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And the Proposed Class

SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF ORANGE

DOMINGO MURCHISON, individually and)
on behalf of all current and former similarly)
situated employees in the State of California,)

Plaintiff,)

v.)

MVP EVENT PRODUCTIONS, LLC, a)
California Limited Liability Company dba)
MVP EVENT STAFFING; GREGORY)
FIELDING, an individual; LEGENDS)
HOSPITALITY, LLC, a Delaware Limited)
Liability Company (previously designated by)
the fictitious name of "DOE 1"; and DOES 2)
to 50, inclusive.)

Defendant.)

CASE NO.: 30-2021-01234789-CU-OE-CXC

ASSIGNED FOR ALL PURPOSES TO: HON.
WILLIAM CLASTER; Dept.: CX-101

Date: August 15, 2025

Time: 9:00 AM

Dept.: CX101

PLAINTIFFS' OPPOSITION TO PROPOSED
INTERVENOR SCOTT SHUSTER'S REQUEST FOR
LEAVE TO FILE ARGUMENTS AND EVIDENCE IN
OPPOSITION TO PROPOSED SETTLEMENT
UNDER PAGA

[Filed Concurrently with Declaration of Natalie
Mirzayan]

Complaint Filed: December 6, 2021

1 Plaintiffs, DOMINGO MURCHISON, and DAVINA BHULLAR (“Plaintiffs” or “Class
2 Representatives”) respectfully oppose the motion to intervene filed by Scott Shuster (“Shuster”) and
3 joinder filed by Martinez and Crook.

4 **I. THE BURDEN RESTS ON SHUSTER**

5 As the moving party, Shuster has the burden of proof to establish all relevant facts and all
6 elements of law necessary for the motion. (E.g., *Olson v. Hopkins* (2d Dist.1969) 269 Cal.App.2d
7 638, 644 (“It was his burden to establish his right to intervene.”), following *Hausmann v. Farmers*
8 *Ins. Exchange* (2d Dist.1963) 213 Cal.App.2d 611, 615; *People v. Brophy* (2d Dist.1942) 49
9 Cal.App.2d 15, 34.) Motions must be supported by evidence, and evidence at law and motion is
10 offered by declaration or judicial notice. (Rule of Court 3.1306(a), (c).) Evidence is “testimony,
11 writings, material objects, or other things presented to the senses that are offered to prove the
12 existence or nonexistence of a fact.” (Evid. Code §140.) Many of the statements that appear to be
13 factual in the moving papers are *entirely lacking in actual factual support*. The purported
14 documentary evidence is merely the complaints filed by Crook, Martinez, and Shuster.

15 Simply stated, even though the motion purports to request leave to file “Arguments &
16 Evidence”, and it offers Exhibit 1 as the Proposed “Arguments and Evidence”, the evidence is
17 nothing but 3 complaints, and the arguments are nothing but unsupported statements. Even the
18 Declarations of Dennis Moss and Scott Shuster devolve into surmise, supposition, hearsay, and bald
19 assertion. Plaintiffs concurrently object to the unsupported statements in their entirety and urge the
20 Court to reject them as wholly inadequate to support the motion to intervene.

22 **II. SHUSTER’S MOTION TO INTERVENE IS NOTHING MORE THAN TELLING 23 THIS COURT WHAT TO DO AS IF THIS COURT DOESN’T KNOW THE 24 STANDARD TO APPROVE PAGA SETTLEMENTS.**

25 (1) Shuster’s counsel accuses the Court that it lacks the ability to determine what information
26 it needs on its own for assessing and evaluating the merits and value of the settled PAGA
27 claims, as if the Court is incapable of that assessment and as if the Court needs to be told
28 what to do. *See* Argu & Evid, p 1, lns 15-17 [“the Court has not been provided sufficient

evidence to evaluate the merits and value of the settled PAGA claims. Accordingly, the Court lacks sufficient information from which the Court can properly fulfill its settlement oversight role.”]

(2) Shuster’s counsel is also attempting to preside over this action by once again telling this Court *how* to make its own assessment and providing this Court (as if this Court does not know) “the standards by which the propriety of a PAGA settlement is to be judged by courts.” *See* Argu & Evid, p 1, lns 18-19.

Plaintiffs take issue with Shuster’s counsel undermining the Court’s ability to make its own determination without being told by an *unsuccessful plaintiffs’ counsel* what to do and what information it needs to have. This Court is well aware of what information it needs, it can make its own assessment, and can request any additional information if the information provided for the settlement is not sufficient.

(3) After attempting to educate this Court of the information it needs to “fulfill its settlement oversight role”, educating this Court of “the standards by which PAGA settlement is to be judge”, Shuster’s counsel attacks the Plaintiffs’ counsel who reached a reasonable and fair settlement of (\$775,000) falsely alleging “lack of appropriate support provided by Plaintiff for the settlement of class claims which overlap with PAGA claims.” *See* Argu & Evid, p 5, lns 23-24.

Attempts to disrupt settlements reached by other plaintiffs’ counsel is nothing new to Shuster’s counsel. Scot Shuster was a class member in a prior class action filed against Legends Hospitality, LLC (“Legends”) in the Superior Court of California, County of Santa Clara, Case No. 18CV328576 titled *Sherri Hightower v. Legends Hospitality, LLC* (“Hightower”). On August 9, 2022, after the parties in *Hightower* reached a settlement and the court preliminarily approved the settlement – the settlement administrator mailed notices to class members including Shuster. After Shuster received the class notice, he filed his class action lawsuit against Legends on October 3, 2022. ***On October 7, 2022, Shuster submitted an objection to the settlement administrator alleging that his claims were not adequately represented by plaintiffs on account of their unwarranted and***

1 *unsupported discounting of the class claims as well as plaintiffs' disregard for how the settlement*
2 *dilutes the claims of some class members. On December 15, 2022, Shuster filed a motion for*
3 *leave to file a complaint in intervention in Hightower, which was denied by the court on*
4 *February 2, 2023. A true and correct copy of the Order RE: Motion for Leave to File Complaint in*
5 *Intervention; Order Granting Final Approval of Class Action Settlement is attached hereto as Exhibit*
6 *"1". Shuster's pattern of disruption continues in this action as not only by requesting the LWDA*
7 *to investigate but he also filed a motion to intervene in this action. This is Shuster's last ditched*
8 *effort to ruin the Parties' settlement since his efforts in settling the Shuster class action for which he*
9 *attended mediation with Legends on April 18, 2024, were unsuccessful.*

11 **III. SHUSTER'S MOTION TO INTERVENE MUST BE DENIED BECAUSE**
12 **PLAINTIFFS TRUST THAT THIS COURT CAN READ THE SETTLEMENT**
13 **AGREEMENT, MAKE ITS OWN ASSESSMENT, AND DOES NOT NEED TO BE**
14 **TOLD WHAT TO DO BY INTERVENORS.**

14 Plaintiffs have provided this honorable Court with the information necessary to make its
15 assessment if the settlement is fair, and reasonable. If this Court needs additional information, then
16 it will ask Plaintiffs, and the Plaintiffs will be more than happy to provide any additional information
17 requested for this Court to protect the interests of the proposed class.

18 **A. Standards Governing Intervention as of Right Is Not Met.**

19 In determining whether an unconditional right to intervene exists under section 387(b), the
20 threshold question is whether the person seeking intervention has "an interest relating to the property
21 or transaction which is the subject of the action." The moving party seeking intervention must also
22 be "so situated that the disposition of the action may as a practical matter impair or impede that
23 person's ability to protect that interest." (CCP §387(b).) If this showing is made, the court will permit
24 the person to intervene unless the "person's interest is adequately represented by existing parties."
25 (*Id.*) Section 387 sets out this three-part test applied by the courts.

26 The first requirement, "an interest relating to the property or transaction which is the subject
27 of the action," is not satisfied. The second requirement also fails. The settlement of the PAGA action
28 does not "impar or impeded" Shuster's ability to protect his interests. Shuster has filed his own lawsuit

1 to protect his own interest, so he can certainly opt-out of the class action as a class member so that a
2 judgment in this action would not impair or impede his ability to protect his interest. As for the
3 PAGA claims, importantly, the Labor and Workforce Development Agency (“LWDA”) is well aware
4 of this settlement and it make its own determination whether or not to investigate the new alleged
5 claims in Plaintiffs’ April 14, 2025 Notice to the LWDA. The LWDA is also well aware of the
6 proposed PAGA settlement and can protect its interest without the need for Shuster’s intervention to
7 tell the Court and the LWDA what to do. Accordingly, all three elements (especially the third) of
8 the test is the fatal blow to intervention. Shuster’s interests are already represented not only by the
9 Plaintiffs as proxies of the LWDA but also by the LWDA itself (as it is well aware of the settlement
10 and it can provide comments during the preliminary approval hearing). “A prospective intervener
11 must demonstrate ... inadequate representation of its interest by either party.” (Estate of Davis (4th
12 Dist.1990) 219 Cal.App.3d 663, 667.) Shuster does not even acknowledge that the LWDA is the
13 "real party in interest". This means that while an employee (or "aggrieved employee") initiates the
14 lawsuit, they are essentially acting as a proxy or agent for the LWDA, which is the entity that
15 ultimately benefits from any penalties recovered. The LWDA retains control over the state's interest
16 in enforcing labor laws. This is precisely why they must be notified of any proposed settlements.

17 ***The California Supreme Court affirmed that PAGA plaintiffs cannot intervene in***
18 ***overlapping PAGA cases or object to settlements based solely on their status as PAGA plaintiffs.***
19 *See Turrieta v. Lyft, Inc.*, 16 Cal. 5th 664, 676-77 (2024) (“*Turrieta*”). *Turrieta* involved what the
20 California Supreme Court called a “common scenario in PAGA litigation” where multiple
21 individuals filed separate PAGA lawsuits as an “aggrieved employee” seeking recovery of civil
22 penalties from the same employer for the same alleged California Labor Code violations. Once a
23 PAGA plaintiff reaches a settlement with an employer, other PAGA plaintiffs cannot bring actions
24 against the employer for the same claims during this time frame. In *Turrieta*, the original plaintiff
25 filed her PAGA complaint in May 2018. Two other individuals filed separate PAGA complaints in
26 July 2018 and August 2018. *Turrieta* and Lyft settled, and the parties moved for trial court approval
27 of that settlement. The LWDA did not oppose or object to the proposed settlement, but the other
28 individuals filed separate motions to intervene in *Turrieta*’s action and objected to the settlement.

1 The trial court denied the motions, approved the settlement, and later denied the individuals’ motions
2 to vacate the judgment. The Court of Appeal affirmed the trial court’s decision.

3 The facts here are identical to the facts in *Turrieta*, wherein the California Supreme Court
4 explained,

5 "[i]n asserting he has the requisite “interest” for intervention under Code of Civil
6 Procedure section 387, Olson expressly disclaims reliance on any “personal
7 interest” in his *individual* capacity. Instead, he relies exclusively on “*the State’s*
8 interest” and his status “as the [***636] State’s *proxy*.”⁶ (Italics added.)
9 According to Olson, the state has “an immediate and substantial right in the claims
10 that *Turrieta*” is pursuing and now “purports to settle.” The state, Olson asserts,
11 has “deputized” him to “prosecute” identical claims in his own PAGA action and,
12 as to those claims, has “imbued [him] with the authority to act on behalf of the
13 State.” As such, the state interest he “represents ... necessarily extends to how
14 those claims are resolved in [*Turrieta*’s] parallel PAGA action, by which the State
15 will be bound by any judgment.” Therefore, “as the State’s proxy,” he has both the
16 authority and “responsibility” to protect “the State’s interest” and “may intervene”
17 in *Turrieta*’s PAGA action as is “necessary to protect” that interest. ...”

13 *Turrieta v. Lyft, Inc.* (2024) 16 Cal.5th 664, 684].

14 The California Supreme Court addressed “the question to which we now turn, is whether
15 recognition of the intervention power Olson asserts would further the Legislature’s objectives in
16 authorizing an aggrieved employee to commence and prosecute a PAGA action. ...” *Id.* at 690 and
17 denied Olson’s attempt to intervene.

18 “Here, *Turrieta*’s PAGA action serves these statutory purposes. By filing and
19 prosecuting it, *Turrieta* “sue[d] on behalf of the state and [sought to] collect [civil]
20 penalties” on the state’s behalf for Lyft’s alleged violations of the Labor Code.
21 (*Williams, supra*, 3 Cal.5th at p. 545.) In so doing, she was attempting “to
22 vindicate [**849] the [LWDA’s] interest in enforcing the Labor Code” (*Iskanian,*
23 *supra*, 59 Cal.4th at pp. 388–389), to “enforce *the state’s* interest in penalizing and
24 deterring employers who violate California’s labor laws” (*id.* at p. 387), and
25 to [****31] “assist [the state] with labor law enforcement” (*Williams*, at p. 538).
26 She was ““represent[ing] the same legal right and interest as state labor law
27 enforcement agencies,”” i.e., “recovery of civil penalties that otherwise would have
28 been assessed and collected by” the LWDA. (*Iskanian*, at p. 380.) “Practically,” she
and her counsel stood “to gain from proving as convincingly as possible as many
Labor Code violations as the evidence [would] sustain, thereby maximizing the
recovery for aggrieved employees as well as any potential attorney fee award.”
(*Williams*, at pp. 548–549.) In this respect, her interests were “largely aligned” with
those of “other potentially aggrieved employees.” (*Ibid.*) In light of these
considerations, it is debatable whether recognition of the intervention power Olson
asserts—which he bases on his simultaneous representation of *the very same state*
interests that *Turrieta* already [***642] represents—is reasonably necessary to

1 effectuate the Legislature's objectives in authorizing PAGA actions. (See *Williams*,
2 at p. 548.)..." *Id.*

3 Therefore, this Court must deny Shuster's frivolous attempt to intervene since the
4 California Supreme Court has already addressed this very same issue alleged by Shuster
5 with identical facts.

6 **B. Standards Governing Permissive Intervention Are Also Not Met.**

7 There is a four-part test for permissive intervention; under section 387(a), " 'the trial court
8 has discretion to permit a nonparty to intervene where the following factors are met: (1) the proper
9 procedures have been followed; (2) the nonparty has a direct and immediate interest in the action;
10 (3) the intervention will not enlarge the issues in the litigation; and (4) the reasons for the intervention
11 outweigh any opposition by the parties presently in the action. [Citation.]'" (*Siena Court*
12 *Homeowners Assn. v. Green Valley Corp.* (6th Dist.2008) 164 Cal.App.4th 1416, 1428, quoting
13 *Reliance Insurance Co. v. Superior Court* (6th Dist.2000) 84 Cal.App.4th 383, 386; accord,
14 *California Assn. of Professional Scientists v. Schwarzenegger* (3d Dist.2006) 137 Cal.App.4th 371,
15 379-80.)

16 As stated above, Shuster does not have direct and immediate interest in the action.

17 If, as Shuster claims his interests are the same as those of the LWDA so that the intervention
18 would not expand the issues, then the LWDA's representation is adequate, and no intervention is
19 needed. If Shuster's interests are not the same, then the litigation would necessarily be expanded.
20 Either way, intervention is inappropriate, and the proposed intervention cannot outweigh the
21 opposition by the parties presently in the action.

22 Additionally, intervention must not unduly prejudice or delay the adjudication of the rights
23 of the original parties. (*Royal Indemnity Co. v. United Enterprises, Inc.* (4th Dist.2008) 162
24 Cal.App.4th 194, 205.) The "statutory limitations on who may intervene exist to permit the original
25 parties, to the greatest extent possible, to conduct their own lawsuit on their own terms." (*Estate of*
26 *Davis* (4th Dist.1990) 219 Cal.App.3d 663, 667; *People ex rel. Rominger v. County of Trinity* (3d
27 Dist.1983) 147 Cal.App.3d 655, 661.)

1 Certainly, allowing intervention would certainly delay the settlement and prejudice the parties
2 in the action.

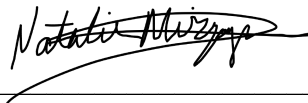
3 **IV. CONCLUSION**

4 The proposed Class Settlement is fair, adequate, and reasonable. It will result in
5 substantial payments to Class Members; it is non-collusive; and it was achieved as the result of
6 informed, extensive, and arms' length negotiations conducted by counsel for respective parties
7 who are experienced in wage and hour class action litigation. This Court is more than perfectly
8 capable of making its own assessment and it doesn't need Shuster's counsel to provide the
9 standards of PAGA settlements. The LWDA is also aware of the settlement of this action. For
10 the foregoing reasons, Plaintiffs respectfully request that the Court deny Shuster's motion to
11 intervene and Crook and Martinez' request to join Shuster's motion.

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13 *Respectfully Submitted,*

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15 Dated: August 4, 2025

MIRZAYAN LAW, APLC

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18 Natalie Mirzayan
19 Attorney for Plaintiffs and the Putative Class
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