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Hundreds Of Employees May Join Their Racial-Harassment Claims

California Employment Law on **September 22, 2026**

Smith v. Superior Court, 121 Cal. App. 5th 607 (2026)

Hundreds of current and former employees alleged racial harassment and discrimination at a single factory, including a companywide practice of ignoring complaints and conducting inadequate investigations. After a related class action proceeding was narrowed, the employees filed five lawsuits, each joining dozens of plaintiffs. The trial court dismissed all but the first plaintiff in each action on misjoinder and manageability grounds and determined that each plaintiff must file their own individual complaints. The Court of Appeal granted plaintiffs' petitions for writ of mandate and ordered the multi-plaintiff actions to proceed as originally filed. California's permissive-joinder statute allowed the employees to sue together because their claims allegedly arose from the same company policy or practice and shared common legal and factual questions.

Although trial courts may sever trials or use other case-management tools, they may not dismiss properly joined plaintiffs merely because a mass action will be difficult to manage.

Related Professionals

- **Anthony J. Oncidi**
  Partner