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SUPERIOR COURT OF CALIFORNIA
COUNTY OF SAN FRANCISCO
DEPARTMENT 304

JACOB RIMLER, GIOVANNI JONES, DORA
LEE, KELLYN TIMMERMAN, and JOSHUA
ALBERT, on behalf of themselves and others
similarly situated and in their capacities as
Private Attorney General Representatives,

Plaintiffs,

v.

POSTMATES, INC.

Defendant.

Case No. CGC-18-567868

TENTATIVE RULING RE MOTIONS TO
INTERVENE

TENTATIVE RULING

The motions are denied without prejudice at this time.

I. Arsen Altounian

Arsen Altounian (“Altounian”) is not entitled to mandatory intervention. Altounian failed to make a sufficient showing that his ability to protect his pecuniary interest would be impaired or impeded by the settlement. Code Civ. Proc., § 387 (d)(1)(B). Altounian may opt out or object to the settlement, and may preserve his right to appeal by filing a motion to set aside and vacate the judgment. See *Hernandez v. Restoration Hardware, Inc.* (2018) 4 Cal.5th 260, 273.

1 For the same reasons stated above, Altounian’s reasons for intervening do not outweigh the
2 objections from the parties, and the Court declines to exercise its discretion to allow Altounian to
3 intervene at this time.

4 **II. Heather Lemaster¹**

5 The Lemaster Objectors are not entitled to mandatory intervention. The Lemaster Objectors failed
6 to make a sufficient showing that their ability to protect their interest in preserving their right to
7 individually arbitrate their misclassification claims would be impaired or impeded by the settlement.
8 Code Civ. Proc., § 387 (d)(1)(B). Like Altounian, they may opt out or object to the settlement. To the
9 extent they claim the settlement limits their ability to rely on their counsel to protect that right, their
10 application is premature. The settlement, and specifically the opt-out procedure, has not been
11 preliminarily approved by the Court.

12 For the same reasons stated above, the Lemaster Objectors’ reasons for intervening do not
13 outweigh the objections from the parties, and the Court declines to exercise its discretion to allow the
14 Lemaster Objectors to intervene at this time.

15 **III. Wendy Santana**

16 Wendy Santana (“Santana”) is not entitled to mandatory intervention. Santana failed to make a
17 sufficient showing that her ability to protect her pecuniary interest would be impaired or impeded by the
18 settlement. Code Civ. Proc., § 387 (d)(1)(B). Like Altounian, Santana may opt out or object to the
19 settlement, and may preserve her right to appeal by filing a motion to set aside and vacate the judgment.
20 See *Hernandez v. Restoration Hardware, Inc.* (2018) 4 Cal.5th 260, 273. To the extent Santana seeks to
21 protect her interest as a PAGA plaintiff, her application is premature. The settlement, and specifically the
22 PAGA portion of the settlement, has not been preliminarily approved by the Court.

23 For the same reasons stated above, Santana’s reasons for intervening do not outweigh the
24 objections from the parties, and the Court declines to exercise its discretion to allow the Santana to
25 intervene at this time.

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27 _____
28 ¹ The Lemaster Ex Parte Application for Leave to Intervene also included Proposed Intervenors Juan Jimenez, Lewis Stokes, and Malarie Taylor (collectively referred to as the Lemaster Objectors).