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**SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF SAN FRANCISCO**

BARBRA DECKER,

Plaintiff,

v.

POSTMATES INC.; AND DOES 1 THOROUGH 100,
inclusive,

Defendants.

Case No. CGC-20-586984

**NOTICE OF MOTION AND MOTION
FOR AN ORDER FOR DISMISSAL**

DATE: April 9, 2026

TIME: 9:00 A.M.

DEPT: 302

Assigned for all Purposes to: Joseph M.
Quinn

Complaint Filed: September 17, 2020

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

2
3 NOTICE IS HEREBY GIVEN that on April 9, 2026 at 9:00 am located at 400 McAllister St,
4 San Francisco, California 94102 in Department 302, Plaintiff Barbra Decker will move the Court for
5 an order dismissing the entire action. The Motion will be based on this Notice of Motion and the
6 Declaration of Katherine A. Rabago, the record in this matter, and upon such matters as may be
7 presented to the court at the time of the hearing.
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I. INTRODUCTION

Plaintiff now seeks an order for dismissal of her individual PAGA claims with prejudice because all her individual claims have been resolved in her settlement with Defendant Postmates LLC, f/k/a Postmates, Inc. The representative PAGA members' interests will be safeguarded as the requested dismissal specifically seeks to dismiss representative PAGA claims without prejudice. This ensures the rights of all non-party representative group members are fully preserved, as they remain free to pursue their claims in court should they choose to do so.

Here, the procedural requirements regarding dismissal of class actions under California Rules of Court, rule 3.770 do not apply as this is not a class action. California courts have held that PAGA actions are not class actions and need not follow the same procedural requirements. (*See Kim v. Reins International California, Inc.* (2020) 9 Cal.5th 73, 86 [a representative action under PAGA is not a class action]; *Estrada v. Royalty Carpet Mills, Inc.* (2022) 76 Cal.App.5th 685, 711.) Nonetheless, the requested dismissal does not run afoul of rule 3.770 because the representative group will suffer no prejudice as a result of the requested dismissal. Therefore, this Court should grant Plaintiff's request for an order for dismissal.

II. STATEMENT OF FACTS

Plaintiff Barbra Decker initially filed a class action complaint in the above-captioned matter on September 17, 2020, asserting various wage and hour and other labor code violations against Defendant Postmates, Inc. ("Postmates") both individually and in her representative capacity under Private Attorney General Act ("PAGA"). (Declaration of Katherine A. Rabago ["Rabago Decl."], ¶ 3.)

On January 22, 2021, Defendant filed a Motion to Compel Arbitration and Staying Litigation arguing that Plaintiff's individual claims are subject to a valid and enforceable agreement that requires Plaintiff to resolve her dispute with Postmates in individual arbitration. (Rabago Decl., ¶ 4.) Defendant contended the FAA and California law also mandate a stay of all proceedings pending the completion of arbitration; and that California law mandates a stay pending completion of overlapping actions that have been ordered to arbitration and pending applications for an order compelling arbitration. (*Id.*) Plaintiff voluntarily moved to dismiss her class action claims on of which this court ordered dismissal

1 without prejudice on June 30, 2021. (*Id.*) Plaintiff filed her Second Amended Complaint on August
2 10, 2021 to include only representative claims arising under the Private Attorney General Act (PAGA).
3 (*Id.*, ¶ 5.) Defendant subsequently filed a Motion to Compel Arbitration and Stay Litigation. (*Id.*) The
4 court denied to compel arbitration and granted the stay of litigation on March 22, 2022. (*Id.*)

5 On May 18, 2022, Defendant appealed the court's order denying its motion to compel
6 arbitration and the matter was briefed and argued before the Court of Appeal, First Appellate District,
7 Division Two. (Rabago Decl., ¶ 6.) The Court of Appeal reversed the order to compel arbitration based
8 on new binding authority in *Viking River Cruises, Inc. v. Moriana*, 596 U.S. 639 (2022) and *Adolph*
9 *v. Uber Technologies*, 14 Cal. 5th 1104 (2023). In accordance with the appellate opinion, this Court
10 ordered Ms. Decker to arbitration and the action was stayed in court pending the arbitration. (Rabago
11 Decl., ¶ 6.)

12 Now, the Parties have resolved Ms. Decker's individual claims and Plaintiff seeks to dismiss
13 this action. No prior motion for an order dismissing this defendant pursuant to California Rules of
14 Court, rule 3.770 has been made by Plaintiff. (Rabago Decl., ¶ 7.)

15 III. ARGUMENT

16 A. Rule 3.770 Does Not Apply Because No Class Claims Remain

17 Rule 3.770 does not apply here because this action no longer contains class claims. While this
18 case once included claims, on June 30, 2021, this Court ordered a dismissal of Plaintiff's class action
19 claims without prejudice against Defendant Postmates, LLC f/k/a Postmates, Inc. This action includes
20 representative (or non-individual) claims arising under Private Attorney General Act, however, Rule
21 3.770 also does not apply to PAGA actions. California courts have held that PAGA actions are not
22 class actions and therefore, not subject to class action procedural requirements, including those
23 governing dismissal and settlement approval. (*See e.g., Estrada v. Royalty Carpet Mills, Inc.*, 76
24 Cal.App.5th 685 (2022) [holding a representative action under PAGA is not a class action].)

25 Therefore, the settlement and dismissal of Plaintiff's individual PAGA claims need not follow
26 the procedural requirements for dismissal under Rule 3.770.

1 **B. Dismissal of Plaintiff's PAGA Action Does Not Run Afoul of Rule 3.770**

2 Plaintiff's request for dismissal does not conflict with the intent behind California Rules of
3 Court, rule 3.770 protecting the rights of absent class members. While this is not a class action and
4 there are no absent class members, this dismissal does not infringe on the rights of absent
5 representative members. Plaintiff specifically requests the dismissal of representative claims without
6 prejudice. Plaintiff's voluntary request to dismiss the action against Defendant is with prejudice as to
7 Plaintiff's individual PAGA claims only. Plaintiff seeks such dismissal as a result of the resolution of
8 her individual claims, and there is no release of any non-individual PAGA claims of the representative
9 group. Accordingly, the representative group remains eligible to pursue a claim against Defendant
10 should they choose to do so.

11 Furthermore, notice should not be required because none of the absent representative group's
12 interests will be compromised by the requested dismissal. The absent representative group has not
13 been notified of the pendency of this matter; and the dismissal sought is without prejudice as to their
14 claims. (Rabago Decl., ¶¶ 8.) This Court has neither ruled, nor heard Class Certification arguments as
15 the issue has not even been briefed. (*Id.*) There has been no publicity about this case and there is no
16 evidence that any member of the representative group is relying upon this matter to prosecute their
17 claim. (*Id.*) Therefore, no representative group member would be prejudiced from a lack of notice.

18 **IV. CONCLUSION**

19 The Court should enter dismissal of this action in its entirety. Because Plaintiff's individual
20 PAGA claims are to be dismissed with prejudice, her interest in this litigation is fully resolved. The
21 dismissal of the non-individual PAGA claims *without prejudice* ensures that the rights of absent
22 aggrieved employees remain undisturbed and fully preserved. Furthermore, as this dismissal is not a
23 class settlement and does not result in the preclusion of absent members' substantive rights, the
24 procedural notice requirements of California Rule of Court 3.770 do not apply. Accordingly, dismissal
25 is appropriate and serves the interests of judicial economy.

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ARNS DAVIS LAW



By

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1 **Decker, B. v. Postmates, Inc.**
2 **San Francisco Superior Court Case No. CGC-20-586984**

3
4 CERTIFICATE OF SERVICE

5 I, the undersigned, declare as follows:

6 I am a citizen of the United States, over the age of 18 years and not a party to, nor interested in, the above-
7 entitled action. I am an employee of Arns Davis Law Firm, A Professional Corporation, and my business address
8 is 515 Folsom Street, 3rd Floor, San Francisco, CA 94105

9 On March 13, 2026, I served the following: **NOTICE OF MOTION AND MOTION FOR AN**
10 **ORDER FOR DISMISSAL**

11 on all interested parties in the above cause, by:

12 X **ONLY BY ELECTRONIC TRANSMISSION** Only by emailing the document(s) to the persons
13 at the e-mail address(es) below pursuant to California Code of Civil Procedure § 1010.6

14 The envelopes were addressed as follows:

15 Dhananjay S. Manthripragada
16 Gibson, Dunn & Crutcher LLP
17 333 South Grand Avenue
18 Los Angeles, CA 90071-3197
19 DManthripragada@gibsondunn.com
20 JGreenberg@gibsondunn.com
21 amather@gibsondunn.com
22 smathur@gibsondunn.com
23 kgeary@gibsondunn.com

24 *Counsel for Postmates, Inc.*

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

27 Executed on March 13, 2026 at San Francisco, California.

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