

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF
CALIFORNIA

Carlos Diaz v. Chevron Corporation, et al.

Diaz · No. 25-cv-03327-EMC · Decided December 15, 2025

SUMMARY

The United States District Court for the Northern District of California resolves cross-motions for partial summary judgment concerning Carlos Diaz’s California Private Attorneys General Act claim against Contra Costa Electric. The court holds that CCE waived its ability to invoke California Labor Code section 2699.6 and to compel arbitration after litigating the matter for approximately five years without pursuing those defenses. The court further holds that the PAGA notice broadly covers uncompensated employer-mandated travel time, but does not cover alleged uncompensated donning and doffing of protective equipment.

CASE DETAILS

COURT	United States District Court for the Northern District of California
WRITING FOR THE COURT	Edward M. Chen
JURISDICTION	United States District Court for the Northern District of California
DECIDED	December 15, 2025
DOCKET	25-cv-03327-EMC
DISPOSITION	other
PROCEDURAL POSTURE	Cross-motions for partial summary judgment concerning the scope and applicability of a California Private Attorneys General Act claim.
STANDARD OF REVIEW	Summary judgment is proper when the movant shows that there is no genuine dispute as to any material fact and the movant is entitled to judgment as a matter of law. The evidence is viewed in the light most favorable to the nonmoving party, with all justifiable inferences drawn in that party's favor. A defendant may prevail by identifying the plaintiff's failure to make a showing sufficient to establish an essential element, while a plaintiff seeking judgment on its own claim must establish every essential element through undisputed facts.
PRECEDENTIAL VALUE	Unknown; federal district court order.

TOPICS

wage and hour

summary judgment

arbitration

waiver

construction law

PRACTICE AREAS

employment law

wage and hour

labor law

civil procedure

arbitration

QUESTIONS PRESENTED

1. Whether CCE waived its right to invoke California Labor Code section 2699.6 after litigating the case for approximately five years without pursuing that defense.
2. Whether CCE waived its right to compel arbitration under the applicable collective bargaining agreements by litigating the case extensively without seeking arbitration.
3. Whether the PAGA notice limited the representative claim to employees required to report to specified parking lots at specified times, or instead encompassed uncompensated employer-mandated travel time more broadly.
4. Whether the PAGA notice also encompassed claims for uncompensated time spent donning and doffing protective gear or equipment.

HOLDINGS

1. CCE waived its right to rely on section 2699.6 by litigating the merits for years in state court without timely asserting and pursuing the statute as a bar to the PAGA claim.
2. CCE waived its right to seek arbitration by litigating the case in state court for approximately five years without pursuing its arbitration defense.
3. The PAGA notice was not limited to employees who were required to report to particular parking lots at specified times; it sufficiently encompassed the broader alleged failure to compensate employees for employer-mandated travel time, including travel from refinery entrances to worksites.
4. The PAGA notice did not sufficiently encompass a claim for uncompensated time spent donning or doffing protective gear or equipment.

KEY QUOTATIONS

“The fact that CCE never raised its § 2699.6 argument before the state court – though it could have been raised through, e.g., a motion for summary adjudication – is conduct so inconsistent with an intent to enforce the right as to induce a reasonable belief that such right has been relinquished.” (Section II.B.1)

“The PAGA notice extends more broadly to uncompensated employer-mandated travel time.” (Conclusion)

FACTUAL BACKGROUND

Diaz worked for Contra Costa Electric at Chevron's Richmond refinery from approximately October 2018 through January 2019. He alleged that CCE failed to pay employees for employer-mandated travel between refinery entrances or parking lots and worksites, and that CCE improperly docked pay when employees left designated parking lots before the end of their shifts. The PAGA claim sought relief on behalf of allegedly aggrieved employees at both the Richmond and El Segundo refineries. CCE relied on collective bargaining

agreements and California Labor Code section 2699.6, while Diaz argued that CCE waived that defense by litigating the case for years without invoking it.

PROCEDURAL HISTORY

Carlos Diaz filed a wage-and-hour action in California state court in 2020 against Chevron Corporation, Nooter, and Contra Costa Electric. Diaz settled with Chevron and Nooter, leaving CCE as the remaining defendant. CCE removed the case to federal court in April 2025. The federal court allowed removal to stand because Diaz did not seek remand based on the asserted untimeliness defect, and the parties then filed cross-motions for partial summary judgment directed to the PAGA claim.

DISPOSITION

other

CASES CITED

- *Anderson v. Liberty Lobby, Inc.*, 477 U.S. 242, 248-49, 252, 255 (1986)
- *Celotex Corp. v. Catrett*, 477 U.S. 317, 322 (1986)
- *Cabo Distrib. Co. v. Brady*, 821 F. Supp. 601, 607 (N.D. Cal. 1992)
- *Fontenot v. Upjohn Co.*, 780 F.2d 1190, 1194 (5th Cir. 1986)
- *Oswald v. Murray Plumbing & Heating Corp.*, 82 Cal. App. 5th 938, 941 (2022)
- *Redwood Theatres, Inc. v. Festival Enters., Inc.*, 908 F.2d 477, 483 n.6 (9th Cir. 1990)
- *AP-Colton LLC v. Ohaeri*, 240 Cal. App. 4th 500, 507 (2015)
- *Dones v. Life Ins. Co. of N. Am.*, 55 Cal. App. 5th 665, 677-78 (2020)
- *Hill v. Xerox Bus. Servs., LLC*, 59 F.4th 457, 460 (9th Cir. 2023)
- *Rojas-Cifuentes v. Superior Court*, 58 Cal. App. 5th 1051, 1059 (2020)
- *Williams v. Superior Ct.*, 3 Cal. 5th 531, 545-46 (2017)
- *Bowen v. Target Corp.*, No. EDCV 16-2587 JGB (MRWx), 2020 WL 1931278, at *4-*5 (C.D. Cal. Jan. 24, 2020)
- *Mays v. Wal-Mart Stores, Inc.*, 354 F. Supp. 3d 1136, 1148 (C.D. Cal. 2019)
- *Ibarra v. Chuy & Sons Labor, Inc.*, 102 Cal. App. 5th 874, 885 (2024)
- *Olson v. Tesoro Ref. & Mktg. Co.*, No. C06-1311RSL, 2007 U.S. Dist. LEXIS 67747, at *2 (W.D. Wash. Sept. 12, 2007)
- *Ripley v. Sunoco, Inc.*, 287 F.R.D. 300, 323 (E.D. Pa. 2012)
- *Jones v. CertifiedSafety, Inc.*, No. 17-cv-02229-RS, 2017 U.S. Dist. LEXIS 233226, at *5 (N.D. Cal. Aug. 28, 2017)
- *Wyatt v. City of Burlingame*, No. 16-cv-02681-DMR, 2017 U.S. Dist. LEXIS 20175, at *24, *29 (N.D. Cal. Feb. 13, 2017)

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