

CALIFORNIA COURT OF APPEAL, FOURTH APPELLATE DISTRICT,
DIVISION ONE

Reyes v. Hi-Grade Materials Co.

Reyes · No. D085178 · Decided April 29, 2025

SUMMARY

The California Court of Appeal dismissed an appeal from an order denying class certification in a wage-and-hour action. It held that the death knell doctrine did not apply because representative PAGA claims remained pending when the appeal was filed, and the plaintiff's later voluntary dismissal of those claims could not retroactively create appellate jurisdiction. The court concluded that review of the class-certification order must await a final judgment disposing of all claims.

CASE DETAILS

COURT	California Court of Appeal, Fourth Appellate District, Division One
WRITING FOR THE COURT	Buchanan, J.; Irion, Acting P. J.; KeletY, J.
JURISDICTION	California Court of Appeal, Fourth Appellate District, Division One
DECIDED	April 29, 2025
DOCKET	D085178
DISPOSITION	dismissed
PROCEDURAL POSTURE	Appeal from an order denying class certification in a putative wage-and-hour class action. The appellant also had individual claims and representative claims under the Private Attorneys General Act pending when he filed the notice of appeal.
STANDARD OF REVIEW	The court reviewed de novo whether it had appellate jurisdiction and whether the order denying class certification was immediately appealable.
PRECEDENTIAL VALUE	Published and certified for publication
PARTIES	Angel D. Chavez Reyes v. Hi-Grade Materials Co., Robar Enterprises, Inc.

TOPICS

- appellate jurisdiction
- final judgment rule
- interlocutory appeal
- class actions
- wage and hour

PRACTICE AREAS

appellate procedure

civil procedure

employment law

wage and hour

class actions

QUESTIONS PRESENTED

1. Whether an order denying class certification is immediately appealable under California's death knell doctrine when representative PAGA claims remain viable and pending.
2. Whether a plaintiff's later voluntary dismissal without prejudice of pending PAGA claims can retroactively make an otherwise nonappealable class-certification order appealable.
3. Whether the court should construe the appeal as a petition for writ of mandate.

HOLDINGS

1. An order denying class certification is not immediately appealable under the death knell doctrine when viable representative PAGA claims remain pending because the order does not function as a de facto final judgment for all claims on behalf of absent class members.
2. A plaintiff's later voluntary dismissal without prejudice of pending PAGA claims does not retroactively transform a nonappealable order denying class certification into an appealable order.
3. The court declined to exercise its discretionary power to treat the appeal as a petition for writ of mandate.

KEY QUOTATIONS

"The death knell doctrine is a " 'tightly defined and narrow' " exception to the one final judgment rule in the class action context." (p. 5)

"It is well established that the death knell doctrine does not apply when representative PAGA claims remain pending after the trial court has denied class certification." (p. 8)

"We cannot see how a nonappealable event occurring over a year after a nonappealable order can retroactively create appellate jurisdiction where none existed before." (p. 11)

"We therefore conclude that Chavez's voluntary dismissal of his PAGA claims does not render the trial court's order denying class certification retroactively appealable." (p. 15)

FACTUAL BACKGROUND

Reyes brought wage-and-hour claims against Hi-Grade Materials Co. and Robar Enterprises, Inc., seeking class relief and civil penalties under PAGA. The trial court denied class certification because the proposed subclasses were insufficiently numerous, some claims lacked typicality, individual inquiries predominated, and the proposed action was not shown to be manageable or superior. Reyes's individual claims and PAGA representative claims remained pending when he filed his appeal.

PROCEDURAL HISTORY

Reyes filed a class action complaint in 2019 and moved for class certification in March 2023. The superior court denied class certification in August 2023, ruling that the proposed subclasses and claims failed requirements including typicality, predominance, manageability, and superiority, while leaving the PAGA claims unaddressed and pending. Reyes appealed in September 2023, then voluntarily dismissed the PAGA claims without prejudice in November 2024 after respondents argued that the pending PAGA claims defeated appellate jurisdiction. The Court of Appeal dismissed the appeal for lack of jurisdiction.

DISPOSITION

dismissed

CASES CITED

- Foust v. San Jose Construction Co., Inc. (2011) 198 Cal.App.4th 181
- Save Lafayette Trees v. East Bay Regional Park Dist. (2021) 66 Cal.App.5th 21
- In re Baycol Cases I & II (2011) 51 Cal.4th 751
- Meinhardt v. City of Sunnyvale (2024) 16 Cal.5th 643
- Griset v. Fair Political Practices Com. (2001) 25 Cal.4th 688
- Stephen v. Enterprise Rent-A-Car (1991) 235 Cal.App.3d 806
- Cortez v. Doty Bros. Equipment Co. (2017) 15 Cal.App.5th 1
- Nguyen v. Applied Medical Resources Corp. (2016) 4 Cal.App.5th 232
- Young v. RemX, Inc. (2016) 2 Cal.App.5th 630
- Munoz v. Chipotle Mexican Grill, Inc. (2015) 238 Cal.App.4th 291
- Huff v. Securitas Security Services USA, Inc. (2018) 23 Cal.App.5th 745
- Miranda v. Anderson Enterprises, Inc. (2015) 241 Cal.App.4th 196
- Moorer v. Noble L.A. Events, Inc. (2019) 32 Cal.App.5th 736
- Allen v. San Diego Convention Center Corp., Inc. (2022) 86 Cal.App.5th 589
- Ali v. Daylight Transport, LLC (2020) 59 Cal.App.5th 462
- Brown v. Ralphs Grocery Co. (2018) 28 Cal.App.5th 824
- Microsoft Corp. v. Baker (2017) 582 U.S. 23
- S. B. Beach Properties v. Berti (2006) 39 Cal.4th 374
- Yancey v. Fink (1991) 226 Cal.App.3d 1334
- Deveny v. Entropin, Inc. (2006) 139 Cal.App.4th 408
- Syufy Enterprises v. City of Oakland (2002) 104 Cal.App.4th 869
- Areso v. CarMax, Inc. (2011) 195 Cal.App.4th 996
- Sullivan v. Delta Air Lines, Inc. (1997) 15 Cal.4th 288
- Good v. Miller (2013) 214 Cal.App.4th 472
- Kinoshita v. Horio (1986) 186 Cal.App.3d 959
- Olson v. Cory (1983) 35 Cal.3d 390

- Mid-Wilshire Associates v. O'Leary (1992) 7 Cal.App.4th 1450
- Green v. Obledo (1981) 29 Cal.3d 126

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