

## **CASES PENDING BEFORE THE CALIFORNIA SUPREME COURT**

### **AUTHOR\***

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### **ARBITRATION**

*Barbosa v. Sierra Pacific Orthopaedic Center Medical Group, Inc.*, 2025 WL3628510 (nonpub. Dec. 15, 2025), *review granted* (Mar. 25, 2026); S294710/F088971

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.; the FAA), do the FAA's substantive provisions apply and preempt inconsistent state laws regardless of whether interstate commerce is involved? Review granted/brief due.

*Rodriguez v. Packers Sanitation Services, 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. Rules of Court, rule 8.512(d)(2)), or pending further order of the court. Holding for 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? Reply brief due.

### **CIVIL PROCEDURE**

*Maniago v. Desert Cardiology Consultants' Medical Group, Inc.*, 109 Cal. App. 5th 621 (2015), *review granted*, 332 Cal.Rptr.3d 557 (Mem) (May 28, 2025); S290188/D085025

Petition for review after dismissal. Is a voluntary dismissal with prejudice an appealable order if it was entered after an adverse ruling by the trial court in order to expedite an appeal of the ruling? Submitted/opinion due.

## RETIREMENT

*Los Angeles County Employees Retirement Assn. v. County of Los Angeles*, 102 Cal. App. 5th 1167(2024), *review granted*, 2024 WL 4511044 (Mem) (Oct. 16, 2024); S286264/B326977

Petition for review after reversal of judgment. (1) Does the board of a county public employee retirement system established under the County Employees Retirement Law of 1937 (CERL) (Cal. Gov't Code, § 31450 et seq.) have authority under the California Constitution and relevant statutes to create employment classifications and set salaries for employees of the retirement system? (2) Does Cal. Gov't Code § 31522.1 impose a ministerial duty on a county board of supervisors to include in the county's employment classifications and salary ordinance the classifications and salaries adopted by the board of a county public employee retirement system for employees of that system? (3) Do Proposition 162 (Cal. Const., art. XVI, § 17) and CERL override a county board of supervisors' constitutional authority to establish civil service classifications, set salaries, and maintain a civil service system for county employees under article XI of the California Constitution? Submitted/opinion due.

*Ventura County Employees' Retirement Assn. v. Criminal Justice Attorneys Assn. of Ventura County*, 98 Cal. App. 5th 1119 (2024), *review granted*, 320 Cal. Rptr. 3d 117 (Mem) (Apr. 17, 2024); S283978/B325277

Petition for review after affirmance of judgment. For purposes of calculating retirement benefits for members of County Employees Retirement Law of 1937 (CAL. GOV'T CODE § 31450 et seq.) retirement systems, does CAL. GOV'T CODE § 31461(b)(2) exclude payments for accrued, but unused hours of annual leave that would exceed the maximum amount of leave that was earnable and payable in a calendar year? Submitted/opinion due.

## 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. Super. 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. Rules of Court, 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 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 (Lab. Code, § 2698 et seq.) (PAGA) 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 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 (Lab. Code, § 2698 et seq.) (PAGA) 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? Review granted/holding for lead case.

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

Review granted on court's own motion after denial of depublication. (1) Does every Private Attorneys General Act (CAL. LAB. CODE § 2698 *et seq.*) (PAGA) 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? 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 United States 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? Answer brief due.

*Osuna v. Spectrum Security Services, 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. Rules of Court, rule 8.512(d)(2)), or pending further order of the court. Holding for lead case.

*Williams v. Alacrity Solutions Group, LLC*, 110 Cal. App. 5th 932 (2025), *review granted* (Jul. 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.) (PAGA) 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 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.

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