

9th Circuit Rejects PAGA Objector's Appeal

Article By:

Cary G Palmer

Evan D. Beecher

In a recent decision, *Peak v. Swift Transportation*, the 9th Circuit dismissed an objector's appeal of the district court's approval of a [Private Attorney General Act](#) (PAGA) settlement.

The parties reached a proposed class and PAGA settlement. A truck driver who was not a party to the action, Lawrence Peak (Peak), objected to the PAGA settlement. The district court overruled Peak's objection to the PAGA settlement.

On appeal, the 9th Circuit held Peak could not maintain the appeal because he was not a party to the underlying PAGA action. The 9th Circuit panel held Peak failed to demonstrate that he had a right to appeal the district court's approval of the PAGA settlement; as one of the justices stated at oral argument, Peak was "late to the party".

The panel rejected Peak's arguments as to why he may appeal the PAGA settlement. While Peak was a class member in the class action, a PAGA action is distinct from a class action, and objectors to a PAGA settlement are not "parties" to a PAGA suit in the same sense that absent class members are "parties" to a class action. The fact that Peak may ultimately receive a portion of the PAGA settlement did not make him a party to the PAGA action. A PAGA action has "no individual component." Finally, Peak's filing of a separate PAGA action did not make him a party to this PAGA action.

This decision further separates PAGA actions from class actions, differentiating between class members in a class action, and allegedly aggrieved persons who may benefit from a PAGA action who are not deemed "parties."

Jackson Lewis P.C. © 2025

National Law Review, Volume XII, Number 46

Source URL: <https://natlawreview.com/article/9th-circuit-rejects-paga-objector-s-appeal>