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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

ALFRED HOWARD BACON, an individual,

Plaintiff,

v.

PAPÉ TRUCK LEASING, INC., a California Corporation; and ESTENSON LOGISTICS, LLC, a California Limited Liability Company;

Defendants.

Case No. 2:16-cv-02664-MCE-AC

MEMORANDUM AND ORDER

On April 22, 2016, Plaintiff Alfred Howard Bacon (“Plaintiff”) filed a complaint in the San Joaquin County Superior Court alleging negligence and negligence per se against Papé Truck Leasing, Inc., (“Papé”) and Estenson Logistics, LLC (“Estenson”) (collectively “Defendants”). ECF No. 1-1. The complaint alleges that Plaintiff, a truck driver for Quality Driver Solutions (“Quality”), was seriously injured while driving a semi-truck owned by Papé and leased to Estenson. The truck hydroplaned and hit a cement wall, leaving Plaintiff with serious bodily injuries. Plaintiff alleges that Defendants were negligent in failing to properly maintain the truck. Papé removed the case to this Court on November 8, 2016. ECF No. 1-4.

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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 may...be 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.

11 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.

17 IT IS SO ORDERED.

18 Dated: March 17, 2018

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21 MORRISON C. ENGLAND, JR.
22 UNITED STATES DISTRICT JUDGE
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