Published on *The National Law Review* https://natlawreview.com

California Supreme Court Concludes That PAGA Plaintiffs Lack Standing to Intervene in Other PAGA Lawsuits

Article By:

Heather M. Domingo

On August 1, 2024, in *Turrieta v. Lyft et al.,* the California Supreme Court held that a plaintiff in a Private Attorneys General Act ("PAGA") action does not have a right to intervene -- or to object to or vacate a judgment -- in a separate PAGA action involving overlapping claims.

The Court's conclusion resolves an issue that is not uncommon in PAGA litigation where a resolution is reached in one of several separate PAGA lawsuits filed against the same employer. And it will make it easier for parties to resolve PAGA actions without fear that settlements will be toppled by other employees or their lawyers.

The case before the California Supreme Court involved three separate PAGA actions filed by drivers who worked for Lyft.

In one of the three cases, the parties reached a $15 million resolution, only to have the plaintiffs in the other cases file a motion to intervene and object.

The trial court denied the motions for lack of standing, among other reasons. After the court entered judgment approving the $15 million settlement, the two plaintiffs in the other cases moved to vacate the judgments, which was also denied. When they appealed, the Court of Appeal found that the motions were properly denied because the other plaintiffs lacked standing to bring such motions.

Ordinarily, nonparties are permitted to intervene in a separate action against the same defendant involving overlapping claims, can move to require a court to consider objections of a proposed settlement in that overlapping action, and can move to vacate the judgment in that action. However, the California Supreme Court concluded that a plaintiff in a PAGA lawsuit does not have authority to use these procedural tools because it would be "inconsistent" with the scheme the legislature enacted for PAGA.

The Court reasoned that PAGA plaintiffs are only proxies acting on behalf of the state and, therefore, have no personal interest in the settlement of another PAGA claim. The Court acknowledged that PAGA contains no language expressly referencing intervention and reasoned that the failure to address the topic is a factor supporting its conclusion that authority for intervention is unavailable to plaintiffs in PAGA actions.

The decision is a victory for California employers who can have more comfort that their negotiated settlements of PAGA actions will be approved and will dispose of other PAGA actions with overlapping claims. The court's opinion also may create a race for plaintiffs to settle PAGA actions where there are multiple cases with overlapping claims, perhaps giving employers a valuable negotiation tool.

National Law Review, Volume XIV, Number 220