

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF CALIFORNIA

Hill v. Pacific Maritime Association

Hill · No. 24-cv-00336-JSC · Decided May 2, 2025

SUMMARY

The United States District Court for the Northern District of California rules on Defendants’ motion to dismiss and motion to strike in an employment action concerning sick pay, leave, retaliation, wage statements, waiting-time penalties, and related claims. The court dismisses most claims with leave to amend, allows a whistleblower-retaliation claim to proceed against Pacific Maritime Association, and denies the motion to strike the Watchmen class allegations.

CASE DETAILS

COURT	United States District Court for the Northern District of California
WRITING FOR THE COURT	Jacqueline Scott Corley
JURISDICTION	United States District Court for the Northern District of California
DECIDED	May 2, 2025
DOCKET	24-cv-00336-JSC
DISPOSITION	other
PROCEDURAL POSTURE	Defendants moved under Federal Rules of Civil Procedure 12(b)(6) to dismiss the Third Amended Complaint and under Rule 12(f) to strike class allegations.
STANDARD OF REVIEW	On a Rule 12(b)(6) motion, the court accepts well-pleaded factual allegations as true and determines whether the complaint states a plausible claim for relief. On a Rule 12(f) motion, striking allegations is disfavored and appropriate only where the challenged matter has no possible bearing on the litigation or cannot succeed under any set of circumstances.
PRECEDENTIAL VALUE	unknown
PARTIES	Pamela Hill, et al. v. Pacific Maritime Association, et al.

TOPICS

- motions to dismiss
- whistleblower
- retaliation
- wage and hour
- class actions

PRACTICE AREAS

employment law

civil procedure

wage and hour

class actions

remedies

QUESTIONS PRESENTED

1. Whether the Third Amended Complaint plausibly alleged PAGA and municipal sick-leave violations.
2. Whether the complaint plausibly alleged whistleblower retaliation against PMA and the other defendants.
3. Whether the wage-statement, waiting-time, and untimely-payment claims were adequately pleaded.
4. Whether the Unfair Competition Law claim stated a claim for equitable relief.
5. Whether the Watchmen class allegations should be stricken at the pleading stage.

HOLDINGS

1. The PAGA sick-leave claim was not plausibly pleaded because no named plaintiff alleged facts showing that she requested sick leave or otherwise alleged a violation of the statutory sick-pay provisions.
2. The municipal sick-leave claims were not plausibly pleaded because the complaint did not allege facts showing that a named plaintiff was absent from work for a qualifying reason and should have been paid under the applicable ordinance.
3. Plaintiffs Hill, Stewart, and R. Johnson plausibly stated a California Labor Code section 1102.5 retaliation claim against PMA, but not against the other defendants.
4. The wage-statement claim was not plausibly pleaded because Plaintiffs did not allege a cognizable injury resulting from inaccurate or incomplete wage statements beyond the alleged underlying wage-and-hour violation.
5. The waiting-time claim was not plausibly pleaded because Plaintiffs did not adequately allege that they were entitled to sick-pay wages during employment and therefore did not establish a willful refusal to pay wages after termination.
6. The section 204 claim was dismissed because it alleged only underpayment of wages, not a failure to pay wages at the required times; leave to amend was limited to alleging an injury separate from the underpayment of wages.
7. The Unfair Competition Law claim was dismissed because the demand for Pandemic Appreciation Pay sought legal relief rather than restitution, and Plaintiffs did not plausibly allege standing for injunctive relief.
8. The motion to strike the Watchmen class allegations was denied because the allegations were not clearly incapable of succeeding and the parties presented unresolved legal and factual issues concerning the proposed class.

KEY QUOTATIONS

“Having carefully reviewed the parties’ briefing and with the benefit of oral argument on May 1, 2025, the Court GRANTS in part the motion to dismiss and DENIES the motion to strike.” (at 1)

“Drawing all reasonable inferences in Plaintiffs’ favor, the TAC sufficiently alleges a causal link between the protected activity and PMA’s adverse employment action.” (at 5)

“Motions to strike are generally disfavored” (at 13)

FACTUAL BACKGROUND

Plaintiffs alleged that Defendants failed to provide sick pay and leave required by California law and municipal ordinances. Plaintiffs also alleged that Watchmen employees or other plaintiffs complained to the Labor Commissioner about the lack of sick leave and that PMA thereafter excluded Watchmen from Pandemic Appreciation Pay. The complaint asserted PAGA, municipal sick-leave, whistleblower-retaliation, wage-statement, waiting-time, untimely-payment, and Unfair Competition Law claims, along with class allegations.

PROCEDURAL HISTORY

Plaintiffs filed a Third Amended Complaint alleging failures to provide sick pay and leave and retaliation under California state and municipal laws. Defendants moved to dismiss and to strike the Watchmen class allegations. The court granted the motion to dismiss in part, denied the motion to strike, and granted leave to amend the dismissed claims.

DISPOSITION

other

REMAND INSTRUCTIONS

No remand. Plaintiffs may file an amended complaint by June 2, 2025. The amendment may not add new claims or defendants without separate leave of court. The section 204 claim may be amended only to allege an injury separate from underpayment of wages.

CASES CITED

- Bell Atl. Corp. v. Twombly, 550 U.S. 544, 570 (2007)
- Ashcroft v. Iqbal, 556 U.S. 662, 678, 681 (2009)
- Starr v. Baca, 652 F.3d 1202, 1216 (9th Cir. 2011)
- Colopy v. Uber Techs. Inc., No. 19-cv-06462-EMC, 2020 WL 3544982, at *3 (N.D. Cal. June 30, 2020)
- Hassell v. Uber Techs., Inc., No. 20-cv-04062-PJH, 2021 WL 2531076, at *23 (N.D. Cal. June 21, 2021)
- Soukup v. Law Offs. of Herbert Hafif, 39 Cal. 4th 260, 287-88 (2006)
- Morgan v. Regents of Univ. of Cal., 88 Cal. App. 4th 52, 69 (2000)
- Canupp v. Children’s Receiving Home of Sacramento, 181 F. Supp. 3d 767, 793 (E.D. Cal. 2016)
- Villiarimo v. Aloha Island Air, Inc., 281 F.3d 1054, 1065 (9th Cir. 2002)
- Naranjo v. Spectrum Sec. Servs., Inc., 15 Cal. 5th 1056, 1064 (2024)
- Maldonado v. Epsilon Plastics, Inc., 22 Cal. App. 5th 1308, 1334, 1336-37 (2018)
- Price v. Starbucks Corp., 192 Cal. App. 4th 1136, 1142 (2011)

- *Jaimez v. Daiohs USA, Inc.*, 181 Cal. App. 4th 1286, 1306 (2010)
- *Rubalcaba v. R&L Carriers Shared Servs., L.L.C.*, No. 23-cv-06581-HSG, 2025 WL 722442, at *3 (N.D. Cal. Mar. 6, 2025)
- *Mauia v. Petrochem Insulation, Inc.*, No. 18-cv-01815-MEJ, 2018 WL 3241049, at *10 (N.D. Cal. July 3, 2018)
- *Huynh v. Jabil Inc.*, No. 22-cv-07460-WHO, 2023 WL 1802417, at *4 (N.D. Cal. Feb. 7, 2023)
- *Carter v. Jai-Put Enter. Inc.*, No. 18-cv-06313-DMR, 2020 WL 3545094, at *10 (N.D. Cal. June 30, 2020)
- *Frausto v. Bank of Am., Nat'l Ass'n*, No. 18-cv-01983-MEJ, 2018 WL 3659251, at *10 (N.D. Cal. Aug. 2, 2018)
- *Scott v. Cintas Corp.*, No. 23-cv-05764-JSC, 2024 WL 1421277, at *5 (N.D. Cal. Apr. 2, 2024)
- *Mish v. TForce Freight, Inc.*, No. 21-cv-049094-EMC, 2021 WL 4592124, at *5 (N.D. Cal. Oct. 6, 2021)
- *Nationwide Biweekly Admin., Inc. v. Superior Ct.*, 9 Cal. 5th 279, 292 (2020)
- *Carvalho v. Equifax Info. Servs., LLC*, 629 F.3d 876, 892 (9th Cir. 2010)
- *Foman v. Davis*, 371 U.S. 178, 182 (1962)
- *Whittlestone, Inc. v. Handi-Craft Co.*, 618 F.3d 970, 973 (9th Cir. 2010)
- *Gutzalenko v. City of Richmond*, 723 F. Supp. 3d 748, 755 (N.D. Cal. 2024)
- *Fukaya v. Daiso California LLC*, No. 23-cv-00099-JSC, 2023 WL 3436092, at *4 (N.D. Cal. May 11, 2023)
- *In re Nexus 6P Prod. Liab. Litig.*, 293 F. Supp. 3d 888, 960-61 (N.D. Cal. 2018)
- *T. K. v. Adobe Sys. Inc.*, No. 17-cv-04595-LHK, 2018 WL 1812200, at *13 (N.D. Cal. Apr. 17, 2018)