generally. Instead, it is targeted at assisting a smaller subgroup of law firms that make their primary business by objecting to settlements. Far from speaking on behalf of plaintiffs' firms generally, CELA's brief presents a position that advances the interest of attorneys who represent professional objectors. It is directly contrary to the interest of attorneys who perform the work of litigating cases and ultimately seek approval for settlements.

This is not surprising. A review of published cases involving objectors shows that the Objector's counsel Sagafi is a leader in the professional objector industry. Sagafi, for example, represented the objectors in *Moniz v. Adecco USA, Inc.*, 72 Cal. App. 5th 56 (2021). Olson's counsel also represented an unsuccessful PAGA objector in *Harvey v. Morgan Stanley Smith Barney LLC*, 2020 U.S. Dist. LEXIS 37580 (N.D. Cal. Mar. 3, 2020). There is, of course, nothing wrong with a trade group that represents the objector industry making its views known to this Court. But CELA's presentation fails to disclose the economic interests of the industry it seeks to represent.

IV. CELA PRESENTS NO RELEVANT FACTS

The CELA brief consist almost exclusively of an admittedly fictional story about a hypothetical attorney who find herself in a situation where she files a lawsuit, performs extensive work on that lawsuit, and then is denied compensation because of a settlement in a later-filed lawsuit "filed on top" of hers. CELA Amicus Brief ("Brief") pp. 14-19.

Even as fiction, the CELA narrative is inapposite to the instant case. In this matter, Objector Olson brought his PAGA action a full month after Turrieta brought hers. *See* Olson's Opening Brief, p. 13 (noting Olson filed his PAGA claims on August 16, 2018). The *Turrieta* action was a matter of public record, and Olson knew there was a good chance one of the actions filed before his would also settle before his. Indeed, one of the many facts that support denial of intervention in this specific case is the trial court finding that Olson was dilatory because he was aware of the instant case for many months without seeking intervention. 3 AA 657 ¶7; 2 AA 282, 3 AA 658 ¶2.

The fact that Olson filed his action well after the instant case and his lack of diligence in seeking intervention has no place in the CELA fictional narrative. But it does highlight a common practice in the professional objector industry, where the plaintiff in a later-filed action will do nothing to seek intervention until he learns of a settlement that might provide attorney fees.

Besides being irrelevant to the facts of the instant case, CELA's parable suffers from another critical defect: it does not rely on any actual legal authority or evidence. The attempt to present this Court with an admittedly fictional narrative is novel, but controlling law requires this Court to reject it. *McComber v. Wells*, 72 Cal. App. 4th 512, 522 (1999) ("Every brief should contain a legal argument with citation of authorities on the points made. If none is furnished on a particular point, the court may treat it as waived, and pass it without consideration"). The defects in the brief are manifold:

A. CELA Provides No Evidence That Any "Reverse Auction" Problem Exists

CELA contends that its "members" began reporting that so-called "reverse auctions" were becoming more common and were frustrated with the fact that PAGA cases similar to their own were being settled without these attorneys receiving payment for their work. Brief at pp. 21-22. CELA then claims that its "task force" (which includes Objector's counsel) made some findings based on "more than 20 reverse auction reports" in two years. *Id*. at 23.

But CELA provides no evidence to support any of its claims. If CELA's "task force" conducted some kind of rigorous study identifying a serious problem, where is this data? Why has CELA failed to present it to this Court? CELA presents purported

"quotes" from its members contending reverse auctions occurred, but does not provide any declarations or even the names of these individuals or the cases in which a reverse auction purportedly occurred. And what was the source of the purported reports of reverse auctions? Objector's counsel is a specialist in representing objectors and a member of the "task force." Was this just a case in which attorneys who specialize in obtaining fees by objecting to settlements identify each case from which they sought to profit as a "reverse auction?" CELA does not tell us.

Ultimately, there is zero evidence that "reverse auctions" in the PAGA context constitute a widespread issue requiring any attention; there is no reason for this Court to make new law to address a hypothetical "problem" that does not exist. Not only that, CELA fails to provide any evidence that so-called "reverse auctions" have actually created any of the hypothetical harms of which CELA complains. For instance, CELA's argument that attorneys will stop taking PAGA cases because of an "increasing" number of reverse auctions is belied by the LWDA's report of receiving over 6,000 PAGA notices last year. Amicus Curiae Brief of the Labor Commissioner of the State of California ("LWDA Amicus Brief") at p. 18. CELA's contention that PAGA settlements are being driven downwards is belied by the settlement in this very case, which represents nearly double the

previous record for a PAGA recovery in a driver misclassification case. *Price v. Uber*, No. BC554512 (L.A. Super. Ct.). 1 AA 37:21-24, 3 AA 651:10-28, 1 RA 66, 1 RA 72-76.

CELA contends that trial courts will "lose access to crucial information" if litigants in overlapping PAGA cases are not permitted to object to PAGA settlements, or intervene to challenge settlements. Brief p. 27. Once again, CELA fails to identify any actual situation wherein this was the case. In the instant matter, the trial court below received briefing and heard argument from Petitioner Olson (as well as would-be intervenor Million Seifu) on multiple occasions. RT at 13:7-17:15; 303:6-28; Opinion at 10-11, 20 n.13; 3 AA 665-673. As in this case, trial courts are not prohibited from exercising their inherent discretion to permit plaintiffs in other PAGA cases to provide their viewpoints to the court. Trial courts exercise wide discretion and are afforded great latitude in determining settlement approval. *See* *Dunk v. Ford Motor Co.*, 48 Cal. App. 4th 1794, 1802 (1996); *7-Eleven Owners for Fair Franchising v. Southland Corp.*, 85 Cal. App. 4th 1135, 1145 (2000). CELA has identified no reason for this Court to deprive trial courts of their traditional authority here.

The record in this case similarly puts paid to CELA's argument that the LWDA does not have the resources to participate in the PAGA settlement process. While the LWDA

chose not to object to the settlement during the trial court proceedings, the LWDA has demonstrated that it has the resources to participate in appellate proceedings as amicus curiae both at the Court of Appeal and before this Court.

CELA finally argues that failure to permit objection and intervention will prevent appeals of PAGA settlements, and that trial courts will be disincentivized to rigorously scrutinize PAGA settlements as a result. This argument fails on multiple grounds.

First, CELA fails to provide any support for its contention that appeals of PAGA settlements cannot occur without the assistance of competing litigants. In its amicus brief, the LWDA takes the position that it has standing to intervene, object, and presumably to appeal if it chooses to object of the trial court level. LWDA Amicus Brief pp. 16-17. The legislative record also shows that the Legislature appropriated a $1.5 million annual budget to ensure that the LWDA could maintain the staff necessary to provide agency oversight for PAGA settlements. Respondent's Motion for Judicial Notice ("MJN") Exh. 3 at p. 5. CELA notes that, when it originally enacted PAGA, the Legislature found that the LWDA lacked the resources to engage in all of the civil enforcement litigation required across the state of California. But the record with regard to review and supervision of PAGA settlements shows the exact opposite: the Legislature has specifically appointed this job to the LWDA and funded it for that

purpose. *Id*. There is no evidence before this Court to suggest that there is any lack of resources for intervention or objection that could require the assistance of PAGA litigants.

The record also shows that the LWDA is available and responsive to litigants who believe that a particular overlapping settlement raises an issue. Exhibit Appendix B to the CELA brief shows counsel for one professional objector soliciting a statement from the LWDA with regard to a pending settlement. The agency promptly responds to the email with the requested statement the next day. Even if there were evidence that the LWDA lacked the resources to review all notices of settlement (there is not), the record is clear that litigants in overlapping cases have the ability to contact the agency and request review of specific settlements that they believe raise concerns.

Second, CELA does the trial courts a disservice by asserting that trial courts will abdicate their statutory duties absent appellate review. This is inappropriate. There is no reason to simply assume that trial courts would wholesale fail to execute their responsibilities absent appellate oversight.

Third, even if the plain language of the PAGA statute precludes appeal of a trial court's approval of a PAGA settlement, this Court must presume the Legislature intended such a result. Our Courts may not read additional rights into a statute where the Legislature has not provided for them. *See* Section V, *infra*.

B. CELA Fails to Describe Any Widespread "Problem"

Even were this Court to take CELA's statements at face value and accept that there were some 20 instances of "reverse auctions" that occurred between 2020 and 2021, this still would not present any problem in need of a solution. According to the LWDA itself, in just *one* year – 2021 – the agency received 6,542 notices of alleged violations and 2,978 notices of PAGA settlements. LWDA Amicus Brief, p. 18. Extrapolated over two years, CELA appears to argue that 0.3% percent of these settlements (20 out of 5,956) might have been problematic. CELA's contention that a tiny fraction of one percent of PAGA settlements may constitute "reverse auctions" fails to establish any widespread problem that needs attention from this Court.

C. The Case Law Does Not Support the Existence of a Reverse Auction Problem

A review of the case law addressing potential reverse auctions strongly refutes CELA's position. Instead of a widespread problem with reverse auctions, the law shows the judiciary carefully and repeatedly considering claims of reverse auctions without ever actually finding one. Respondent has been able to identify 17 published cases that discussed claims of reverse auction, and none of them found that a reverse auction actually occurred. *See* *Gallucci v. Gonzales*, 603 Fed. Appx. 533, 535 (9th Cir. 2015); *Harvey v. Morgan Stanley Smith Barney*

LLC, 2019 U.S. Dist. LEXIS 159258, *4 (N.D. Cal. Sept. 5, 2019); *Smith v. CRST Van Expedited, Inc.*, 2012 U.S. Dist. LEXIS 165913, 12 (S.D. Cal. Nov. 20, 2012); *In re Tezos Sec. Litig.*, 2018 U.S. Dist. LEXIS 88513, 14-15 (N.D. Cal. May 25, 2018); *Joh v. Am. Income Life Ins. Co.*, 2020 U.S. Dist. LEXIS 3808, 21-22 (N.D. Cal. Jan. 9, 2020); *Negrete v. Allianz Life Ins. Co.*, 523 F. 3d 1091 (9th Cir. 2008); *Amaro v. Anaheim Arena Management, LLC*, 69 Cal. App. 5th 521, 528 (2021); *Salmonson v. Bed Bath & Beyond, Inc.*, 2012 U.S. Dist. LEXIS 199384, 12-13 (C.D. Cal. Apr. 27, 2012); *Brown v. Dynamic Pet Prods. & Frick's Meat Prods.*, 2019 U.S. Dist. LEXIS 162220, 8 (S.D. Cal. May 20, 2019); *Cohorst v. BRE Props.*, 2011 U.S. Dist. LEXIS 87342, 22-23 (S.D. Cal. July 19, 2011); *Taylor v. Buth-Na-Bodhaige, Inc.*, 2016 U.S. Dist. LEXIS 192699, 5 (C.D. Cal. Sept. 22, 2016); *Hibler v. Santander Consumer USA, Inc.*, 2013 U.S. Dist. LEXIS 203140, 15 n.11 (C.D. Cal. Nov. 21, 2013); *Espinosa v. Ahearn (In re Hyundai & Kia Fuel Econ. Litig.)*, 926 F.3d 539, 569 (9th Cir. 2019); *Zepeda v. Paypal, Inc.*, 2014 U.S. Dist. LEXIS 56699, 24 (N.D. Cal. Apr. 23, 2014); *In re Endosurgical Prods. Direct Purchaser Antitrust Litig.*, 2008 U.S. Dist. LEXIS 133216, 24 (C.D. Cal. Dec. 31, 2008); *Edwards v. City of Long Beach*, 2011 U.S. Dist. LEXIS 163730, 5-6 (C.D. Cal. Oct. 31, 2011); *Roe v. SFBC Mgmt., LLC*, 2017 U.S. Dist. LEXIS 57771, 27-28 (N.D. Cal. Apr. 14, 2017).

There is good reason to believe the foregoing list is exhaustive. Despite making extensive arguments with regard to reverse auctions, neither Appellant Olson nor Million Seifu, who appealed below, were able to identify a single case wherein a court concluded a reverse auction occurred. The failure to present any example is particularly notable because Petitioner's counsel is a specialist in this area who routinely attempts to intervene and object on the basis of purported "reverse auctions." Although many of these objections and appeals are withdrawn when the litigants agree on a payment of attorney fees, those cases that Petitioner's counsel has brought to the Court of Appeal have also rejected the "reverse auction" argument. *See, e.g.*, *Harvey*, 2019 U.S. Dist. LEXIS 159258 at 4; *Moniz*, 72 Cal. App. 5th at 79.

V. CELA'S CONCERNS MUST BE ADDRESSED TO THE LEGISLATURE, NOT THIS COURT

CELA's argument in favor of permitting non-parties to object or intervene in PAGA cases is based solely on purported public policy grounds. But this Court may not redraw the Legislature's weighing of competing policy issues. *See Cassel v. Superior Court*, 51 Cal. 4th 113, 124 (2011) ("where competing policy concerns are present, it is for the Legislature to resolve them"); *Marine Forests Society v. California Coastal Com.*, 36 Cal. 4th 1, 25 (2005) ("the choice among competing policy

considerations in enacting laws is a legislative function").

As this Court explained in *Los Angeles Metropolitan Transportation Authority v. Alameda Produce Market, LLC*, 52 Cal. 4th 1100, 1113-1114 (2011):

> Although MTA has identified competing policy concerns that may support a different rule, our role as a court is not to sit in judgment of the Legislature's wisdom in balancing such competing public policies . . . Instead, due respect for the power of the Legislature and for the separation of powers requires us to follow the public policy choices actually discernable from the Legislature's statutory enactments. [Citations omitted.]

Here, the language of the PAGA does not provide any avenue permitting non-parties to object to PAGA settlements. Nor does the statute provide any indication that anyone aside from the trial court and the LWDA are entitled to weigh in on the settlement of a PAGA case. *See* Labor Code §2699(l)(2). CELA admits as much. Brief p. 19.[1]

This Court has already explained that it will not add terms to the PAGA where the Legislature has declined to do so. In *Kim v. Reins International California, Inc.*, 9 Cal. 5th 73 (2020), this Court held that where the PAGA did not impose an injury

[1] CELA also appears to argue that this Court should take some kind of action to prevent multiple plaintiffs from filing different cases with similar claims against the same employer. This is not a question this Court has indicated that it is considering for review. In its brief, CELA does not dispute that the Legislature has declined to prohibit the filing of multiple overlapping PAGA cases, and does not identify any legal basis for this Court to add such a prohibition to the PAGA.

requirement for standing in a PAGA action, the Court could not unilaterally impose one. "In construing a statute, we are careful not to add requirements to those already supplied by the Legislature . . . If the Legislature intended to limit PAGA standing to employees with unresolved compensatory claims when such claims have been alleged, it could have worded the statute accordingly. That it did not implies no such requirement was intended." *Id.* at 85 (citations omitted). Here, similarly, the Court may not read into the PAGA a right for nonparties to object to PAGA settlements where the Legislature has chosen not to include such a provision.

Although CELA argues for reversal of the lower court on the basis of policy concerns, this Court has also recently explained that it will not rewrite the clear language of a statute on such grounds. "We will not speculate that the Legislature meant something other than what it said, and rewrite the statute to posit an unexpressed intent." *Siry Investment, L.P. v. Farkhondehpour*, 2022 Cal. LEXIS 4052, 48 (2022). Arguments about potential policy implications of the Legislature's plain meaning must be directed to the Legislature, rather than this Court. "[A]though we are not unmindful of the policy concerns about the potential consequences of our interpretation, it is and remains the task of the Legislature to address those policy concerns." *Id.* According to CELA itself, CELA became aware of the policy concerns it

raised all the way back in 2017. Brief p. 19. Particularly where "policy issues have not been hidden from the Legislature's attention, nor are they new," this Court cannot simply assume the Legislature intended a different result than that flowing from the plain language of the statute. *Id.* at 43.

CELA fails to explain how potential policy considerations empower this Court to rewrite the plain language set forth by our Legislature. CELA makes the conclusory statement that "appellate courts are authorized to require trial courts to consider objections to PAGA settlements." Brief p. 29. But the only support CELA cites for this proposition comes from the class action context.

First, the cases CELA cites do not stand for the proposition that our courts have unilaterally imposed notice and objection requirements in class action cases. They certainly do not purport to contravene the rule set forth in *Siry*, prohibiting this Court from rewriting statutes issued by our Legislature.

Rather, *Dunk*, 48 Cal. App. 4th 1794 and *Kullar v. Foot Locker Retail, Inc.*, 168 Cal. App. 4th 116 (2008) address the findings a trial court must make to determine whether to approve a class action settlement. That is not at issue here, and *Dunk* and *Kullar* do not address the propriety of objections to a settlement. Contrary to CELA's suggestion that these cases gave rise to a right to object in the class action context, it is the California Rules

of Court that set forth the notice and objection procedure afforded to class members where a class action settlement is pending. *See* California Rules of Court Rule 3.769(f).

Second, as our courts have repeatedly explained, PAGA cases are fundamentally different from class actions, and procedures for these two distinct types of cases may not be conflated. *See, e.g.*, *Arias v. Superior Court*, 46 Cal. 4th 969, 982 (2009) ("Defendants' argument that class action requirements apply generally to any form of representative action . . . is incorrect"). In *Arias*, the defendant employer argued that it would be a violation of due process to not permit nonparty aggrieved employees to be "given notice of, and an opportunity to be heard in" PAGA actions. *Id.* at 984. This Court disagreed, and held that the representative nature of a PAGA action did not mean that class action procedures should be imposed thereon. *Id.* at 984-987. The exact same reasoning applies here. PAGA is a statutory construction and Labor Code §2699(l)(2) describes the universe of entities that are entitled to notice or an opportunity to be heard after settlement. The statute does not include competing PAGA litigants.

CELA has failed to provide any basis for this Court to usurp the job of the Legislature and rewrite the statute. This Court ought not add requirements to the PAGA that the Legislature did not impose.

VI. CONCLUSION

Amicus curiae CELA argues strenuously about hypothetical harms that may arise should this Court not invent a right for PAGA litigants to object and critically appeal settlements in overlapping PAGA cases. The amicus argument should be weighed for what it is: at best, briefing from a trade group of attorneys who represent professional objectors seeking to defend their basic business model of imposing objections and appeals which only withdrawn in exchange for attorney fees. Alternatively, CELA's brief is just additional advocacy from Petitioner's counsel who sit on the "task force" that purports to serve as a friend of the Court.

In terms of the merits, CELA's argument fails on two grounds. First, CELA has provided this Court with no actual evidence or instance of any of the harm that CELA claims will occur without this Court's intervention. There is no cognizable evidence of even one "reverse auction" having ever actually occurred. There is no declaration, no judicially noticeable documentation, nothing. Review of the case law shows that, although the term "reverse auction" is frequently examined, no published opinion has ever found one to exist in the wild. There is zero evidence of the one and only purported harm on which CELA bases its entire argument.

Even if it had provided a policy argument, CELA has directed its argument to the wrong forum. It is not the province of this Court to rebalance the competing policy interests surrounding rent-seeking objectors and purported reverse auctions in order to rewrite the statutes enacted by our Legislature. If CELA believes the plain language of the statute gives rise to adverse policy outcomes, it must raise these issues with the Legislature. This Court should affirm the Court of Appeal's ruling in this case.

DATED: August 17, 2022

Respectfully submitted,

THE GRAVES FIRM

By: */s/ Allen Graves*

ALLEN GRAVES
Attorney for Plaintiff and
Respondent Tina Turrieta

CERTIFICATE OF WORD COUNT
CALIFORNIA RULES OF COURT,
RULES 8.204(c) & 8.486(a)(6)

The text of Respondent's brief consists of 4,506 words as counted by the Microsoft Word 2021word processing program used to generate the brief, exclusive of the tables, verification, supporting documents, and certificates.

DATED: August 17, 2022

Respectfully submitted,
THE GRAVES FIRM

By: */s/ Allen Graves*
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Attorney for Plaintiff and
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PROOF OF SERVICE

STATE OF CALIFORNIA)
) ss:
COUNTY OF LOS ANGELES)

I am employed in the County of Los Angeles, State of California. I am over the age of 18, and not a party to the within action. My business address is 122 N. Baldwin Ave., Main Floor, Sierra Madre, CA 91024.

On August 17, 2022, I served the following document(s) described as:

RESPONDENT TINA TURRIETA'S RESPONSE TO AMICUS CURIAE BRIEF OF CALIFORNIA EMPLOYMENT LAWYERS ASSOCIATION

on the interested parties by transmitting a true and correct copy thereof addressed as follows:

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I declare under penalty of perjury under the laws of the State of California that the above is true and correct and was executed on August 17, 2022, at Sierra Madre, California.

Justine Gray	*/s/Justine Gray*
Type or Print Name	Signature

STATE OF CALIFORNIA
Supreme Court of California

PROOF OF SERVICE

STATE OF CALIFORNIA
Supreme Court of California

Case Name: **TURRIETA v. LYFT (SEIFU)**
Case Number: **S271721**
Lower Court Case Number: **B304701**

1. At the time of service I was at least 18 years of age and not a party to this legal action.

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3. I served by email a copy of the following document(s) indicated below:

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ADDITIONAL DOCUMENTS	Turrieta's Resp to California Emp. Laywers Assn Amicus Brief
MOTION	Turrieta's Second Motion for Judicial Notice
ADDITIONAL DOCUMENTS	[Proposed] Order Granting Motion for Judicial Notice

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I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

8/17/2022

Date

/s/Allen Graves

Signature

Graves, Allen (204580)

Last Name, First Name (PNum)

The Graves Firm

Law Firm