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## **City Attorney Seeks Immediate Protections for Instacart Employees**

*Petitions for relief for workers providing an essential service during public health crisis*

City Attorney Mara W. Elliott today petitioned the 4<sup>th</sup> District Court of Appeal to reinstate an injunction against Instacart, a multi-billion dollar grocery-delivery company that is misclassifying its employees as independent contractors.

The City Attorney's Office took the extraordinary step to defend vulnerable Instacart employees who are expected to work during the COVID-19 pandemic without protections against the novel coronavirus. Instacart employees reportedly are not being provided with masks and gloves, let alone paid sick time, and workers compensation insurance, or unemployment benefits.

**“At a time when delivery services are needed more than ever, Instacart must earn the public's trust by protecting its employees and the customers whose food they touch,”** San Diego City Attorney Mara W. Elliott said. **“Health and safety is everyone's first priority, and Instacart needs to step up, act responsibly, and follow the law.”**

On February 18, 2020, a Superior Court judge enjoined Instacart from operating in San Diego until it hears the City Attorney's lawsuit alleging non-compliance with the worker classification standard established by the California Supreme Court's 2018 decision in *Dynamex Operations West, Inc. v. Superior Court*.

In granting the City Attorney's petition for a preliminary injunction, the court delayed the execution of its order to allow Instacart time to appeal. Later that same week the judge unilaterally stayed the order, allowing Instacart to continue operations despite the judge's determination that it likely violates the law by classifying its employees as independent contractors and denying them the pay, benefits, and protections to which employees are entitled by state law.

Chief Deputy City Attorney Mark Ankcorn, Deputy City Attorney Kevin B. King, and Deputy City Attorney Marni von Wilpert represent the People of the State of California in this action.

Petition to 4<sup>th</sup> District Court of Appeal attached.

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