

1 Reynaldo Fuentes, SBN 329360  
PARTNERSHIP FOR WORKING FAMILIES  
2 1305 Franklin Street, Suite 501  
Oakland, CA 94612  
3 Tel: 510-281-7555  
[rey@forworkingfamilies.org](mailto:rey@forworkingfamilies.org)

4 Dana Hadl, SBN 224636\*  
5 BET TZEDEK  
3250 Wilshire Blvd., 13th Floor  
6 Los Angeles, CA 90010  
Telephone: (323) 648-4705  
7 [dhadl@bettzedek.org](mailto:dhadl@bettzedek.org)

8 Glenn Rothner, SBN 67353  
Jonathan Cohen, SBN 237965  
9 ROTHNER, SEGALL & GREENSTONE  
510 South Marengo Avenue  
10 Pasadena, California 91101  
Telephone: (626) 796-7555  
11 [grothner@rsglabor.com](mailto:grothner@rsglabor.com)  
[jcohen@rsglabor.com](mailto:jcohen@rsglabor.com)

12 *Attorneys for amicus curiae Bet Tzedek, National*  
13 *Employment Law Project, California Employment*  
14 *Lawyers Association, Women's Employment Rights*  
15 *Clinic of Golden Gate University School of Law,*  
*Partnership for Working Families, and Asian*  
*Americans Advancing Justice - Asian Law Caucus*

16 ***Additional Counsel Listed on Next Page***

17 SUPERIOR COURT OF CALIFORNIA

18 IN AND FOR THE COUNTY OF SAN FRANCISCO

19  
20 BENJAMIN VALDEZ, HECTOR  
21 CASTELLANOS, WORKSAFE, AND  
CHINESE PROGRESSIVE ASSOCIATION,

22 Plaintiffs,

23 vs.

24 UBER TECHNOLOGIES, INC., a Delaware  
corporation; UBER USA, LLC, a Delaware  
25 limited liability company; RASIER, LLC, a  
Delaware limited liability company; and  
26 RASIER-CA, LLC, a Delaware limited  
liability company,

27 Defendants.  
28 \_\_\_\_\_ /

Case No. CGC-20-587266

**APPLICATION TO FILE AMICUS  
CURIAE BRIEF REGARDING  
PLAINTIFFS' EX PARTE APPLICATION  
FOR TEMPORARY RESTRAINING  
ORDER**

Date: October 28, 2020

Time: 11:30 a.m.

Place: Dept. 302

Judge: Honorable Richard Ulmer

Complaint Filed: October 22, 2020

Trial Date: None Set

ELECTRONICALLY

**FILED**

Superior Court of California,  
County of San Francisco

**10/27/2020**

**Clerk of the Court**

BY: EDNALEEN ALEGRE  
Deputy Clerk

1 LEONARD CARDER, LLP  
2 AARON KAUFMANN, SBN 148580  
3 1999 Harrison Street, Suite 2700  
4 Oakland, CA 94612-3500  
5 Telephone: (510) 272-0169  
6 [akaufmann@leonardcarder.com](mailto:akaufmann@leonardcarder.com)  
7  
8 Nayantara Mehta, SBN 244949  
9 NATIONAL EMPLOYMENT LAW PROJECT  
10 2030 Addison Street, Suite 420  
11 Berkeley, CA 94704  
12 Tel.: 510-663-5707  
13 [nmehta@nelp.org](mailto:nmehta@nelp.org)  
14  
15 *Attorneys for amicus curiae Bet Tzedek, National*  
16 *Employment Law Project, California Employment*  
17 *Lawyers Association, Women's Employment Rights*  
18 *Clinic of Golden Gate University School of Law,*  
19 *Partnership for Working Families, and Asian*  
20 *Americans Advancing Justice - Asian Law Caucus*  
21  
22 \*With contributions from Bet Tzedek legal fellow Joe Meeker.  
23  
24  
25  
26  
27  
28

1 TO THE HONORABLE RICHARD ULMER, JUDGE OF THE SUPERIOR COURT:

2 Bet Tzedek, National Employment Law Project, California Employment Lawyers  
3 Association, Women's Employment Rights Clinic of Golden Gate University School of Law,  
4 Partnership for Working Families, and Asian Americans Advancing Justice - Asian Law Caucus  
5 hereby request leave of the court to file the amicus brief attached as **Exhibit A** in support of the  
6 Plaintiffs' motion for a temporary restraining order in this case. The brief has not been funded or  
7 authored by any party to this action and attorneys for the Amici have requested the Defendant's  
8 consent to file this application and brief.

9 **IDENTITY AND INTEREST OF THE AMICI**

10 Amici are prominent non-profit organizations that research and advocate for the rights of  
11 workers in our society at the national, state, and local levels. Our work in this arena is broad,  
12 spanning the direct representation of low-wage workers laboring under dangerous and unlawful  
13 conditions, to enhancing local and state workers' rights laws, to shaping the national policy  
14 debate. Yet what has united us here in common cause is the treatment of workers misclassified  
15 as independent contractors. Amici have consistently advocated for the rights of misclassified  
16 workers, including urging for the passage and implementation of A.B. 5 and the longstanding  
17 rights and protections under California's Labor Code.

18 **Bet Tzedek** - Hebrew for the "House of Justice" - was established in 1974, and provides  
19 free legal services to seniors, the indigent, and the disabled. Bet Tzedek represents Los Angeles  
20 County residents on a non-sectarian basis in the areas of housing, welfare benefits, consumer  
21 fraud, and employment. Bet Tzedek's Employment Rights Project assists low-wage workers  
22 through a combination of individual representation before the Labor Commissioner, litigation,  
23 legislative advocacy, and community education. Bet Tzedek's interest in this case comes from  
24 over 15 years of experience advocating for the rights of low-wage workers in California. As a  
25 leading voice for Los Angeles's most vulnerable workers, Bet Tzedek has an interest in ensuring  
26 that workers are able to exercise their political freedoms. Bet Tzedek believes that employer  
27 coercion prevents workers from advocating for their own interests. Free and fair participation in  
28 the political process is a necessary precondition for employees to be able to seek fair wages,

1 secure adequate working conditions, and build worker power.

2       **The National Employment Law Project** (“NELP”) is a nonprofit legal organization with  
3 more than fifty years of experience advocating for the employment and labor rights of underpaid  
4 and unemployed workers. For decades, NELP has focused on the ways in which various work  
5 structures, such as mislabeling workers “independent contractors,” exacerbate income and wealth  
6 inequality, the segregation of workers by race and gender into poor quality jobs, and the ability of  
7 workers to come together to negotiate with business over wages and working conditions. NELP  
8 has a California office and has litigated directly and participated as amicus curiae in numerous  
9 cases in California and across the nation, and has provided Congressional and state testimony  
10 addressing the issue of employment relationships and independent contractors, including  
11 misclassification by companies using apps to hire workers and retaliation against workers who  
12 seek to enforce their rights.

13       **The Partnership for Working Families** (“Partnership”) is a national federation of  
14 regional power building organizations. Together with our 20 affiliates and one emerging  
15 coalition, we drive a broad progressive agenda to reshape our built environment to create healthy  
16 communities, remake our democracy by building power through civic engagement, and  
17 restructure our economy to reduce racial and wealth inequality. All too often workers face abuse  
18 and exploitation on the job, experiences that are compounded when employers seek to evade their  
19 responsibilities with subterfuges like independent contractor misclassification. Our affiliates see  
20 the direct and daily harms this type of misclassification represents, which encompasses loss of  
21 wages, but other vital employee protections that protect the dignity of individuals at work. The  
22 Partnership engages at the nexus of worker organizing and policy advocacy and understands on a  
23 fundamental level the necessity for workers to be made whole after the Court’s watershed  
24 decision in *Dynamex Operations West v. Superior Court* and its subsequent codification in  
25 Assembly Bill 5.

26       **The California Employment Lawyers Association** (CELA) is an organization of  
27 California attorneys whose members primarily represent employees in a wide range of  
28 employment cases, including individual, class, and representative actions enforcing California’s

1 wage and hour laws and other workplace protections. CELA has a substantial interest in  
2 protecting the statutory and common law rights of California workers and ensuring the  
3 vindication of the public policies embodied in California employment laws. Many of CELA's  
4 members have championed workplace protections on behalf of workers misclassified as  
5 "independent contractors," including those working for app-based companies. CELA was an  
6 active proponent of A.B. 5, advocating that it extend the protections set forth in the *Dynamex*  
7 decision across many industries including app-based companies. The organization has taken a  
8 leading role in advancing and protecting the rights of California workers, which has included  
9 submitting amicus briefs and letters and appearing before this Court in employment rights cases  
10 such as *Murphy v. Kenneth Cole Productions, Inc.*, (2007) 40 Cal.4th 1094, *Gentry v. Superior*  
11 *Court*, (2007) 42 Cal.4th 443, *Brinker Restaurant Corp. v. Superior Court*, (2012) 53 Cal.4th  
12 1004, *Iskanian v. CLS Transportation Los Angeles, LLC*, 59 Cal.4th 348 (2014), *Ayala v.*  
13 *Antelope Valley Newspapers, Inc.*, 59 Cal.4th 522 (2014), and *Frlekin v. Apple, Inc.* 8 Cal. 5th  
14 1038 (2020).

15       **The Women's Employment Rights Clinic of Golden Gate University School of Law**  
16 (WERC) is an on-campus non-profit that serves the dual purpose of training law students and  
17 providing critical legal services to the community. WERC represents low-wage workers,  
18 predominately women and immigrants, through impact litigation, individual representation,  
19 policy advocacy and community education. For more than twenty-five years, WERC has advised  
20 and represented employees misclassified as independent contractors across various industries,  
21 including rideshare drivers, in actions for unemployment insurance benefits and unpaid wages.

22       **Asian Americans Advancing Justice - Asian Law Caucus (ALC)** was founded in 1972  
23 with a mission to promote, advance, and represent the legal and civil rights of Asian and Pacific  
24 Islanders, with a particular focus on low-income members of those communities. Advancing  
25 Justice - ALC is part of a national affiliation of Asian American civil rights groups, with offices  
26 in Los Angeles, Chicago, Atlanta and Washington DC. Advancing Justice - ALC has a long  
27 history of protecting low-wage immigrant workers through direct legal services, impact litigation,  
28 community education, and policy work. Advancing Justice - ALC's regular docket includes cases



# Explore Litigation Insights

Docket Alarm provides insights to develop a more informed litigation strategy and the peace of mind of knowing you're on top of things.

## Real-Time Litigation Alerts



Keep your litigation team up-to-date with **real-time alerts** and advanced team management tools built for the enterprise, all while greatly reducing PACER spend.

Our comprehensive service means we can handle Federal, State, and Administrative courts across the country.

## Advanced Docket Research



With over 230 million records, Docket Alarm's cloud-native docket research platform finds what other services can't. Coverage includes Federal, State, plus PTAB, TTAB, ITC and NLRB decisions, all in one place.

Identify arguments that have been successful in the past with full text, pinpoint searching. Link to case law cited within any court document via Fastcase.

## Analytics At Your Fingertips



Learn what happened the last time a particular judge, opposing counsel or company faced cases similar to yours.

Advanced out-of-the-box PTAB and TTAB analytics are always at your fingertips.

## API

Docket Alarm offers a powerful API (application programming interface) to developers that want to integrate case filings into their apps.

## LAW FIRMS

Build custom dashboards for your attorneys and clients with live data direct from the court.

Automate many repetitive legal tasks like conflict checks, document management, and marketing.

## FINANCIAL INSTITUTIONS

Litigation and bankruptcy checks for companies and debtors.

## E-DISCOVERY AND LEGAL VENDORS

Sync your system to PACER to automate legal marketing.