

AUTHOR*



Phyllis W.
Cheng

CASES PENDING BEFORE THE CALIFORNIA SUPREME COURT

ARBITRATION

***Basith v. Lithia Motors, Inc.*, 90 Cal. App. 5th 951 (2023); review granted, 2023 WL 5114947 (Aug. 9, 2023), S280258/B316098**

The petition for review is granted. Further action in this matter is deferred pending consideration and disposition of a related issue in *Fuentes v. Empire Nissan, Inc.*, S280256/B314490 (see Cal. Rules of Ct., rule 8.512(d)(2)), or pending further order of the court. Submission of additional briefing, pursuant to Cal. Rules of Ct., rule 8.520, is deferred pending further order of the court.

Holding for the lead case.

***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 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?

Answer brief due.

RETIREMENT

***Los Angeles County Emp. Retirement Ass'n 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?

Fully briefed.

***Ventura County Employees' Retirement Ass'n v. Criminal Justice Attorneys Ass'n of Ventura County*, 98 Cal. App. 5th 1119 (2024); review granted, 320 Cal. Rptr. 3d 117 (Mem) (April 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?

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. denied, 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 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 (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.

***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 (April 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.

***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. Rules of Court, rule 8.512(d)(2)), or pending further order of the court.

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.) (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 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 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, she also prepares the Labor & Employment Case Law Alert, a free electronic alert service on new cases for Section members. To subscribe online at <http://www.calbar.ca.gov>, log onto “My State Bar Profile” and follow the instructions under “Change My E-mail Addresses and List Subscriptions.”

The *California Labor & Employment Law Review* is published by the Labor and Employment Law Section of the California Lawyers Association.

Editors in Chief

Laura Ziegler Davis
Katherine (Katie) Mola

Contributing Editors

Janine Braxton
Jana Balik FitzGerald
Susan K. Garea
Beth W. Mora
Wendy Musell
Kristin Rizzo
Alexandra Stathopoulos
Lauren Teukolsky
Timothy G. Williams

Managing Editor

Barbara Kate Repa

Design

Walsworth – Eau Claire

<https://calawyers.org/section/labor-and-employment-law/>