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SUPERIOR COURT OF THE STATE OF CALIFORNIA

FOR THE COUNTY OF SAN FRANCISCO

APRIL CLARK, on behalf of herself, all other similarly situated and typical individuals, and the general public,

Plaintiff,

vs.

DIGNITY HEALTH; COMMONSPIRIT HEALTH; and DOES 1 through 50, inclusive,

Defendants.

Case No. CGC-23-605244

~~[PROPOSED]~~ ORDER OVERRULING DEFENDANTS' DEMURRER TO PLAINTIFF'S SECOND AMENDED COMPLAINT AND DENYING DEFENDANTS' ALTERNATIVE MOTION TO STAY

Hearing

Date: December 14, 2023
Time: 9:30 a.m.
Dept.: 302

Complaint Filed: March 17, 2023
First Amended Complaint filed: May 17, 2023
Second Amended Complaint filed: September 21, 2023
Trial Date: None Set

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~~[PROPOSED]~~ ORDER

Defendants' "demurrer to plaintiff's second amended complaint [SAC], or in the alternative, motion to stay on the grounds of another similar action pending" is denied.

This is a putative class and Private Attorney General Act (PAGA) action. It involves employees in one department at a Dignity Health hospital in Stockton. (SAC 5:16-19.) Plaintiff pleads that she and her cohort were ordered to work remotely starting with the Covid-19 pandemic, but have not been fully reimbursed for their internet and cellphone expenses. (*Id.* at 3:9-5:10.)

Defendants argue that this action should be abated or stayed because it is duplicative of an earlier-filed PAGA action in Los Angeles. I disagree. The words remote, pandemic or internet (or their derivatives) appear nowhere in that other action (of which judicial notice is taken). The other action seeks to cover a broad array of Dignity Health employees statewide, listing a number of wage and hour statutes in cookie cutter fashion. Our case is different and much more focused; it would be improper to abate or stay it.

IT IS SO ORDERED.

Dated: 12/14/23, 2023

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HON. RICHARD ULMER
JUDGE OF THE SUPERIOR COURT