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# CASES PENDING BEFORE THE CALIFORNIA SUPREME COURT

## ARBITRATION

***Barbosa v. Sierra Pacific Orthopaedic Ctr. Med. Group, Inc.*, 2025 WL3628510 (nonpub. Dec. 15, 2025), *review granted*, 294710/F088971 (March 25, 2026)**

Petition for review after affirmance of order denying motion to compel arbitration. If an arbitration agreement provides that disputes will be resolved under the Federal Arbitration Act (9 U.S.C. §§ 1 et seq.), do the Act's substantive provisions apply and preempt inconsistent state laws regardless of whether interstate commerce is involved?

Fully briefed.

***Rodriguez v. Packers Sanitation Serv., Ltd.*, 109 Cal. App. 5th 69 (2025), *review granted*, 2025 WL 1404550 (May 14, 2025) S290182/D083400**

Petition for review after denial of motion to compel arbitration. Further action in this matter is deferred pending consideration and disposition of related issues in *Leeper v. Shipt*, S289305 (see Cal. R. Ct., rule 8.512(d)(2)), or pending further order of the court.

Holding for the lead case.

## ATTORNEY'S FEES

***Cash v. County of Los Angeles*, 111 Cal. App. 5th 741 (2025), *review granted*, 2025 WL 2414150 (Mem) (Aug. 20, 2025); S291827/B336980**

Review granted after affirmance of post-judgment orders.

1. Did the trial court's across-the-board reduction of the fees requested by plaintiff's counsel trigger heightened scrutiny of its fee order on appeal?
2. Did the trial court commit reversible error in reducing the fee request on an across-the-board basis?

Fully briefed.

## WAGE AND HOUR

***Camp v. Home Depot U.S.A., Inc.*, 84 Cal. App. 5th 638 (2022), *review granted* (Feb. 1, 2023); S277518/H049033**

Petition after reversal of judgment. Under California law, are employers permitted to use neutral time-rounding practices to calculate employees' work time for payroll purposes?

Fully briefed.

***CRST Expedited, Inc. v. Superior Ct.*, 112 Cal. App. 5th 872 (2025), *review granted & depub. den.*, 2025 WL 2671496 (Sept. 17, 2025); S292005/F088569**

Petition for review after denial of writ of mandate and discharge of order to show cause and stay. Further action in this matter is deferred pending consideration and disposition of related issues in *Leeper v. Shipt*, S289305 (see Cal. R. Ct., rule 8.512(d)(2)), or pending further order of the court. Submission of additional briefing, pursuant to California Rules of Court, rule 8.520, is deferred pending further order of the court.

Holding for the lead case.

***Domingo v. Prime Healthcare Paradise Valley LLC*, 2025 WL 2649529 (nonpub. Sept. 16, 2025), *review granted* (Dec 10, 2025); S293682/D085075**

Review granted after affirmance of order denying motion to compel arbitration. The court ordered briefing deferred pending

decision in *Leeper v. Shipt, Inc.*, S289305, which presents the following issues:

1. Does every Private Attorneys General Act or PAGA (Cal. Lab. Code §§ 2698 et seq.) action necessarily include both individual and non-individual PAGA claims, regardless of whether the complaint specifically alleges individual claims?

2. Can a plaintiff choose to bring only a non-individual PAGA action?

Holding for the lead case.

***Galarsa v. Dolgen California*, 88 Cal. App. 5th 639 (2023), *review granted*, 2025 WL 3674383 (Mem) (Dec. 17, 2025); S293545/F089004**

Review granted after denial of petition for writ of mandate and affirmance of order denying motion to compel arbitration. Briefing deferred pending decision in *Leeper v. Shipt, Inc.*, S289305, which presents the following issues:

1. Does every Private Attorneys General Act (Cal. Lab. Code §§ 2698 et seq.) action necessarily include both individual and non-individual PAGA claims, regardless of whether the complaint specifically alleges individual claims?

2. Can a plaintiff choose to bring only a non-individual PAGA action?

Holding for the lead case.

***Leeper v. Shipt, Inc.* 107 Cal. App. 5th 1001 (2024), *review granted*, 2025 WL 1132271 (April 16, 2025); S289305/B339670**

Review granted on court's own motion after denial of depublication.

Does every Private Attorneys General Act (Cal. Lab. Code §§ 2698 *et seq.*) action necessarily include both individual and non-individual PAGA claims, regardless of whether the complaint specifically alleges individual claims?

Can a plaintiff choose to bring only a non-individual PAGA action?

Fully briefed.

***Lorenzo v. San Francisco Zen Center,* 116 Cal. App. 5th 258 (2025), *review granted & jud. notice den.*, 2026 WL 391750 (Feb. 11, 2026); S294565/A171659; ministerial exception**

Review granted after reversal of judgment. Does the ministerial exception arising under the Religion Clauses of the First Amendment to the U.S. Constitution categorically preclude wage and hour claims by a minister against a religious organization without any inquiry into whether the claim touches upon any ecclesiastical concern?

Fully briefed.

***Osuna v. Spectrum Security Serv., Inc.*, 111 Cal. App. 5th 516 (2025), *review granted*, 2025 WL 2167312 (July 30, 2025) S291614/B338047**

Review granted after reversal and remand of order sustaining demurrer without leave to amend. Further action in this matter is deferred pending consideration and disposition of related issues in *Leeper v. Shipt*, S289305 (see Cal. R. Ct., rule 8.512(d)(2)), or pending further order of the court.

Holding for the lead case.

***Taduran v. Glidewell James R. Glidewell, Dental Ceramics*, 121 Cal. App. 5th 197 (2026), review granted 2026 WL 2603782 (mem.) (Sept. 2, 2026); S297762/G064718**

Review granted after affirmance of judgment. Further action in this matter is deferred pending consideration and disposition of related issues in *Cash v. County of Los Angeles*, S291827 (see Cal. R. Ct., rule 8.512(d)(2)), or pending further order of the court. Submission of additional briefing, pursuant to Cal. R. Ct., rule 8.520, is deferred pending further order of the court.

Review granted/holding for the lead case.

***Williams v. Alacrity Solutions Group, LLC*, 110 Cal. App. 5th 932 (2025), *review granted* (July 9, 2025); S291199/B335445**

Petition after affirmance of judgment. Briefing deferred pending decision in *Leeper v. Shipt*, Inc., S289305, which presents the following issues:

1. Does every Private Attorneys General Act (Cal. Lab. Code §§ 2698 et seq.) action necessarily include both individual and non-individual PAGA claims, regardless of whether the complaint specifically alleges individual claims?

2. Can a plaintiff choose to bring only a non-individual PAGA action?

Holding for the lead case.

## WRONGFUL TERMINATION

***Hearn v. Pacific Gas & Electric Co.*, 108 Cal. App. 5th 301 (2025), *review granted*, 2025 WL 1404484 (May 14, 2025) S289581/A167742, A167991**

Petition for review after affirmance in part and reversal in part of judgment. May a terminated employee bring a defamation claim against a former employer when the defamation allegedly contributed to the reasons for the termination of that employment or must such a claim be pursued under a wrongful discharge theory?

Fully briefed.

## ENDNOTE

Phyllis W. Cheng is a neutral at ADR Services, Inc., and is on the mediation panels for the California Court of Appeal, Second and Sixth Appellate Districts, and U.S. District Court, Central District of California. In addition to writing this column for 23 years, she also prepares the Labor & Employment Case Law Alert, a free "electronic alert service" on new cases for Section members.

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