

Superior Court of California County of San Benito



Tarry Singh
Court Executive Officer

Tentative Decisions for September 13, 2023

Courtroom #1: Judge J. Omar Rodriguez

CU-21-00140 Vargas v. Valley Harvest, LLC

The Motion to Compel Plaintiff to submit all claims pleaded in the Complaint to arbitration on an individual basis is GRANTED. The Federal Arbitration Act (“FAA”) applies to all arbitration agreements “involving commerce”. (9 U.S.C. § 2; *see also Epic Systems Corp. v. Lewis* (2018) 138 S. Ct. 1612, 1623 (2018); *Allied-Bruce Terminix Cos. v. Dobson* (1995) 513 U.S. 265, 273-74 (1995) (the term “involving commerce” under the FAA is construed broadly and is functionally equivalent to activities “affecting” commerce).) Here, Plaintiff concedes that Defendant Valley’s business affected interstate commerce. Plaintiff argued that the transportation worker exemption to the FAA, but failed to produce any evidence that she was frequently engaged in transportation work or that any of the goods she personally packaged were transported outside of California.

The Motion to Dismiss the putative class claims is GRANTED based on the waiver in the Arbitration Agreement, which Plaintiff executed. (*See Franco v. Arakelian Enterprises, Inc.*, 234 Cal. App. 4th 947, 955-57 (2015) (class action waivers obtained as a condition of employment are enforceable under the FAA).

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****Please contact Judicial Courtroom Assistant, Wendy Guerrero, at (831) 636-4057 x129 or wendy.guerrero@sanbenito.courts.ca.gov with any objections or concerns.**

The remaining non-individual, representative PAGA claims are stayed until completion of Plaintiff's individual arbitration because, if Plaintiff fails to prove a Labor Code violation in her individual arbitration, she would no longer have standing to proceed with the representative PAGA claims in court. (*See Adolph v. Uber Technologies, Inc.* (2023) 14 Cal. 5th 1104, 1123-24; see also *Rocha v. U-Haul Co. of California* (2023) 88 Cal. App. 5th 65, 76-77, 80-82.)

PR-21-00076 Estate of Timothy Francis Ostoja

The hearing on the demurrer is continued to September 27, 2023.