

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF
CALIFORNIA

Wilson v. Delta Star, Inc.

Wilson · No. 21-cv-07326-LB · Decided December 18, 2025

SUMMARY

The United States District Court for the Northern District of California denied Max Wilson’s motion for class certification in a wage-and-hour action against Delta Star, Inc. The court held that Wilson, a non-union employee, was not typical of a proposed class composed largely of union employees subject to collective bargaining agreements containing grievance and arbitration procedures. The court declined to resolve the defendant’s LMRA preemption arguments because the typicality determination independently required denial of certification.

CASE DETAILS

COURT	United States District Court for the Northern District of California
WRITING FOR THE COURT	Laurel Beeler
JURISDICTION	United States District Court for the Northern District of California
DECIDED	December 18, 2025
DOCKET	21-cv-07326-LB
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff moved under Federal Rule of Civil Procedure 23 to certify nine subclasses in a putative wage-and-hour class action against his former employer. The district court denied class certification.
STANDARD OF REVIEW	The plaintiff bears the burden of proving, through a rigorous analysis, that all Rule 23(a) prerequisites and at least one Rule 23(b) requirement are satisfied. Merits issues may be considered only to the extent relevant to determining whether Rule 23 requirements are met.
PRECEDENTIAL VALUE	unpublished district court order; persuasive only
PARTIES	Max Wilson v. Delta Star, Inc.

TOPICS

- class actions
- wage and hour
- labor law
- employment law
- civil procedure

PRACTICE AREAS

employment law

wage and hour

class actions

labor law

civil procedure

QUESTIONS PRESENTED

1. Whether a non-union employee's claims were typical of a proposed class consisting predominantly of union employees whose claims were subject to collective-bargaining agreements and mandatory grievance and arbitration procedures.
2. Whether the proposed class representative satisfied Rule 23(a)(4)'s adequacy requirement given the union/non-union divide.
3. Whether collective-bargaining-agreement or Labor Management Relations Act preemption barred certification of certain subclasses.

HOLDINGS

1. The plaintiff's claims were not typical of the proposed class because approximately ninety percent of the class members were union employees subject to collective-bargaining agreements, mandatory grievance procedures, and arbitration, while the plaintiff was not.
2. The union/non-union divide also defeated adequacy because the plaintiff could not adequately protect the interests of class members subject to different contractual dispute-resolution obligations and defenses.
3. The court did not decide preemption because the typicality holding independently required denial of class certification.

FACTUAL BACKGROUND

Wilson was a non-exempt hourly employee of Delta Star from approximately February 2017 through August 2021 and was never a union member. Approximately ninety percent of the proposed class members were union employees covered by sequential collective-bargaining agreements governing wages, overtime, tool reimbursement, and grievance procedures culminating in final and binding arbitration. Union and non-union employees generally shared schedules, supervisors, job titles, meal breaks, and timekeeping practices, while the proposed claims concerned alleged rounding, automatic meal deductions, meal-period violations, bonus treatment, tool reimbursement, final wages, wage statements, and related unfair competition.

PROCEDURAL HISTORY

Max Wilson filed a putative class action alleging California wage-and-hour violations involving rounding, meal-period deductions and premiums, regular-rate calculations, tool reimbursement, final wages, wage statements, and unfair competition. He moved to certify nine subclasses under Rule 23(b)(3). After briefing and a December 18, 2025 hearing, the court denied certification because Wilson, a non-union employee, was not typical of a proposed class composed approximately ninety percent of union employees subject to collective-bargaining agreements, mandatory grievance procedures, and arbitration.

DISPOSITION

other

CASES CITED

- Halliburton Co. v. Erica P. John Fund, Inc., 573 U.S. 258, 275 (2014)
- Wal-Mart Stores, Inc. v. Dukes, 564 U.S. 338, 350-51 (2011)
- Comcast Corp. v. Behrend, 569 U.S. 27, 32-34 (2013)
- Amgen Inc. v. Conn. Ret. Plans & Tr. Funds, 568 U.S. 455, 466 (2013)
- Torres v. Mercer Canyons Inc., 835 F.3d 1125, 1141 (9th Cir. 2016)
- Cal. Coal. for Women Prisoners v. United States, 723 F. Supp. 3d 712, 730 (N.D. Cal. 2024)
- Rodriguez v. Hayes, 591 F.3d 1105, 1122 (9th Cir. 2010)
- Espinosa v. Ahearn (In re Hyundai and Kia Fuel Econ. Litig.), 926 F.3d 539, 566-67 (9th Cir. 2019) (en banc)
- Amchem Prods., Inc. v. Windsor, 521 U.S. 591, 625-26 & n.20 (1997)
- Gaudin v. Saxon Mortg. Servs., Inc., 297 F.R.D. 417, 425 (N.D. Cal. 2013)
- Burnside v. Kiewit Pac. Corp., 491 F.3d 1053, 1059-60 (9th Cir. 2007)
- Dent v. Nat'l Football League, 902 F.3d 1109, 1116-17 (9th Cir. 2018)
- Abdul-Baaqiy v. Fed. Nat'l Mortg. Ass'n, 149 F. Supp. 3d 1, 10 (D.D.C. 2015)
- Quinlan v. Macy's Corp. Servs., Civ. No. 12-00737 DDP, 2013 WL 11091572, at *3 (C.D. Cal. Aug. 22, 2013)
- Amalgamated Transit Union Local 1309, AFL-CIO v. Laidlaw Transit Services, No. 05cv1199-IEG-CAB, 2009 WL 249888, at *4 (S.D. Cal. Feb. 2, 2009)
- California State Employees' Ass'n v. California, No. C-84-7275-MHP, 1985 U.S. Dist. LEXIS 15974, at *35-37 (N.D. Cal. Sept. 13, 1985)
- Morgan v. Rohr, Inc., No. 20-cv-574-GPC-AHG, 2022 WL 974334, at *6 (S.D. Cal. Mar. 31, 2022)