

1 Robert S. Arns, State Bar No. 65071
2 rsa@arnslaw.com
3 Jonathan E. Davis, State Bar No. 191346
4 jed@arnslaw.com
5 Shounak S. Dharap, State Bar No. 311557
6 ssd@arnslaw.com
7 Katherine A. Rabago, State Bar No. 333374
8 kar@arnslaw.com
9 **ARNS DAVIS LAW**
A Professional Corporation
515 Folsom Street, 3rd Floor
San Francisco, California 94105
Phone: (415) 495-7800
Fax: (415) 495-7888

10 Attorneys for Plaintiffs

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12 IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA
13 IN AND FOR THE COUNTY OF SAN FRANCISCO
CIVIL UNLIMITED

14 BARBRA DECKER, In Her Representative
15 Capacity;

16 Plaintiff,

17 vs.

18 POSTMATES, INC.; and DOES 1 through 100,
19 Inclusive,

20 Defendants.
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FILED
San Francisco County Superior Court

APR 09 2026

CLERK OF THE COURT

BY: 

Deputy Clerk

No. CGC-20-586984

~~JMO~~
~~PROPOSED~~ ORDER DENYING
PLAINTIFF'S 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 Plaintiff Barbra Decker's Motion For An Order For Dismissal is DENIED WITHOUT
2 PREJUDICE.

3 Before approving a class action settlement, the Court must determine that the terms of
4 the settlement are "fair, adequate, and reasonable." (See Dunk v. Ford Motor Co. (1996) 48
5 Cal.App.4th 1794, 1801.) In making this determination, there is a "presumption of fairness . . .
6 where: (1) the settlement is reached through arm's-length bargaining; (2) investigation and
7 discovery are sufficient to allow counsel and the court to act intelligently; (3) counsel is
8 experienced in similar litigation; and (4) the percentage of objectors is small." (Id. at 1802.) To
9 grant final approval, the trial court must "independently [satisfy] itself that the consideration . .
10 . received for the release of the class members' claims is reasonable in light of the strengths and
11 weaknesses of the claims and the risks of the particular litigation." (Kullar v. Foot Locker
12 Retail, Inc. (2008) 168 Cal.App.4th 116, 129.)

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15 "Aside from the requirement that the court 'review and approve' a settlement in a civil
16 action filed under PAGA (Labor Code section 2699(s)(2)), PAGA itself does not provide a
17 standard for this review and approval in the majority of PAGA cases." (Moniz v. Adecco USA,
18 Inc. (2021) 72 Cal.App.5th 56, 75.) "Despite the fact that a representative action under PAGA
19 is not a class action, and is instead a type of qui tam action, a standard requiring the trial court
20 to determine independently whether a PAGA settlement is fair and reasonable is appropriate."
21 (Id. at 76 (cleaned up).) Accordingly, "a trial court should evaluate a PAGA settlement to
22 determine whether it is fair, reasonable, and adequate in view of PAGA's purposes to remediate
23 present labor law violations, deter future ones, and to maximize enforcement of state labor
24 laws." (Id. at 77.) The Moniz Court explained that many of the same factors that can be used to
25 evaluate the fairness of class action settlements – the strength of the plaintiff's case, the risk,
26 the stage of the proceeding, the complexity and likely duration of further litigation, and the
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1 settlement amount – can also be used to evaluate the fairness of a PAGA settlement. (Id.) The
2 trial court must also scrutinize whether, in resolving the action, a PAGA plaintiff has
3 adequately represented the state’s interest, and hence the public interest. (Id. at 89.)

4 This case involves a common scenario: Plaintiff has settled her individual wage and
5 hour claims and her “individual” PAGA claim, and she seeks to dismiss the “non-individual” or
6 representative PAGA claim (which is now understood to be the only type of PAGA claim with
7 individual circumstances relevant to standing). A settlement, i.e., Plaintiff’s individual
8 settlement, is at the core of this motion. Before dismissing the non-individual PAGA the court
9 must review the settlement and request for dismissal to ensure that they, together, are fair to all,
10 reasonable, and adequate in view of PAGA’s purposes to remediate present labor law
11 violations, deter future ones, and to maximize enforcement of state labor laws. The record on
12 this motion is inadequate.

13 As an example, the court has neither the settlement nor its material terms before it. The
14 court cannot ensure that the proposed resolution of the PAGA claim is consistent with the
15 public interest behind PAGA without reviewing and analyzing the settlement. How does the
16 settlement plus dismissal of the PAGA claim without prejudice remediate present labor law
17 violations, deter future ones, and maximize enforcement of state labor laws? The court also
18 need to understand the settlement and the value of Plaintiff’s individual claims to ensure the
19 payment here is not, in fact, compensation for dismissing the PAGA claim.

20 Not immediately apparent is the merit of Plaintiff’s contention that absent aggrieved
21 employees’ interests will not be adversely affected in any way simply because the dismissal
22 would be without prejudice. A PAGA claim is likely governed by a one-year statute. (See Code
23 of Civil Procedure section 340(b).) The relief on a PAGA claim is a share of civil penalties, but
24 those penalties are based on the workplace circumstances at issue in the case and the range of a
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1 given case is generally informed by when it was filed. This case has been pending since
2 September 2020—more than five and a half years, and it would likely reach events dating at
3 least to September 2019. It is not clear that another aggrieved employee (or LWDA) can start
4 over and have access to the same remedies as might have been secured in this case. ,
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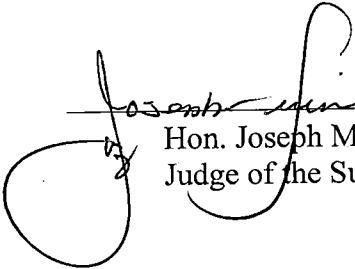
6 Additionally, the court will not grant the requested relief absent proof of notice to
7 LWDA, notice consistent with the Code of Civil Procedure provisions discussed above. (See
8 Labor Code section 2699(s)(2).) This motion seeks dismissal of a representative PAGA claim
9 in light of Plaintiff Decker's individual settlement. Given the clear and direct link between the
10 relief requested and a settlement, the court will require notice to LWDA under section
11 2699(s)(2). Further, as the above discussion indicates, LWDA may have a direct interest in
12 whether or not the PAGA claim should be dismissed. .
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14 When she filed a PAGA claim, Plaintiff stepped into the shoes of a public prosecutor.
15 She must now demonstrate that her proposed resolution serves the public interest. Her showing
16 on this motion falls short.
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18 If Plaintiff files a subsequent motion seeking the same or substantially similar relief,
19 this Order must be attached, and these issues must be addressed. ✓
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21 IT IS SO ORDERED.

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23 Dated: April 8, 2026
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Hon. Joseph M. Quinn
Judge of the Superior Court