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8	UNITED STATES DISTRICT COURT	
9	EASTERN DISTRICT OF CALIFORNIA	
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11	ALFRED HOWARD BACON, an	Case No. 2:16-cv-02664-MCE-AC
12	individual,	
13	Plaintiff,	MEMORANDUM AND ORDER
14	V.	
15	PAPÉ TRUCK LEASING, INC., a California Corporation; and ESTENSON LOGISTICS, LLC, a	
16	ESTENSON LOGISTICS, LLC, a California Limited Liability Company;	
17	Defendants.	
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19	On April 22, 2016, Plaintiff Alfred I	Howard Bacon ("Plaintiff") filed a complaint in
20	the San Joaquin County Superior Court a	alleging negligence and negligence per se
21	against Papé Truck Leasing, Inc., ("Papé	") and Estenson Logistics, LLC ("Estenson")
22	(collectively "Defendants"). ECF No. 1-1	. The complaint alleges that Plaintiff, a truck
23	driver for Quality Driver Solutions ("Quali	ty"), was seriously injured while driving a semi-
24	truck owned by Papé and leased to Este	nson. The truck hydroplaned and hit a cement
25	wall, leaving Plaintiff with serious bodily i	njuries. Plaintiff alleges that Defendants were
26	negligent in failing to properly maintain th	ne truck. Papé removed the case to this Court
27	on November 8, 2016. ECF No. 1-4.	
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1	Soon after the incident, Plaintiff filed a workers' compensation claim with Sussex	
2	Insurance Company ("Sussex"), Quality's insurance provider. As of May 25, 2017,	
3	Sussex had paid Plaintiff benefits arising out of this incident in the amount of	
4	\$91,578.24. ECF No. 14. Sussex, as subrogee of Plaintiff's employer, Quality, seeks to	
5	intervene in the case so it can be reimbursed by Defendants for the benefits it paid	
6	Plaintiff. ECF No. 14. Presently before the Court is Sussex's Motion to Intervene. ECF	
7	No. 14. <sup>1</sup> For the following reasons, Sussex's Motion is GRANTED. <sup>2</sup>	
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9	STANDARD AND ANALYSIS	
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11	Federal Rule of Civil Procedure 24(a) governs intervention of right, and provides	
12	in relevant part:	
13	On timely motion, the court must permit anyone to intervene	
14	who (1) is given an unconditional right to intervene by a federal statute; or (2) claims an interest relating to the	
15	property or transaction that is the subject of the action, and is so situated that disposing of the action may as a practical matter impair or impede the movant's ability to protect its	
16 17	interest, unless existing parties adequately represent that interest.	
18	Cal. Code of Civil Procedure § 387(d)(1) aligns with Fed. R. Civ. P. 24(a) for	
19	determining when intervention is proper, so the standard remains the same whether	
20	analyzed under federal or state law. In addition, Cal. Labor Code § 3853 provides for	
21	joinder of plaintiffs as follows: "If either the employee or the employer brings an action	
22	against [a] third personthe other may, at any time before trial on the facts, join as party	
23	plaintiff or shall consolidate his action, if brought independently." California courts	
24	regularly allow workers' compensation insurance providers to intervene as subrogees of	
25	<sup>1</sup> Sussex apparently filed two motions to intervene, ECF No. 13 and ECF No. 14. However, the	
26	two documents appear to be duplicative filings. ECF No. 13 is an incomplete version of ECF No. 14. What exists of ECF No. 13 is identical to the same pages that appear in ECF No. 14. Therefore, as a duplicative filing, ECF No. 13 is DENIED as moot.	
27 28	<sup>2</sup> Because oral argument would not have been of material assistance, the Court ordered this matter submitted on the briefs. E.D. Cal. Local Rule 230(g).	

1	employers in injured workers' actions. See, e.g., Fremont Compensation Ins. Co. v.	
2	Sierra Pine, Ltd., 121 Cal. App. 4th 389 (2004). "Intervention maybe allowed in the	
3	insurance context, where third-party claimants are involved, when the insurer is allowed	
4	to take over in litigation if its insured is not defending an action, to avoid harm to the	
5	insurer." Royal Indem. Co. v. United Enter., Inc., 162 Cal. App. 4th 194, 206 (2008).	
6	Sussex is in the situation of the classic subrogee insurer. It seeks reimbursement	
7	of benefits it paid to an employee on behalf of the employer to compensate for an injury	
8	inflicted on the employee by a third party, during the employee's course of employment.	
9	Further, Sussex's Motion to Intervene is unopposed. Therefore, Sussex may	
10	appropriately intervene as a subrogee in this case, and its Motion is GRANTED.	
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12	CONCLUSION	
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14	For the reasons set forth above, Sussex's Motion to Intervene (ECF No. 14) is	
15	GRANTED. To the extent Sussex has filed an additional Motion to Intervene at ECF	
16	No. 13, that Motion is duplicative and is accordingly DENIED as moot.	
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18	Dated: March 17, 2018	
19	Dated. March 17, 2010	
20	MORRISON C. ENGLAND, JR	
21	UNITED STATES DISTRICT JUDGE	
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