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7 Attorneys for the People of the State of California  
8

9 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**  
10 **CITY AND COUNTY OF SAN FRANCISCO**  
11 **UNLIMITED JURISDICTION**

12 THE PEOPLE OF THE STATE OF  
13 CALIFORNIA,

14 Plaintiff,

15 v.

16 DOORDASH, INC., and DOES 1 through 10,  
17 inclusive,

18 Defendants.  
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CASE NO. CGC-20-584789

**THE PEOPLE'S OPPOSITION TO  
DEFENDANT DOORDASH, INC.'S  
MOTION TO STAY PROCEEDINGS**

Department 304  
Honorable Judge Anne-Christine Massullo

Hearing Date: February 3, 2021  
Time: 9:15 a.m.

Date Action Filed: June 16, 2020  
Trial Date: None set

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## I. INTRODUCTION

In an attempt to delay liability, DoorDash asks this Court to stay the People’s enforcement action in favor of a case being brought by private plaintiffs. DoorDash overlooks the fundamental distinctions between this public law enforcement action and private actions. In *People v. Pacific Land Research Co.* (1977) 20 Cal.3d 10, 17, the California Supreme Court explained, “[a]n action filed by the People seeking injunctive relief and civil penalties is fundamentally a law enforcement action designed to protect the public and not to benefit private parties. The purpose of injunctive relief is to prevent continued violations of law and to prevent violators from dissipating funds illegally obtained. Civil penalties, which are paid to the government [citations] are designed to penalize a defendant for past illegal conduct.” Not only does the private action here serve a different purpose than the People’s action, but even if it succeeds, it would not prohibit or terminate the People’s case. There is no basis for a stay; this case should proceed.

## II. ARGUMENT

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### A. The People’s Action Cannot Be Stayed Under the Exclusive Concurrent Jurisdiction Doctrine

*i. The People of the State of California Are Not a Party to Marciano, a PAGA-only Case*

DoorDash first repeats an argument the Court previously found unpersuasive. DoorDash contends again that the Court must hold this matter in abatement under the exclusive concurrent jurisdiction doctrine because private plaintiffs in the *Marciano* case have already sued DoorDash under the Private Attorney General Act (“PAGA”). (Motion at p. 6:4-7.) Under the doctrine, “when two superior courts have concurrent jurisdiction over the subject matter and all parties involved in litigation, the first to assume jurisdiction has exclusive and continuing jurisdiction over the subject matter and all parties involved until such time as all necessarily related matters have been resolved.” (*Cal. Union Ins. Co. v. Trinity River Land Co.* (1980) 105 Cal.App.3d 104, 109.) But the *Marciano* plaintiffs are not the same, factually or legally, as the People of the State of California.

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