

**UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF
CALIFORNIA**

Latrice Nelson v. Macy's Retail Holdings, LLC

Nelson v. Macy's · No. 3:25-cv-05541-JSC · Decided January 7, 2026

OPINION

1 2 3 4 UNITED STATES DISTRICT COURT 5 NORTHERN DISTRICT OF CALIFORNIA 6 7
LATRICE NELSON, Case No. 3:25-cv-05541-JSC 8 Plaintiff, ORDER RE: DEFENDANT’S
MOTION 9 v. TO COMPEL ARBITRATION 10 MACY'S RETAIL HOLDINGS, LLC, Re: Dkt.
Nos. 21, 31 Defendant. 11 12 13 Plaintiff, a former Macy’s employee, brings this wage and hour
class action on behalf of 14 “fulfillment associates” who “handled, picked, packed, or processed
packages or goods as part of 15 international and/or interstate commerce” for Macy’s in
California.

(Dkt. No. 1-1 at 7-8.) While 16 the action was initially filed in the Contra Costa Superior Court,
Macy’s removed the action to this 17 court under the Class Action Fairness Act (CAFA), 28
U.S.C. § 1453(b). Macy’s then moved to 18 compel arbitration in accordance with an arbitration
provision incorporated into Macy’s new hire 19 paperwork and to dismiss Plaintiff’s putative class
claims.

(Dkt. No. 21.1) 20 On December 9, 2025, the Court issued an order stating it was inclined to deny
Macy’s 21 motion to compel arbitration because Plaintiff was an exempt transportation worker
under Section 22 1 of the Federal Arbitration Act (FAA). (Dkt. No. 31.)

Because the Section 1 exemption only 23 applies to transportation workers engaged in interstate
commerce, the Court provided Macy’s the 24 opportunity to challenge Plaintiff’s assertion that the
merchandise delivered to her facility 25 originated out-of-state. (Id. at 7-9; see also Dkt. No. 25,
Nelson Declaration at ¶ 4 (attesting “the 26 merchandise I handled included brands such as
Versace, Dolce & Gabbana, Ralph Lauren, Adidas, 27 1 and Calvin Klein, among other brands.

My understanding is that these are the types of brands 2 || and/or products that are typically
manufactured overseas, such as in Asia or Europe.”).) Macy’s 3 thereafter submitted a declaration
from Daryl McDaniel, Director, Facility Operations Leader at 4 the Hayward Distribution Center.
(Dkt. No. 33 at 4.) Mr. McDaniel’s Declaration, however, says 5 nothing about where the
merchandise that is shipped to the Hayward Distribution Center (and then 6 || to the Concord
Sunvalley facility where Plaintiff works) originates.

Instead, he attests more than 7 55% of the merchandise came to the Hayward Distribution Center
from a third-party facility in 8 Santa Fe Springs, California, less than 40% came to the Hayward

Distribution Center “directly 9 from locations outside California,” and less than 5% came to the Hayward Distribution Center 10 || from the MCS distribution center in City of Industry, California.

(Ud. at §{[5-6.) This is non- 11 responsive to Plaintiffs statement she handled merchandise that came from overseas and thus 12 sheds no light on the interstate nature of merchandise at issue. So, the McDaniel Declaration does 5 13 not create a dispute as to whether Plaintiff was engaged in interstate commerce.

As in Ortiz v. 14 || Randstad Inhouse Servs., LLC, Plaintiff picks and packages merchandise “with the direct purpose 3 15 || of facilitating their continued travel through an interstate supply chain.” 95 F.4th 1152, 1163 (9th 16 || Cir. 2024). 3 17 Accordingly, having considered the parties’ original and supplemental submissions (Dkt. 18 || Nos. 34, 39), the Court DENIES Macy’s motion to compel arbitration for the reasons stated in the 19 || Court’s original order.

Based on controlling Ninth Circuit precedent Plaintiff is a transportation 20 || worker engaged in interstate commerce and thus exempt from the FAA under 9 U.S.C. § 1. 21 The February 4, 2026 case management conference remains on calendar.

The Court will 22 || vacate the case management conference if Macy’s files a notice of appeal and seeks a stay as it is 23 entitled to under Coinbase, Inc. v. Bielski, 599 U.S. 736, 747 (2023). 24 This Order disposes of Docket No. 21. 25 IT IS SO ORDERED. 26 || Dated: January 7, 2026, Std 27 JACQUELINE SCOTT CORL 28 United States District Judge