

**SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES**

**Civil Division**

Northeast District, Alhambra Courthouse, Department V

**21BBCV00642**

**PACIFICA FOUNDATION INC. vs NEW DAY PACIFICA, et al.**

July 3, 2025

3:24 PM

Judge: Honorable Sarah J. Heidel  
Judicial Assistant: R. Rully  
Courtroom Assistant: None

CSR: None  
ERM: None  
Deputy Sheriff: None

---

**APPEARANCES:**

For Plaintiff(s): No Appearances

For Defendant(s): No Appearances

---

**NATURE OF PROCEEDINGS:** Ruling on Submitted Matter: MOTION TO INTERVENE, VACATE DISMISSAL, AND OBJECT TO APPROVAL OF THE SETTLEMENT, AGREEMENT, filed by Alex Steinberg on 6/4/25 (4969)

The Court, having taken the matter under submission on 07/03/2025 for Hearing on Motion for Leave to Intervene (4969), now rules as follows:

**MOVING PARTIES:** Intervenors ALEX STEINBERG, DONNA STEIN, ELIZABETH VON GUNTEN, ADRIANA CASENAVE, VANESSA DIXON-BRIGGS, and ANTHONY FEST  
**RESPONDING PARTY:** Plaintiff PACIFICA FOUNDATION INC.

The court considered the moving papers, opposition, and reply.

**BACKGROUND**

On July 22, 2021, plaintiff Pacifica Foundation Inc. (“plaintiff” or “Pacifica”) action against defendants New Day Pacifica (“New Day”), Jan Goodman, Nancy Pearlman, Robert Payne and Adam Wolman. Plaintiff filed the first amended complaint on August 30, 2021. On November 16, 2021 Cross-complainants New Day Pacifica, Jan Goodman, Nancy Pearlman, Robert Payne and Adam Wolman filed the cross-complaint, which was amended March 30, 2022.

Intervenors Elizabeth Jensen, Sheila McCoy, and Mansoor Sabbagh filed a complaint in intervention on April 8, 2022.

# SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES

## Civil Division

Northeast District, Alhambra Courthouse, Department V

**21BBCV00642**

**PACIFICA FOUNDATION INC. vs NEW DAY PACIFICA, et al.**

July 3, 2025

3:24 PM

Judge: Honorable Sarah J. Heidel  
Judicial Assistant: R. Rully  
Courtroom Assistant: None

CSR: None  
ERM: None  
Deputy Sheriff: None

---

On April 24, 2023, the court granted summary adjudication on plaintiff's first cause of action for Declaratory Relief, concluding that "a parallel vote was needed and the December 4th Agreement did not alter the bylaws."

On October 16, 2024, after agreement from the parties, the court referred the matter to mediation with a completion date of April 4, 2025. The parties appeared in court on April 8, 2025 and counsel stated that the parties had reached a settlement. In its April 8, 2025 minute order, the court set an order to show cause re: entry of judgment for July 3, 2025. In apparent response to requests from non-parties who had appeared at the April 8 hearing to object to the settlement, the court also stated that any "objections to the settlement between the parties must be properly brought before the court."

The parties filed a stipulated judgment on April 10, 2025 that was signed by the court the same day. On May 27, 2025, plaintiff filed a request for dismissal signed by counsel for plaintiff Todd Gallinger, defendant and cross complainant Jan Goodman, and Kent Valellette, attorney for intervenors.

On June 4, 2025 proposed intervenors Alex Steinberg, Donna Stein, Elizabeth von Gunten, Adriana Casenave, Vanessa Dixon-Briggs, and Anthony Fest ("proposed intervenors") filed a motion to vacate the dismissal, object to the settlement and file a complaint in intervention. Plaintiff filed its opposition on June 20, 2025. Proposed intervenors filed their reply on June 26, 2025.

## LEGAL STANDARD

An intervention takes place when a nonparty, an intervenor, seeks to become a party to an action or proceeding between other persons by joining a plaintiff in claiming what is sought by the complaint, joining a defendant in resisting the plaintiff's claims, or demanding anything adverse to both a plaintiff and a defendant. (Code Civ. Proc., § 387(b).)

"A nonparty shall petition the court for leave to intervene by noticed motion or ex parte application. The petition shall include a copy of the proposed complaint in intervention or answer in intervention and set forth the grounds upon which intervention rests." (Code Civ. Proc., § 387(c).)

**SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES**

**Civil Division**

Northeast District, Alhambra Courthouse, Department V

**21BBCV00642**

**PACIFICA FOUNDATION INC. vs NEW DAY PACIFICA, et al.**

July 3, 2025

3:24 PM

Judge: Honorable Sarah J. Heidel  
Judicial Assistant: R. Rully  
Courtroom Assistant: None

CSR: None  
ERM: None  
Deputy Sheriff: None

---

If the nonparty timely files its application, then the court shall permit the nonparty to intervene in the action as long as either of the following conditions is satisfied:

(A) A provision of law confers an unconditional right to intervene.

(B) The person seeking intervention claims an interest relating to the property or transaction that is the subject of the action and that person is so situated that the disposition of the action may impair or impede that person's ability to protect that interest, unless that person's interest is adequately represented by one or more of the existing parties.

(Code Civ. Proc., § 387(d)(1).) Otherwise, the court may permit the nonparty to intervene in the action, as long as the motion is timely, if the person has an interest in the matter in litigation, or in the success of either of the parties, or an interest against both. (Code Civ. Proc., § 387(d)(2).)

“[T]he timeliness of a motion to intervene under section 387 should be determined based on the date the proposed interveners knew or should have known their interests in the litigation were not being adequately represented.” (Ziani Homeowners Assn. v. Brookfield Ziani LLC (2015) 243 Cal.App.4th 274, 282.) Intervention is possible at any time, even after judgment, if otherwise appropriate. (Mallick v. Superior Court (1979) 89 Cal.App.3d 434, 437.)

**DISCUSSION**

Proposed intervenors move to allow the court to intervene in this matter and to reject the attempt by plaintiff and defendants to obtain the approval of an alleged settlement agreement which will substantially and significantly restructure Pacifica in a manner that violates the procedure defined in the Pacifica bylaws.

Proposed intervenors move to intervene, four years into the litigation, and after the was has been dismissed in its entirety, there is no longer an action in which to intervene.

Even if the action was still active, a motion to intervene can only be granted if there is a timely motion. “[T]he timeliness of a motion to intervene under section 387 should be determined based on the date the proposed interveners knew or should have known their interests in the litigation were not being adequately represented.” (Ziani Homeowners Assn. v. Brookfield Ziani LLC (2015) 243 Cal.App.4th 274, 282.) “Timeliness is determined by the totality of the circumstances facing would-be intervenors, with a focus on three primary factors: ‘(1) the stage of the proceeding at which an applicant seeks to intervene; (2) the prejudice to other parties; and (3) the

**SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES**

**Civil Division**

Northeast District, Alhambra Courthouse, Department V

**21BBCV00642**

**PACIFICA FOUNDATION INC. vs NEW DAY PACIFICA, et al.**

July 3, 2025

3:24 PM

Judge: Honorable Sarah J. Heidel  
Judicial Assistant: R. Rully  
Courtroom Assistant: None

CSR: None  
ERM: None  
Deputy Sheriff: None

---

reason for the delay.’ ” [Citation.] “ ‘[D]elay in itself does not make a request for intervention untimely.’ ” (Crestwood Behavioral Health, Inc. v. Lacy (2021) 70 Cal.App.5th 560, 574, quoting Kane County, Utah v. U.S. (10th Cir. 2019) 928 F.3d 877, 891.) “Although the totality of the circumstances should be considered, prejudice to existing parties is the most important consideration in deciding whether a motion for intervention is timely.” (Id., internal quotation marks omitted.)

This action was filed nearly four years ago on July 22, 2021. As proposed intervenors have stated, they are or were members of Pacifica, and/or members of Pacifica’s National Board at some point during the course of this litigation and had notice of the action. Proposed intervenors argue that they did not know that their interests in the litigation were not adequately represented until March 13, 2025, when plaintiff abandoned its previous position and new counsel authorized mediation. However, plaintiff argues that the Pacifica National Board engaged in a review of the legal and factual issues before authorizing the settlement and held votes authorizing negotiations and settlement parameters, and ultimately approved the settlement at a meeting on April 3, 2025. The fact that plaintiff’s position changed and plaintiff agreed to mediation does not mean proposed intervenors’ interests weren’t represented, particularly when the board voted for the settlement. Additionally, the parties would be prejudiced by this delay because they would be forced to litigate claims they have properly negotiated and settled and would cause further prejudice by enlarging the scope of the litigation beyond just the already settled matters.

Additionally, proposed intervenors failed to file this motion before the dismissal was entered even though they had notice of the settlement on April 8, 2025.

Accordingly, the court denies the motion for intervention and the additional relief requested.

**CONCLUSION**

Based on the foregoing, the court DENIES the motion to intervene.

The court will give notice of this ruling.

Certificate of Service is attached.