

CALIFORNIA COURT OF APPEAL, FIRST APPELLATE DISTRICT, DIVISION
FOUR

Moniz v. Adecco USA, Inc.

Moniz v. Adecco USA, Inc. · No. A168481, A168872 · Decided February 28, 2025

SUMMARY

The California Court of Appeal, First Appellate District, Division Four, holds that Paola Correa and her counsel lack standing to challenge the judgment approving Rachel Moniz’s revised Private Attorneys General Act settlement with Adecco USA, Inc. The court concludes that the California Supreme Court’s decision in Turrieta v. Lyft altered the controlling law and foreclosed standing based solely on Correa’s status as a PAGA representative in an overlapping action. The appeals are therefore dismissed.

CASE DETAILS

COURT	California Court of Appeal, First Appellate District, Division Four
WRITING FOR THE COURT	Brown, P. J.; Streeter, J.; Simonds, J.
JURISDICTION	California Court of Appeal, First Appellate District, Division Four
DECIDED	February 28, 2025
DOCKET	A168481, A168872
DISPOSITION	dismissed
PROCEDURAL POSTURE	Correa and her counsel appealed from the judgment approving a revised Private Attorneys General Act settlement and from the denial of their posttrial motion to vacate the judgment or obtain a new settlement hearing. While the appeals were pending, the California Supreme Court decided Turrieta v. Lyft, Inc., which disapproved the standing analysis in the court's earlier decision in Moniz II.
STANDARD OF REVIEW	Standing is a jurisdictional issue reviewed de novo. Whether an appellant is aggrieved depends on whether the judgment immediately, pecuniarily, and substantially injures the appellant's rights or interests.
PRECEDENTIAL VALUE	Published and certified for publication
PARTIES	Paola Correa et al. v. Rachel Moniz, Adecco USA, Inc.

TOPICS

appellate procedure

standing

civil procedure

attorney fees

employment law

PRACTICE AREAS

appellate procedure

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QUESTIONS PRESENTED

1. Whether Correa, as the plaintiff in an overlapping PAGA action, had standing to challenge the judgment approving Moniz's settlement after the California Supreme Court's decision in Turrieta.
2. Whether the law-of-the-case doctrine prevented the court from reconsidering Correa's standing determination from the earlier appeal.
3. Whether Correa's asserted personal interests in PAGA penalties, attorney's fees, costs, a service award, and remediation of Labor Code violations supplied standing distinct from her status as a representative of the state.
4. Whether Correa's counsel had an independent personal interest sufficient to confer standing to appeal the attorney's-fee ruling.

HOLDINGS

1. A plaintiff in an overlapping PAGA action does not obtain standing to intervene in, move to vacate, or appeal a judgment in another PAGA action merely by virtue of serving as the state's representative or proxy.
2. The law-of-the-case doctrine did not prevent reconsideration of Correa's standing because an intervening California Supreme Court decision altered or clarified the controlling law and expressly disapproved the earlier standing analysis.
3. Correa's asserted interests in PAGA penalties, attorney's fees, costs, a service award, and remediation of Labor Code violations did not confer standing to challenge the overlapping PAGA settlement because those interests arise from or are derivative of PAGA's representative enforcement scheme and do not materially differ from the state interest rejected in Turrieta.

KEY QUOTATIONS

“Nothing in PAGA’s text, the statutory scheme, or the legislative history suggests the Legislature understood or intended an aggrieved employee’s authority to commence and prosecute a PAGA action on the state’s behalf to include the power to move to vacate a judgment obtained by another aggrieved employee — representing the same state interest — after a proposed settlement has been submitted for review to both the trial court and the LWDA, and the court has determined that the proposed settlement ‘is fair to those affected.’” (at 13-14)

“Because Turrieta’s concerns about allowing intervention or vacatur by PAGA plaintiffs in overlapping suits as state proxies apply with the same force when those same individuals seek vacatur based on private interests under the same statute, we reach the same conclusion here as in Turrieta.” (at 25)

FACTUAL BACKGROUND

Adecco supplied temporary labor, including to Google. Correa and Moniz filed separate PAGA actions alleging overlapping Labor Code violations concerning confidentiality rules and later challenged the settlement reached by Moniz and Adecco. After the first appeal resulted in reversal, Moniz and Adecco revised their settlement; the trial court approved it, awarded attorney's fees to both sides' counsel in different amounts, denied Correa's requested service award, and entered judgment.

PROCEDURAL HISTORY

Moniz brought a PAGA action against Adecco, and the trial court approved a settlement, awarded Moniz's counsel attorney's fees, and denied Correa's requests for intervention-related relief, attorney's fees, and a service award. In an earlier appeal, the court held that Correa had standing to challenge the settlement and reversed because the trial court had improperly analyzed settlement fairness. On remand, the trial court approved a revised settlement, awarded Correa \$21,000 in attorney's fees, denied her service award, and entered judgment. Correa and her counsel again appealed, but the court concluded after *Turrieta* that they lacked appellate standing.

DISPOSITION

dismissed

CASES CITED

- Kim v. Reins International California, Inc., 9 Cal. 5th 73, 80-81, 86, 89 (2020)
- Moniz v. Adecco USA, Inc., 72 Cal. App. 5th 56, 65-73, 87-89 (2021)
- Turrieta v. Lyft, Inc., 16 Cal. 5th 664, 681-712 (2024)
- Turrieta v. Lyft, Inc., 69 Cal. App. 5th 955, 967-968 (2021), aff'd, 16 Cal. 5th 664 (2024)
- Doe v. Google, 54 Cal. App. 5th 948, 952, 970-971 (2020)
- In re D.M., 205 Cal. App. 4th 283, 294 (2012)
- Truck Insurance Exchange v. Kaiser Cement & Gypsum Corp., 16 Cal. 5th 67, 87 n.6 (2024)
- Cesar V. v. Superior Court, 91 Cal. App. 4th 1023, 1034 (2001)
- Iskanian v. CLS Transportation Los Angeles, LLC, 59 Cal. 4th 348, 382-388 (2014)
- Viking River Cruises, Inc. v. Moriana, 596 U.S. 639, 662 (2022)
- Quach v. California Commerce Club, Inc., 16 Cal. 5th 562, 569 (2024)
- Arias v. Superior Court, 46 Cal. 4th 969, 986 (2009)
- Amalgamated Transit Union, Local 1756, AFL-CIO v. Superior Court, 46 Cal. 4th 993, 1003 (2009)
- ZB, N.A. v. Superior Court, 8 Cal. 5th 175, 182 (2019)
- Williams v. Superior Court, 3 Cal. 5th 531, 547 n.4 (2017)
- Hernandez v. Restoration Hardware, Inc., 4 Cal. 5th 260, 273 (2018)
- Johnson v. Maxim Healthcare Services, Inc., 66 Cal. App. 5th 924, 930 (2021)
- Castellanos v. State of California, 89 Cal. App. 5th 131, 152-153 (2023), aff'd in part, 16 Cal. 5th 588 (2024)
- Moniz v. Adecco USA, Inc., No. A155474 (Cal. Ct. App. Feb. 11, 2020) (unpublished)

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