

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
SECOND MOTION FOR JUDICIAL NOTICE**

THE GRAVES FIRM
Allen Graves (S.B. No. 204580)
Jacqueline Treu (S.B. No. 247927)
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Attorney for Plaintiff and Respondent
TINA TURRIETA

MOTION FOR JUDICIAL NOTICE

Respondent Tina Turrieta hereby moves, pursuant to Rule 8.54 of the California Rules of Court, for judicial notice of the following documents attached hereto:

- Information regarding compensation provided to attorneys employed by the Labor and Workforce Development Agency, published by the California State Controller and publicly available at <https://publicpay.ca.gov/Reports/State/StateEntity.aspx?entityid=3796&year=2021>, a true and correct copy of which is attached hereto as Exhibit 1.
- Lyft's Notice of Petition and Petition to Compel Individual Arbitration filed October 3, 2018 in the trial court below (Case No. BC714153), a true and correct copy of which is attached hereto as Exhibit 2.
- Lyft's Notice of Petition and Petition to Compel Individual Arbitrations filed September 19, 2018 in the case of *Olson v. Lyft, Inc.*, Case No. CGC-18-566788 in the San Francisco Superior Court, a true and correct copy of which is attached hereto as Exhibit 3.

- The July 21, 2021 Order Granting Final Approval of Class Action Settlement entered in the case of *LaBorde v. Lyft, Inc.*, Case No. BC707667 in the Los Angeles Superior Court, a true and correct excerpt of which is attached hereto as Exhibit 4.
- The April 27, 2022 Order denying Olson’s request to coordinate add-on cases (including *Turrieta*), entered in the *Uber Technologies Wage and Hour Cases*, Judicial Council Coordination Proceeding No. 5179 in the San Francisco Superior Court, a true and correct copy of which is attached hereto as Exhibit 5.
- A webpage on the California Employment Lawyers Association website entitled “CELA INTRODUCES ITS REVERSE AUCTIONS POLICY,” publicly available at https://bulletin.cela.org/bulletin/october-2020/generic/4/?doing_wp_cron=1660591420.1410729885101318359375, a true and correct copy of which is attached hereto as Exhibit 6.
- A webpage on the California Employment Lawyers Association website entitled “AMICUS COMMITTEE,” publicly available at <https://cela.org/?pg=AmicusCommittee>, a true and correct copy of which is attached hereto as Exhibit 7.

- A webpage on the California Employment Lawyers Association website entitled “AMICUS ACTIVITY,” publicly available at <https://cela.org/?pg=AmicusActivity>, a true and correct excerpt of which is attached hereto as Exhibit 8.

Respondent seeks judicial notice of Exhibits 2, 3, 4 and 5 pursuant to [California Evidence Code section 452, subsection \(d\)\(1\)](#). Respondent seeks judicial notice of Exhibits 1, 6, 7 and 8 pursuant to [California Evidence Code section 452, subsection \(h\)](#).

MEMORANDUM OF POINTS AND AUTHORITIES

A. Evidence Code section 452(d)(1)

[California Evidence Code section 452, subsection \(d\)\(1\)](#) authorizes a court to take judicial notice of “Records of . . . any court of this state.” Exhibits 2, 3, 4 and 5 consist of documents filed with the Superior Courts of the counties of Los Angeles and San Francisco, and thus constitute judicially noticeable records of the court of the State of California.

Exhibits 2, 3 and 4 are relevant to the instant matter as they demonstrate that, should Petitioner succeed in his goal of defeating the settlement reached in this case, Defendant is likely to renew its bid to compel individual arbitration in the *Turrieta* and *Olson* matters in light of the United States Supreme Court’s

decision in In [*Viking River Cruises, Inc. v. Moriana*, 142 S.Ct. 1906, 1924 \(2022\)](#). This information is relevant to demonstrate that Olson's continued pursuit of this appeal, and indeed his involvement in the *Turrieta* matter in the first place, is directly contrary to the interests of the State he claims to represent, and stands to inflict serious harm on the interests of the State.

Exhibit 5 is relevant to the instant matter as it demonstrates that though Petitioner Olson continues to attempt to coordinate the *Turrieta* case below with other pending actions, yet another trial court has now rejected the propriety of Olson's involvement in the *Turrieta* matter.

B. Evidence Code section 452(h)

[California Evidence Code section 452, subsection \(h\)](#) authorizes a court to take judicial notice of facts and propositions that are not reasonably subject to dispute, and that are capable of immediate and accurate determination by resort to sources of reasonably indisputable accuracy.

Exhibit 1 is public information officially published by the State of California through the State Controller and made available to the public through the State's website. This information is not reasonably subject to dispute, and is capable of immediate and accurate determination by review of the State's website, which is of reasonably indisputable accuracy.

Exhibit 1 is relevant both to establish that the LWDA currently employs sufficient staff to review the notices of settlement that it receives pursuant to [Labor Code §2699\(1\)\(2\)](#), and to establish the cost of hiring additional attorneys to expand the agency's capacity. This is important to demonstrate that the LWDA's receipt of payment from the settlement in the instant case could pay for significantly more attorney resources to assist the LWDA in reviewing PAGA settlements.

Exhibits 6, 7, and 8 are webpages hosted by amicus curiae California Employment Lawyers' Association ("CELA"). The existence of these documents, and the representations made therein, are not reasonably subject to dispute. As this information is publicly available on the internet, the representations made by CELA regarding its committees and the individuals on its committees is capable of immediate and accurate determination for anyone accessing the website, and not reasonably subject to dispute.

Exhibits 6, 7 and 8 are relevant as they demonstrate the attorneys for Petitioner Olson have a close relationship with amicus CELA, and serve on CELA committees that are directly involved in the matters regarding which amicus seeks to provide advocacy in this case. These facts show that the purportedly

independent amicus brief is actually additional advocacy by
Petitioner in that Petitioner failed to disclose the relationship
between his counsel and the purportedly independent amicus.

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 motion consists of 925 words as counted by the Microsoft Word 2021 word 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
ALLEN GRAVES

Attorney for Plaintiff and
Respondent Tina Turrieta

Government Compensation in California

Betty T. Yee, California State Controller

State Department Detail

Labor and Workforce Development Agency

Year:

Employees 30
Total Wages \$2,979,701
Total Retirement & Health Contribution \$1,067,912

This state department includes payments toward the unfunded liability of the employer sponsored retirement plan.

For more information visit this employer's website (<https://www.calhr.ca.gov>) Last Updated: 7/26/2022

Report: Employees

Filter by: Min:

Max:

Show entries

Search:

Position	State Department	Subdivision	Total Wages	Total Retirement & Health Contribution
Undersecretary, Labor and Workforce Development Agency (https://publicpay.ca.gov/Reports/PositionDetail.aspx?employeeid=31099699)	Labor and Workforce Development Agency		\$222,949	\$53,016
Senior Advisor of Law and Policy (https://publicpay.ca.gov/Reports/PositionDetail.aspx?employeeid=31133400)	Labor and Workforce Development Agency		\$213,668	\$76,440

Position	State Department	Subdivision	Total Wages	Total Retirement & Health Contribution
Attorney V, Range A (https://publicpay.ca.gov/Reports/PositionDetail.aspx?employeeid=31193558)	Labor and Workforce Development Agency		\$204,823	\$57,501
General Counsel, Labor and Workforce Development Agency (https://publicpay.ca.gov/Reports/PositionDetail.aspx?employeeid=30994289)	Labor and Workforce Development Agency		\$183,863	\$65,372
Senior Policy Advisor, Labor and Workforce Development (https://publicpay.ca.gov/Reports/PositionDetail.aspx?employeeid=30940024)	Labor and Workforce Development Agency		\$180,497	\$64,133
C.E.A., Range B (https://publicpay.ca.gov/Reports/PositionDetail.aspx?employeeid=31186759)	Labor and Workforce Development Agency		\$168,488	\$73,196
Deputy Secretary for Strategic Planning and Equity (https://publicpay.ca.gov/Reports/PositionDetail.aspx?employeeid=31097029)	Labor and Workforce Development Agency		\$160,435	\$64,640
Senior Policy Advisor, Labor and Workforce Development (https://publicpay.ca.gov/Reports/PositionDetail.aspx?employeeid=30999656)	Labor and Workforce Development Agency		\$147,199	\$33,897
Deputy Secretary of Legislation, Labor and Workforce Development Agency (https://publicpay.ca.gov/Reports/PositionDetail.aspx?employeeid=31113740)	Labor and Workforce Development Agency		\$146,386	\$64,078
Deputy Secretary of Future Work (https://publicpay.ca.gov/Reports/PositionDetail.aspx?employeeid=31155822)	Labor and Workforce Development Agency		\$137,554	\$42,676
Information Technology Manager II (https://publicpay.ca.gov/Reports/PositionDetail.aspx?employeeid=31168033)	Labor and Workforce Development Agency		\$131,553	\$64,279

Position	State Department	Subdivision	Total Wages	Total Retirement & Health Contribution
Associate Secretary, Farmworker and Immigrant Services, Lwda (https://publicpay.ca.gov/Reports/PositionDetail.aspx?employeeid=31081594)	Labor and Workforce Development Agency		\$124,463	\$58,599
Attorney IV, Range A (https://publicpay.ca.gov/Reports/PositionDetail.aspx?employeeid=31180019)	Labor and Workforce Development Agency		\$123,727	\$0
Attorney IV, Range A (https://publicpay.ca.gov/Reports/PositionDetail.aspx?employeeid=31007600)	Labor and Workforce Development Agency		\$112,152	\$37,225
Staff Services Manager II (Supervisory) (https://publicpay.ca.gov/Reports/PositionDetail.aspx?employeeid=30987132)	Labor and Workforce Development Agency		\$90,298	\$49,647
Staff Services Manager II (Supervisory) (https://publicpay.ca.gov/Reports/PositionDetail.aspx?employeeid=31047595)	Labor and Workforce Development Agency		\$87,770	\$36,175
Information Officer II (https://publicpay.ca.gov/Reports/PositionDetail.aspx?employeeid=31096723)	Labor and Workforce Development Agency		\$82,504	\$34,370
Associate Governmental Program Analyst, Range A (https://publicpay.ca.gov/Reports/PositionDetail.aspx?employeeid=31081367)	Labor and Workforce Development Agency		\$74,061	\$31,590
Staff Services Manager I (https://publicpay.ca.gov/Reports/PositionDetail.aspx?employeeid=31058492)	Labor and Workforce Development Agency		\$68,920	\$52,687
Undersecretary, Labor and Workforce Development Agency (https://publicpay.ca.gov/Reports/PositionDetail.aspx?employeeid=31129382)	Labor and Workforce Development Agency		\$66,067	\$25,630

Position	State Department	Subdivision	Total Wages	Total Retirement & Health Contribution
Staff Services Analyst (General), Range B (https://publicpay.ca.gov/Reports/PositionDetail.aspx?employeeid=31011376)	Labor and Workforce Development Agency		\$46,633	\$22,511
Staff Services Manager I (https://publicpay.ca.gov/Reports/PositionDetail.aspx?employeeid=30984839)	Labor and Workforce Development Agency		\$40,991	\$0
Secretary of Labor and Workforce Development (https://publicpay.ca.gov/Reports/PositionDetail.aspx?employeeid=30896056)	Labor and Workforce Development Agency		\$40,834	\$12,093
Staff Services Analyst (General), Range C (https://publicpay.ca.gov/Reports/PositionDetail.aspx?employeeid=30975077)	Labor and Workforce Development Agency		\$40,656	\$20,072
Office Technician (Typing), Range A (https://publicpay.ca.gov/Reports/PositionDetail.aspx?employeeid=30882060)	Labor and Workforce Development Agency		\$38,523	\$19,681
Office Technician (Typing), Range A (https://publicpay.ca.gov/Reports/PositionDetail.aspx?employeeid=31069742)	Labor and Workforce Development Agency		\$17,541	\$0
Associate Governmental Program Analyst, Range A (https://publicpay.ca.gov/Reports/PositionDetail.aspx?employeeid=31136605)	Labor and Workforce Development Agency		\$15,545	\$0
Office Technician (Typing), Range A (https://publicpay.ca.gov/Reports/PositionDetail.aspx?employeeid=30927248)	Labor and Workforce Development Agency		\$10,419	\$8,401
Commissioner, Future of Work (https://publicpay.ca.gov/Reports/PositionDetail.aspx?employeeid=31074776)	Labor and Workforce Development Agency		\$1,000	\$0

Position	State Department	Subdivision	Total Wages	Total Retirement & Health Contribution
Office Technician (Typing), Range A (https://publicpay.ca.gov/Reports/PositionDetail.aspx?employeeid=31100118)	Labor and Workforce Development Agency		\$182	\$0

Showing 1 to 30 of 30 entries

The information presented is posted as submitted by each reporting public employer. The State Controller's Office is not responsible for the accuracy of this information. If you have any questions, please contact that public employer.

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6 San Francisco, CA 94111-1809
Telephone: 415 391 5400
7 Facsimile: 415 397 7188

8 Attorneys for Defendant LYFT, INC.

9 SUPERIOR COURT OF THE STATE OF CALIFORNIA

10 IN AND FOR THE COUNTY OF LOS ANGELES

11 TINA TURRIETA, in her individual and
representative capacity,

12 Plaintiff,

13 v.

14 LYFT, INC., and DOES 1 through 10,
15 inclusive,

16 Defendants.

Case No. BC714153

**DEFENDANT LYFT, INC.'S NOTICE OF
PETITION AND PETITION TO COMPEL
INDIVIDUAL ARBITRATION AND STAY
PROCEEDINGS PENDING
ARBITRATION**

Date: November 29, 2018

Time: 9:00 a.m.

Dept.: 51

Judge: Hon. Dennis J. Landin

Reservation ID: 181001353226

Date Filed: July 13, 2018

Trial Date: Not Yet Set

1 TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

2 PLEASE TAKE NOTICE that on November 29, 2018, at 9:00 a.m. or as soon thereafter
3 as this matter can be heard, in Department 51 of the above-entitled Court, located at 111 North
4 Hill Street, Los Angeles, California, 90012, Defendant Lyft, Inc. will, and hereby does, petition
5 the Court to compel individual arbitration of Plaintiff's claims, and move to stay proceedings
6 pending resolution of this petition and the arbitration.

7 **Petition to Compel Individual Arbitration and Stay Proceedings**

8 Defendant Lyft, Inc. ("Lyft") respectfully petitions this Court to compel individual
9 arbitrations of Plaintiff's claims pursuant to California Code of Civil Procedure § 1281.2 and the
10 Federal Arbitration Act, 9 U.S.C. § 1 *et seq.* Plaintiff entered into an agreement with Lyft to
11 arbitrate on an individual basis all claims and disputes between Plaintiff and Lyft, including those
12 claims asserted in this action. The Federal Arbitration Act mandates enforcement of Plaintiff's
13 agreement to arbitrate. Additionally, Lyft moves to stay these proceedings pending conclusion of
14 the arbitration, as required by California Code of Civil Procedure § 1281.4 and the terms of the
15 Plaintiff's agreement with Lyft.

16 This petition is based on this Notice of Petition; the supporting Memorandum of Points
17 and Authorities; the Declarations of Oluwabukunmi Ayanbule, Jeannie Lieu, and Erin Meyer; the
18 pleadings, records, and other papers on file in this action; and any such further evidence or
19 arguments as may be presented at or before the hearing.

20
21 Dated: October 3, 2018

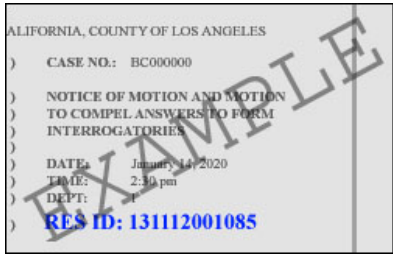
KEKER, VAN NEST & PETERS LLP

22
23 By: 

24 R. JAMES SLAUGHTER
25 ERIN E. MEYER
26 IAN A. KANIG
27 MORGAN E. SHARMA

28 Attorneys for Defendant
LYFT, INC.

THIS IS YOUR CRS RECEIPT

INSTRUCTIONS	
Please print this receipt and attach it to the corresponding motion/document as the last page. Indicate the Reservation ID on the motion/document face page (see example). The document will not be accepted without this receipt page and the Reservation ID.	
 <p>ALIFORNIA, COUNTY OF LOS ANGELES) CASE NO.: BC000000)) NOTICE OF MOTION AND MOTION) TO COMPEL ANSWERS TO FORM) INTERROGATORIES)) DATE: January 14, 2020) TIME: 2:30 pm) DEPT: 1) RES ID: 131112001085</p>	

RESERVATION INFORMATION

Reservation ID: **181001353226**
Transaction Date: October 1, 2018 2:40 PM
Case Number: BC714153
Case Title: TINA TURRIETA VS LYFT INC
Party: LYFT INC. (Defendant/Respondent)
Courthouse: Stanley Mosk Courthouse
Department: 51
Reservation Type: **Motion to Compel Arbitration**
Date: 11/29/2018
Time: 09:00 am

FEE INFORMATION (Fees are non-refundable)

TO BE DETERMINED AT THE FILING WINDOW.

PAYMENT INFORMATION

TO BE HANDLED AT THE FILING WINDOW.

**A COPY OF THIS RECEIPT MUST BE ATTACHED TO THE CORRESPONDING
 MOTION/DOCUMENT AS THE LAST PAGE AND THE RESERVATION ID INDICATED ON THE
 MOTION/DOCUMENT FACE PAGE.**

Exhibit 3

1 KEKER, VAN NEST & PETERS LLP
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Telephone: 415 391 5400
7 Facsimile: 415 397 7188

8 Attorneys for Defendant
LYFT, INC.

ELECTRONICALLY
FILED
*Superior Court of California,
County of San Francisco*
09/19/2018
Clerk of the Court
BY:ANNIE PASCUAL
Deputy Clerk

10 SUPERIOR COURT OF THE STATE OF CALIFORNIA
11 IN AND FOR THE COUNTY OF SAN FRANCISCO

12 BRANDON OLSON and JAMES DENNIE,
13 on behalf of themselves and all those
14 similarly situated,

15 Plaintiffs,

16 v.

17 LYFT, INC.,

18 Defendant.

Case No. CGC-18-566788

**DEFENDANT LYFT, INC.'S NOTICE OF
PETITION AND PETITION TO COMPEL
INDIVIDUAL ARBITRATIONS AND
STAY PROCEEDINGS PENDING
ARBITRATIONS**

Date: October 18, 2018
Time: 9:00 a.m.
Dept.: 304
Judge: Hon. Curtis Karnow

Date Filed: May 25, 2018

Trial Date: Not Yet Assigned

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NOTICE OF PETITION AND PETITION TO COMPEL INDIVIDUAL ARBITRATIONS AND STAY
PROCEEDINGS PENDING ARBITRATIONS

Case No. CGC-18-566788

1 **TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:**

2 PLEASE TAKE NOTICE that on October 18, 2018, at 9:00 a.m., or as soon thereafter
3 as this matter can be heard, in Department 304 of the above-entitled Court, located at 400
4 McAllister Street, San Francisco, California, 94102, Defendant Lyft, Inc. will, and hereby does,
5 petition the Court to compel individual arbitrations of Plaintiffs' claims, and move to stay
6 proceedings pending resolution of this petition and the arbitrations.

7 **Petition to Compel Individual Arbitrations and Stay Proceedings**

8 Defendant Lyft, Inc. ("Lyft") respectfully petitions this Court to compel individual
9 arbitrations of Plaintiffs' claims pursuant to California Code of Civil Procedure § 1281.2 and the
10 Federal Arbitration Act, 9 U.S.C. § 1 *et seq.* Plaintiffs entered into agreements with Lyft to
11 arbitrate on an individual basis all claims and disputes between Plaintiffs and Lyft, including
12 those claims asserted in this action. The Federal Arbitration Act mandates enforcement of
13 Plaintiffs' agreement to arbitrate. Additionally, Lyft moves to stay these proceedings pending
14 conclusion of the arbitrations, as required by California Code of Civil Procedure § 1281.4 and the
15 terms of the Plaintiffs' agreement with Lyft.

16 This petition is based on this Notice of Petition; the supporting Memorandum of Points
17 and Authorities; the Declarations of Kunmi Ayanbule, Jeannie Lieu, and Erin Meyer; the
18 pleadings, records, and other papers on file in this action; and any such further evidence or
19 arguments as may be presented at or before the hearing.

20
21 Dated: September 19, 2018

KEKER, VAN NEST & PETERS LLP

22
23 By: 

24 R. JAMES SLAUGHTER
25 ERIN E. MEYER
26 IAN A. KANIG
27 MORGAN E. SHARMA

28 Attorneys for Defendant
LYFT, INC.

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8 Attorneys for Plaintiff
9 Nicholas LaBorde

FILED
Superior Court of California
County of Los Angeles

JUL 21 2021

Sherril R. Carter, Executive Officer/Clerk
By *[Signature]* Deputy
Marisela Fregoso

11 SUPERIOR COURT OF THE STATE OF CALIFORNIA
12 COUNTY OF LOS ANGELES

13
14 Nicholas LaBorde, an individual, in his
individual and representative capacity,

15 Plaintiff,

16 v.

17
18 Lyft, Inc., and DOES 1 through
19 10, inclusive,

20 Defendants.

CASE NO. BC707667

FAXED

~~THIRD REVISED [PROPOSED]~~ ORDER
GRANTING FINAL APPROVAL OF
CLASS ACTION SETTLEMENT, CLASS
REPRESENTATIVE ENHANCEMENT
PAYMENT, ATTORNEY FEES, AND
COSTS

Hearing Date: July 6, 2021
Time: 9:00 a.m.
Dept.: SS-6
Judge: Hon. Elihu M. Berle

RECEIVED
JUL 14 2021
FILING WINDOW

07/21/2021

1 The Motion for Final Approval of Class Action Settlement and Motion for Final
2 Approval of Class Representative Service Payment, Attorney Fees, and Costs filed by
3 Plaintiff came on regularly for hearing on July 6, 2021 at 9:00 a.m. in Department SS-6
4 of the above-entitled Court.

5 Due and adequate notice of the instant proceedings having been given, and the
6 Court having considered all papers and having heard oral argument on July 6, 2021, and
7 otherwise being fully informed, and good cause appearing therefor,

8 **THIS COURT HEREBY ORDERS THAT:**

9 1. The provisions of the Revised Class Action Settlement Agreement and
10 Release (“Settlement Agreement” or “Agreement”) are hereby approved and incorporated
11 in this Order.

12 2. The Court has jurisdiction over the subject matter of this action, and over
13 those persons and entities undertaking affirmative obligations in the Agreement.

14 3. As used in this order, “Driver” means any individual who has been
15 approved by Lyft to use the Lyft smartphone application to provide rides.

16 4. As used in this order, “Ride” means the pickup and transportation of a
17 passenger or group of passengers traveling together, from origin to destination, by a
18 Driver. A Ride begins when the Driver uses the Lyft smartphone application to accept a
19 transportation request from a passenger and such acceptance is recorded by Lyft. A Ride
20 ends when the Driver selects the “drop off” or equivalent option, or there is a
21 cancellation, in the Lyft smartphone application (or the application selects such option
22 automatically) and such selection is recorded by Lyft.

23 5. The Court finds that the Settlement Class in this Settlement includes and is
24 limited to the 1,459 Drivers who (a) gave at least one ride in California using the Lyft
25 Platform after July 2, 2016 through and including September 21, 2020, and who
26 submitted a request to opt out of the arbitration provision in Lyft’s Terms of Service
27 Agreement through and including May 31, 2020; or (b) gave at least one ride in
28

1 California using the Lyft Platform at any time after May 30, 2014 through and including
2 September 21, 2020, and also opted out of the class-action settlement in *Cotter v. Lyft*,
3 and who submitted a request to opt out of the arbitration provision in Lyft's Terms of
4 Service Agreement through and including May 31, 2020. Excluded from the Settlement
5 Class are the 100 individuals for whom the Court has granted opt-out requests.

6 6. The Settlement set forth in the Agreement is in all respects fair, reasonable
7 and adequate. There was no collusion in connection with the Settlement. The Settlement
8 was the product of informed and arm's-length negotiations among competent counsel and
9 the record is sufficiently developed to have enabled Plaintiff and Defendant to adequately
10 evaluate and consider their respective positions. Accordingly, the Court hereby finally
11 and unconditionally approves the Settlement set forth in the Agreement and directs the
12 parties to consummate the terms of the Agreement.

13 7. The Court finds that the Settlement Agreement is reasonable as it provides
14 substantial payment for Class Members from a non-reversionary common fund.
15 The Settlement avoids the risk, expense, complexity, and duration of further litigation.

16 8. Pursuant to California Code of Civil Procedure §382 and California Rule of
17 Court 3.769, the Court hereby certifies, for settlement purposes only, the Settlement Class.

18 9. The Court has received 100 valid opt-out requests from Class Members as
19 listed in Exhibit 1 hereto. The Court grants all 100 requests from the individuals listed in
20 Exhibit 1. The 100 individuals for whom the Court has granted opt-out request are
21 excluded from the Settlement Class. The Court has received three untimely and therefore
22 invalid opt-out requests from Class Members as listed in Exhibit 2 hereto. The Court
23 denies the three untimely opt-out requests.

24 10. As used in this order, "Settlement Class Member" means all individuals
25 who fall within the definition of Class Member in Paragraph 5, with the exception of the
26 100 individuals whose opt-out requests are granted by the Court and excluded from the
27 Settlement Class.

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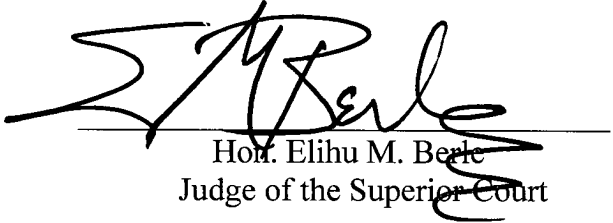
07/29/2024

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48. Within 10 days of receipt of the Settlement Administrator's report, Plaintiff will file the report and a Proposed Amended Judgment consistent with the Settlement Agreement.

49. The Court hereby sets a hearing on an OSC re: compliance with the terms of the settlement on May 12, 2022, at 8:30 a.m. Counsel for Plaintiff is to file a report, regarding the initial distribution of settlement funds no later than May 2, 2022.


IT IS SO ORDERED.

DATED: July 21, 2021 
Hon. Elihu M. Berle
Judge of the Superior Court

07/21/2021

FILED
San Francisco County Superior Court

APR 27 2022

CLERK OF THE COURT
BY:  Deputy Clerk

SUPERIOR COURT OF CALIFORNIA
COUNTY OF SAN FRANCISCO
DEPARTMENT 304

COORDINATION PROCEEDING
SPECIAL TITLE [RULE 3.550]

**UBER TECHNOLOGIES WAGE AND
HOUR CASES**

Case No. CJC-21-005179
JUDICIAL COUNCIL COORDINATION
PROCEEDING NO. 5179

FURTHER ORDER REGARDING REQUESTS
TO COORDINATE ADD-ON CASES

INTRODUCTION

This matter was set for hearing on April 26, 2022 in Department 304, the Hon. Ethan P. Schulman, presiding. The matter was reported; the appearances are stated in the record. The Court circulated a tentative ruling in advance of the hearing, which no party contested. The tentative ruling is hereby adopted as corrected. Having reviewed and considered the arguments, pleadings, and written submission of all parties, the Court **DENIES** Plaintiffs Brandon Olson and Uladzimir Tabola's request to coordinate ten add-on cases and Defendant Uber's request to coordinate one add-on case (*Alamas*). Plaintiffs' suggestion that the Court coordinate an additional nine cases that are currently stayed pending arbitration is rejected.

1 **BACKGROUND**

2 By order filed September 16, 2021, the Court granted Labor Commissioner Garcia-Brower's
3 petition for coordination of five wage and hour lawsuits.¹ All five of those coordinated actions allege that
4 Defendants Uber Technologies, Inc. (together with its affiliates Rasier, LLC, Raiser-CA, LLC, and
5 Portier, LLC, "Uber") and Lyft, Inc. ("Lyft") misclassified passenger drivers and/or food delivery drivers
6 as independent contractors under the "ABC" worker-classification test, and asserted claims for civil
7 penalties under the Private Attorneys General Act of 2004, Lab. Code § 2698 *et seq.* (PAGA). Three of
8 those coordinated actions were brought by governmental plaintiffs (e.g., the two actions brought by the
9 Labor Commissioner and the action brought by the People, represented by the Attorney General and the
10 City Attorneys of San Francisco, Los Angeles, and San Diego), and two by representative plaintiffs on
11 behalf of aggrieved employees.

12 The Court held an initial case management conference in the coordinated cases on February 4,
13 2022. By order filed February 14, 2022, the Court granted Uber's unopposed request to coordinate four
14 add-on cases,² and Lyft's contested request to coordinate one add-on case.³ The Court's February 4, 2022
15 Order directed the parties to file any requests to coordinate additional cases on the lists previously
16 provided to Plaintiffs by Uber and Lyft by February 28, 2022, and stated that the Court would hear any
17 contested requests to coordinate additional cases at the hearing set for April 1, 2022. On February 28,
18 2022, Plaintiffs Brandon Olson and Uladzimir Tabola (Plaintiffs in the eponymous coordinated actions)
19 filed a joint request to coordinate an additional ten cases, six of which are pending against Uber⁴ and four

20
21 ¹ *Garcia-Brower v. Uber Techs., Inc., et al.*, Alameda County Super. Ct., No. RG200070281; *Garcia-*
22 *Brower v. Lyft, Inc.*, Alameda County Super. Ct., No. RG20070283; *Olson, et al. v. Lyft, Inc.*, S.F. Super.
23 Ct., No. CGC-18-566788; *People of the State of California, et al. v. Uber Techs., Inc. and Lyft, Inc.*, S.F.
24 Super. Ct., No. CGC-20-588404; and *Tabola v. Uber Techs., Inc.*, S.F. Super. Ct., No. CGC-16-590992.

25 ² *Rosales v. Uber Technologies, Inc.* (L.A. Super. Ct., No. BC685555) (filed Dec. 4, 2017); *Adolph v.*
26 *Uber Technologies, Inc.* (Orange County Super. Ct., No. 30-2019-01103801-CU-OE-CXC) (filed Oct. 10,
27 2019); *Gregg v. Uber Technologies, Inc.* (L.A. Super. Ct., No. BC719085) (filed Aug. 29, 2018); and
28 *Sherman v. Uber Technologies, Inc.* (L.A. Super. Ct., No. BC656880) (filed Apr. 6, 2017). On April 27,
2022, pursuant to a Stipulation of Voluntary Dismissal Without Prejudice as to the Representative Group,
the Court entered an order dismissing *Sherman* without prejudice.

³ *Seifu v. Lyft, Inc.* (L.A. Super. Ct., No. BC7129590) (filed July 5, 2018).

⁴ *Azhar v. Uber Techs., Inc.* (L.A. Super. Ct., No. 20NWCV00114); *Barragan v. Raiser, LLC* (L.A. Super. Ct., No. STCV29907); *Becker v. Uber Techs., Inc.* (L.A. Super. Ct., No. 21STCV46602); *Moreira et al. v. Uber Techs., Inc.* (S.F. Super. Ct., No. CGC-21-596441); *Qassimyar v. Uber Techs., Inc.* (San Diego Super. Ct., No. 37-2020-00044749-CU-BC-CTL); *Toyserkani v. Rasier, LLC* (L.A. Super. Ct., No. BC660915).

1 against Lyft.⁵ Plaintiffs also suggested, without requesting, that the Court coordinate an additional nine
2 actions (seven against Uber⁶ and two against Lyft⁷) that are currently stayed pending the outcome of
3 individual arbitrations. Uber, for its part, sought to coordinate one additional case (*Alamas*), which also is
4 currently stayed pending an ongoing arbitration. Uber and Lyft each filed oppositions to Plaintiffs'
5 requests, as did the *Turrieta* plaintiffs.

6 STANDARD FOR COORDINATION

7
8 Once a petition for coordination of civil actions is granted, requests to coordinate additional
9 actions are governed by the standards set forth in Code of Civil Procedure section 404.1. (Code Civ.
10 Proc. § 404.4; Cal. R. Ct. 3.544(a); *Ford Motor Warranty Cases* (2017) 11 Cal.App.5th 626, 640.)
11 Under section 404.1, coordination of civil actions sharing a common question of fact or law is
12 appropriate if it “will promote the ends of justice taking into account whether the common question of
13 fact or law is predominating and significant to the litigation; the convenience of parties, witnesses, and
14 counsel; the relative development of the actions and the work product of counsel; the efficient utilization
15 of judicial facilities and manpower; the calendar of the courts; the disadvantages of duplicative and
16 inconsistent rulings, orders, or judgments; and, the likelihood of settlement of the actions.” (Code Civ.
17 Proc. § 404.1.)

18 DISCUSSION

19
20 The Court has considered the factors set forth in Code of Civil Procedure section 404.1, as well as
21 the jurisdictional limitations on its authority, and concludes that they do not support coordination of any
22 of the proposed add-on cases.

23
24 ⁵ *Becerra v. Lyft, Inc.* (L.A. Super. Ct., No. 21STCV32696); *Biggs v. Lyft, Inc.* (Santa Clara Super. Ct.,
No. 20CV366831); *Liner v. Lyft, Inc.* (L.A. Super. Ct., No. 22 STCV00103); and *Turrieta v. Lyft, Inc.*
(L.A. Super. Ct., No. BC714513).

25 ⁶ *Adri v. Uber Techs., Inc.* (L.A. Super. Ct., No. 19STCV00739); *Alamas, et al. v. Uber Techs., Inc., et al.*
26 (L.A. Super. Ct., No. 19STCV29939); *Brower v. Uber Techs., Inc.* (S.F. Super. Ct., No. CGC-20-
582262); *Gupta v. Uber Techs., Inc.* (Orange County Super. Ct., No. 30-2020-011221607); *Howard v.*
27 *Uber Techs., Inc.* (S.F. Super. Ct., No. CGC-18-572443); *Mora v. Uber Techs., Inc.* (S.F. Super. Ct., No.
CGC-21-590410); and *Smith v. Postmates, Inc., et al.* (L.A. Super. Ct., No. 21STCV23777).

28 ⁷ *Rogers v. Lyft, Inc.* (S.F. Super. Ct., No. CGC-20-583685); *Kunda v. Lyft, Inc.* (L.A. Super. Ct., No.
20STCV46208).

1
2 **A. The Court Will Not Coordinate Actions That Are Currently Stayed Pending Arbitration or Appeal.**

3 As Lyft correctly points out, the Court lacks jurisdiction to act with respect to actions that are
4 currently stayed pending arbitration. “[I]f a lawsuit is stayed pending a decision through binding
5 arbitration, ‘the action at law sits in the twilight zone of abatement with the trial court retaining merely a
6 vestigial jurisdiction over matters submitted to arbitration.’” (*Optimal Markets, Inc. v. Salant* (2013) 221
7 Cal.App.4th 912, 923, quoting *Brock v. Kaiser Foundation Hospitals* (1992) 10 Cal.App.4th 1790, 1796.)
8 This “vestigial jurisdiction” empowers the court to grant only narrowly limited relief: to appoint
9 arbitrators if the parties are unable to do so; to grant a provisional remedy under certain circumstances;
10 and to confirm, correct or vacate the arbitration award. (*Id.*, citing Code Civ. Proc. §§ 1281.6, 1281.8(b),
11 and 1285; see also *MKJA, Inc. v. 123 Fit Franchising, LLC* (2011) 191 Cal.App.4th 643, 658-659 [after
12 granting a petition to compel arbitration, “the scope of jurisdiction that a trial court retains is extremely
13 narrow.”].) “ ‘Absent an agreement to withdraw the controversy from arbitration, however, no other
14 judicial act is authorized.’” (*Id.* at 923-924 (citation omitted).) It follows that the Court lacks jurisdiction
15 to coordinate those actions that are currently stayed pending arbitration. The same conclusion follows as
16 to those actions that are currently stayed pending appeal. (Code Civ. Proc. § 916; *Varian Medical*
17 *Systems, Inc. v. Delfino* (2005) 35 Cal.4th 180, 189, 196-197 [“Under section 916, ‘the trial court is
18 divested of’ subject matter jurisdiction over any matter embraced in or affected by the appeal during the
19 pendency of that appeal.”].)

20 According to the parties’ submissions, seven of the ten cases that Plaintiffs seek to coordinate
21 (including one that Uber also seeks to coordinate) fall into this category,⁸ as do all nine of the cases that
22 are the subject of Plaintiffs’ suggestion that the Court may coordinate cases that are stayed pending
23 developments in arbitration. (Plaintiffs’ Request to Coordinate Add-On Cases, 6-7 [acknowledging stays
24 pending appeal in *Azhar* and pending arbitration in *Biggs*]; *id.* at 9-10 [listing nine additional cases that
25 are stayed pending arbitration].)

26
27
28 ⁸ *Alamas, Azhar, Barragan, Qassimyar, Becerra, Biggs, and Turrieta*. A joint stipulation to arbitrate and stay *Becerra* was submitted to the trial court on March 25, 2022. (Meyer Decl., Ex. E.)

1 Even if the Court were empowered to coordinate these stayed actions, coordination at this time
2 would serve little or no legitimate purpose. Coordination is typically granted to minimize the risk of
3 inconsistent rulings, or duplicative motion practice and/or discovery. (See, e.g., *McGhan Medical Corp.*
4 *v. Superior Court* (1992) 11 Cal.App.4th 804, 811-814.) But the Court cannot oversee coordinated
5 discovery or motion practice in actions that are stayed pending arbitration, as the actions are currently
6 committed to the assigned arbitrators. “An arbitration has a life of its own outside the judicial system.
7 The trial court may not step into a case submitted to arbitration and tell the arbitrator what to do and when
8 to do it.” (*Titan/Value Equities Group, Inc. v. Superior Court* (1994) 29 Cal.App.4th 482, 487-489.) The
9 Court will not grant coordination on the basis of speculation as to the future course of these actions, as
10 both Plaintiffs and Uber urge it to do. (See, e.g., Plaintiffs’ Request, at 6 [“if the Plaintiff [in *Azhar*] wins
11 the appeal, the case will be able to join the coordination proceeding on remittitur and benefit from the
12 ongoing litigation work.”]; *id.* at 7 [“If the motion [to compel arbitration in *Qassimyar*] is granted, the
13 Court can hold the case in abeyance and handle any post-arbitration motions”]; *id.* at 9 [asserting that
14 “[t]he possibility of further litigation in *Turrieta* counsels in favor of coordination, out of an abundance of
15 caution”]; Uber’s Petition to Coordinate Add-On Cases [“Once arbitration concludes and the stay lifts,
16 [*Alamas*] may require extensive motion practice . . .”]. In the event that the stays are lifted following the
17 completion of arbitration or the disposition of the pending appeals, any party may renew its request to
18 coordinate those cases, assuming that the factors set forth in section 404.1 are met at that time.

19 As to *Turrieta*, the Court understands from the parties’ submissions that a settlement was
20 approved and that a final judgment has been entered in that action. (Plaintiffs’ Request, 8; Meyer Decl. ¶
21 5, Ex. B; *Turrieta* RJN, Ex. 8 [Jan. 6, 2020 Judgment].) Even if the California Supreme Court should
22 reverse the trial court as to the narrow issue as to which it granted review,⁹ further proceedings in that
23 case would be most efficiently handled by the trial court that originally approved the settlement
24 agreement, rather than requiring the parties to return to square one before this Court. (See Code Civ.

25
26 ⁹ The Court granted review in *Turrieta* limited to the following issue: “Does a plaintiff in a representative
27 action filed under the Private Attorneys General Act (Lab. Code, § 2698, et seq.) (PAGA) have the right
28 to intervene, or object to, or move to vacate, a judgment in a related action that purports to settle the
claims that plaintiff has brought on behalf of the state?” (No. S271721 (pet. for review granted Jan. 5,
2022); *Turrieta* RJN, Ex. 11.)

1 Proc. § 404.1 [court should consider, among other factors, “the relative development of the actions”].)
2 Coordination would be far more likely to add further delay and undermine, rather than advance, “the
3 likelihood of settlement of the actions,” (Code Civ. Proc. § 404.1.)

4 For these reasons, Plaintiffs have not shown that coordination of these actions would promote the
5 convenience of parties, witnesses, or counsel or further the efficient utilization of judicial facilities and
6 manpower.

7
8 **B. The Court Will Not Coordinate Individual Actions Or Actions That Have Been
Dismissed.**

9 The remaining actions that are the subject of Plaintiffs’ request require little discussion. Of those,
10 one (*Moreira*) has been dismissed. Thus, as with the actions that are stayed pending arbitration or appeal,
11 the Court lacks jurisdiction. (*Mesa RHF Partners, LP v. City of Los Angeles* (2019) 33 Cal.App.5th 913,
12 917 [“[V]oluntary dismissal of an action or special proceeding terminates the court’s jurisdiction over the
13 matter.” (citation omitted)].) There is no action to coordinate in any event.¹⁰

14 Uber represents that a second of those actions (*Becker*) is on the verge of settlement, and that the
15 parties are in the process of submitting the settlement paperwork to the court. Again, far from increasing
16 “the likelihood of settlement of the actions,” (Code Civ. Proc. § 404.1), inclusion of that action in these
17 coordinated proceedings inevitably would *delay* settlement.¹¹

18 The two remaining cases (*Barragan* and *Toyserkani*) were brought by individual drivers asserting
19 misclassification claims. Unlike all of the coordinated actions, these plaintiffs do not assert representative
20 PAGA claims on behalf of all aggrieved employees.¹² They therefore fall into an entirely different
21 category that would not benefit from coordination with other dissimilar representative PAGA actions.
22 Including these individual cases in the coordinated proceedings would actually risk complicating rather
23 than advancing case management. Post-arbitration proceedings on petitions to confirm, vacate, or correct
24

25
26 ¹⁰ The same is true of *Liner* and *Mora*. *Liner* was dismissed with prejudice on March 24, 2022. (Meyer
Decl., Ex. A.)

27 ¹¹ As Plaintiffs acknowledge, *Becker* also asserts “different underlying Labor Code claims” than the
coordinated cases, as does *Qassimyar*. (Plaintiffs’ Request, 5.)

28 ¹² The same is true of *Adri*, *Brower*, *Gupta*, *Qassimyar*, and *Howard*, as well as *Becerra* and *Liner*.

1 individual arbitration awards would not be an “efficient utilization of judicial facilities and manpower.”
2 (Code Civ. Proc. § 404.1.)

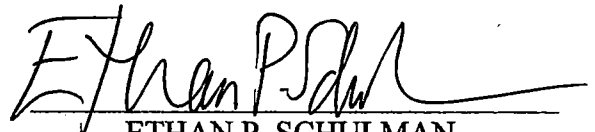
3
4 **CONCLUSION AND ORDER**

5 For the foregoing reasons,

- 6 1. Plaintiffs Brandon Olson and Uladzimir Tabola’s request to coordinate ten add-on cases is
7 **DENIED**. Plaintiffs’ suggestion that the Court coordinate an additional nine cases that are
8 currently stayed pending arbitration is rejected.
- 9 2. Defendant Uber’s request to coordinate one add-on case (*Alamas*) is **DENIED**.
- 10 3. The moving parties must promptly file this order in each action, serve it on each party
11 appearing in the included actions, and submit it to the Chair of the Judicial Council. (Cal.
12 Rules of Court, rule 3.529(a).)

13 **IT IS SO ORDERED.**

14
15 Dated: April 27, 2022

16 
17 ETHAN P. SCHULMAN
18 Judge of the Superior Court

CERTIFICATE OF ELECTRONIC SERVICE
(CCP 1010.6(6) & CRC 2.251)

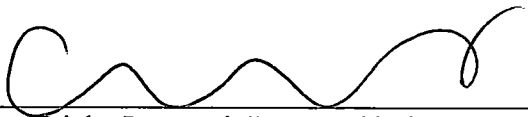
I, Ericka Larnauti, a Deputy Clerk of the Superior Court of the County of San Francisco, certify that I am not a party to the within action.

On April 27, 2022, I electronically served the attached document via File & ServeXpress on the recipients designated on the Transaction Receipt located on the File & ServeXpress website.

Dated: April 27, 2022

T. Michael Yuen, Clerk

By: _____


Ericka Larnauti, Deputy Clerk

CELA INTRODUCES ITS REVERSE AUCTIONS POLICY

By Reverse Auction Task Force

As Elizabeth Riles, Chair of the California Employment Lawyers Association, announced at the Annual Conference, the CELA Board has adopted the attached “CELA Reverse Auctions Policy” regarding overlapping representative lawsuits (e.g., class actions, collective actions, and PAGA actions) and reverse auctions. We are grateful to the task force members, who conducted research, discussions, and drafting of the new policy over the past year.

Our members have found that overlapping lawsuits are becoming more common. When this happens, it presents defendants with an opportunity to release valuable claims for inadequate relief (a “reverse auction”). Reverse auctions are a significant and increasingly common obstacle to the vindication of workers’ rights. Defendants’ use of reverse auctions, and mediators’ and courts’ approval of them, undermine workers, degrade civility within the bar, create inefficiencies, and clog the court system.

Therefore, CELA is publishing [this Policy](#) – also available on MY CELA under the “Quick Links” tab **and** at the bottom of CELA’s website so members can link to it in pleadings – to empower our members, other attorneys, mediators, courts, and others to pursue best practices to ensure that important individual rights are protected and to promote respectful, collegial, cooperative, and efficient interactions between members of the plaintiffs’ bar.

The Task Force is happy to consider and as appropriate respond to members’ thoughts and questions.

Task Force Committee Members:

Scot Bernstein, Christina Krasomil, Cornelia Dai, Jennifer Kramer, Wendy Musell, Hunter Pyle, Cynthia Rice, [Jahan Sagafi](#), Lenny Sansanowicz, [Christian Schreiber](#), Bryan Schwartz, Lauren Teukolsky, Jasmin Tuffaha, Ken Wang, and Mariko Yoshihara

They can be reached at PAGACELAWorkingGroup@outtengolden.com and ReverseAuctionsCELAGroup@outtengolden.com



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AMICUS ACTIVITY

As part of our mission to advocate for workers' rights, CELA submits amicus briefs and letters on important employment legal issues being considered by appellate courts, the California Supreme Court, and the U.S. Supreme Court.

If you would like CELA to consider your amicus or publication/depublication request, please complete and submit this form. Please remember to **upload all relevant briefing** and **identify when you believe the amicus submission is due** and the basis (i.e., the Rule of Court or briefing order) for identifying that due date.

It is imperative that CELA's Amicus Committee has adequate time to consider the request and find the most qualified attorneys to work on the submission. So please submit your request as soon as practicable.

Here are selected CELA amicus briefs filed with the California Supreme Court and other appellate courts.

MILLS v. TARGET CORP.

CELA's Amicus Curiae regarding what constitutes the final rate of pay for purposes of calculating the payout on accrued, unused vacation filed June 24, 2022, Elizabeth Gropman and Aaron D. Kaufmann, Leonard Carder LLC.

CHAMBER OF COMMERCE OF THE UNITED STATES OF AMERICA v. BONTA

CELA's AB 51 Amicus Curiae brief Opposing En Banc Review filed December 20, 2021, by Cliff Palefsky, Keith Ehrman and Matt Koski, McGuinn, Hillsman & Palefsky.

CASTELLANOS v. STATE OF CALIFORNIA

CELA, along with 12 other organizations, signed onto the Partnership for Working Families' Amicus Curiae brief filed June 11, 2021.

MANUEL v. BRIGHTVIEW LANDSCAPE SERVICES, INC.

CELA, along with 13 other organizations, signed onto Legal Aid at Work's Amicus Curiae brief filed June 1, 2021.

VINCENT v. CALIFORNIA HIGHWAY PATROL

CELA, along with 12 other organizations, signed onto Legal Aid at Work's Amicus Curiae brief filed May 26, 2021.

URIBE v. CROWN BUILDING MAINTENANCE CO.

CELA's Amicus Curiae brief filed February 10, 2021 by Jahan C. Sagafi and Rachel Williams Dempsey, Outten & Golden, and Lauren Teukolsky, Teukolsky Law.

AYALA v. U.S. XPRESS ENTERPRISES

Legal Aid at Work and CELA's Amicus Curiae brief filed December 2, 2020, by George Warner and Kimberly Ouillette, Legal Aid at Work and Aaron D. Kaufmann, Leonard Carder LLC.

FERRA v. LOEWS HOLLYWOOD HOTEL

CELA's Amicus Curiae brief filed September 30, 2020, by Eileen Goldsmith and Michael Rubin, Altshuler Berzon LLP, Paul Stevens, Stevens L.C., and Josh Haffner, Haffner Law PC

VAZQUEZ v. JAN-PRO FRANCHISING INTERNATIONAL, INC.

CELA's Amicus Curiae brief filed August 14, 2020, by Monique Olivier, Olivier Schreiber & Chao LLP and Reynaldo Fuentes, Partnership for Working Families.

CHAMBER OF COMMERCE v. XAVIER BECERRA, ATTORNEY GENERAL OF THE STATE OF CALIFORNIA

CELA's Amicus Curiae brief filed May 22, 2020, by Cliff Palefsky, McGuinn, Hillsman & Palefsky.

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VIA U.S. MAIL:

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Civil Division, Department 51
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111 North Hill Street
Los Angeles, CA 90012

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
Type or Print Name

/s/Justine Gray
Signature

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

**[PROPOSED] ORDER GRANTING
RESPONDENT TINA TURRIETA'S SECOND
MOTION FOR JUDICIAL NOTICE**

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Jacqueline Treu (S.B. No. 247927)
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allen@gravesfirm.com
jacqueline@gravesfirm.com
Attorney for Plaintiff and Respondent
TINA TURRIETA

Having considered Respondent Tina Turrieta's Second Motion for Judicial Notice, the Court hereby Orders:

Pursuant to California Evidence Code section 452(d), judicial notice is taken of the following documents attached to Turrieta's Second Motion for Judicial Notice:

- Lyft's Notice of Petition and Petition to Compel Individual Arbitration filed October 3, 2018 in Los Angeles Superior Court Case No. BC714153) (Exhibit 2);
- Lyft's Notice of Petition and Petition to Compel Individual Arbitrations filed September 19, 2018 in the case of *Olson v. Lyft, Inc.*, Case No. CGC-18-566788 in the San Francisco Superior Court (Exhibit 3);
- The July 21, 2021 Order Granting Final Approval of Class Action Settlement entered in the case of *LaBorde v. Lyft, Inc.*, Case No. BC707667 in the Los Angeles Superior Court (Exhibit 4); and
- The April 27, 2022 Order denying Olson's request to coordinate add-on cases (including *Turrieta*), entered in the *Uber Technologies Wage and Hour Cases*, Judicial Council Coordination Proceeding No. 5179 in the San Francisco Superior Court (Exhibit 5).

Pursuant to California Evidence Code section 452(h), judicial notice is taken of the following documents attached to Turrieta's Second Motion for Judicial Notice:

- Information regarding compensation provided to attorneys employed by the Labor and Workforce Development Agency, published by the California State Controller (Exhibit 1);
- A webpage on the California Employment Lawyers Association website entitled "CELA INTRODUCES ITS REVERSE AUCTIONS POLICY" (Exhibit 6);
- A webpage on the California Employment Lawyers Association website entitled "AMICUS COMMITTEE" (Exhibit 7); and
- A webpage on the California Employment Lawyers Association website entitled "AMICUS ACTIVITY" (Exhibit 8).

IT IS SO ORDERED.

DATED: _____

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VIA U.S. MAIL:

Los Angeles County Superior Court
Stanley Mosk Courthouse
Civil Division, Department 51
Judge Upinder S. Kalra
111 North Hill Street
Los Angeles, CA 90012

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
Type or Print Name

/s/Justine Gray
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.
2. My email address used to e-serve: **allen@gravesfirm.com**
3. I served by email a copy of the following document(s) indicated below:

Title(s) of papers e-served:

Filing Type	Document Title
ADDITIONAL DOCUMENTS	Turrieta's Resp to LWDA Amicus Brief
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