



dynamex strikes the ninth circuit court of appeals

MSK Client Alert

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Why This Matters

The Ninth Circuit Court of Appeals recently remanded a case, *Haitayan v. 7-Eleven, Inc.*, to the federal district court to reconsider its ruling in light of the California Supreme Court's decision in *Dynamex Operations West, Inc. v. Superior Court*. The Dynamex Court adopted a new standard to determine whether workers are employees or independent contractors. This standard presumes that workers are employees unless they meet all three factors of what the Court called the ABC test. While *Haitayan* is an unpublished decision, meaning it is not precedential, it does demonstrate Dynamex's continuing reach, this time all the way up to the Ninth Circuit. Given Dynamex's broad impact on employers (see our previous discussions [here](#) and [here](#)), its trajectory is notable.

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