



Trucking Law Newsletter



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NATIONAL TRUCKING COMPANIES BEWARE!

By [Cal Stead](#)

A new California case that addresses property disputes will also control factually similar disputes involving trucking companies and their employees (*Rincon EV Realty LLC v. CP III Rincon Towers, Inc.*). California fundamental public policy precludes enforcement of pre-dispute contractual waivers of the right to a jury trial, even when the contract contains an otherwise valid choice-of-law clause in which the parties have agreed to be governed by the laws of a state that enforces such waivers. This means that in the case of employment disputes between California resident drivers and companies domiciled in states other than California, the driver that signs an employee manual or employment contract that waives jury trial will not be enforceable in the courts of California, even if it is valid in another state. The case appears to extend/clarify the long held public policy that interstate contracts that limit the rights of an employee in such a way that is more restrictive than would otherwise be the case under California law are voidable and/or unenforceable in California.

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