



**SUPREME COURT OF CALIFORNIA
ORAL ARGUMENT CALENDAR
SAN FRANCISCO SESSION
MAY 6 and 7, 2014
FIRST AMENDED**

The following cases are placed upon the calendar of the Supreme Court for hearing at its courtroom in the Ronald M. George State Office Complex, Earl Warren Building, 350 McAllister Street, Fourth Floor, San Francisco, California, on May 6 and 7, 2014.

TUESDAY, MAY 6, 2014 — 9:00 A.M.

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| (1) | S207313 | Verdugo (Michael) et al. v. Target Corporation
<i>(Nicholson, J., assigned justice pro tempore)</i> |
| (2) | S210150 | City of Los Angeles et al. v. County of Kern et al.
<i>(Raye, J., assigned justice pro tempore)</i> |
| (3) | S204221 | Paratransit Inc. v. Unemployment Insurance Appeals Board
(Craig Medeiros, Real Party in Interest)
<i>(Premo J., assigned justice pro tempore)</i> |

1:30 P.M.

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| (4) | S135855 | People v. Avila (Alejandro) [Automatic Appeal]
<i>(Reardon, J., assigned justice pro tempore)</i> |
| (5) | S092240 | People v. Boyce (Kevin Dewayn) [Automatic Appeal]
<i>(Perren, J., assigned justice pro tempore)</i> |
| (6) | S050102 | People v. Hensley (Paul Loyde) [Automatic Appeal]
<i>(Pollak, J., assigned justice pro tempore)</i> |

WEDNESDAY, MAY 7, 2014 — 9:00 A.M.

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| (7) | S209125 | Gregory (Carolyn) v. Cott (Lorraine) et al.
<i>(Rubin, J., assigned justice pro tempore)</i> |
| (8) | S208173 | Beacon Residential Community Association v. Skidmore Owings
and Merrill LLP et al. <i>(Richman, J., assigned justice pro tempore)</i> |
| (9) | S208843 | People v. Whitmer (Jeffrey Allen) <i>(Rushing, J., assigned justice
pro tempore)</i> |

1:30 P.M.

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| (10) | S209376 | Conservatorship of the Estate of McQueen (Ida).
Taye (Fessha) v. Reed (Carol Veres) <i>(Poochigian, J., assigned
justice pro tempore)</i> |
| (11) | S203744 | People v. Vargas (Darlene A.) <i>(O'Rourke, J., assigned
justice pro tempore)</i> |
| (12) | S067394 | People v. Capistrano (John Leo) [Automatic Appeal]
<i>(Pena, J., assigned justice pro tempore)</i> |

CANTIL-SAKAUYE

Chief Justice

**SUPREME COURT OF CALIFORNIA
ORAL ARGUMENT CALENDAR
SAN FRANCISCO SESSION
MAY 6 and 7, 2014**

The following case summaries are issued to inform the public about cases that the California Supreme Court has scheduled for oral argument and of their general subject matter. In most instances, the descriptions set out below are reproduced from the original news release issued when review in each of these matters was granted and are provided for the convenience of the public. The descriptions do not necessarily reflect the view of the court or define the specific issues that will be addressed by the court.

TUESDAY, MAY 6, 2014—9:00 A.M.

(1) *Verdugo (Michael) et al. v. Target Corporation., S207313 (Nicholson, J., assigned justice pro tempore)*

#13-09 Verdugo (Michael) et al. v. Target Corporation, S207313. (9th Cir. No. 10-57008; ___ F.3d ___, 2012 WL 6199193; Central District of California; 2:10-cv-06930-ODW-AJW.) Request under California Rules of Court, rule 8.548, that this court decide a question of California law presented in a matter pending in the United States Court of Appeals for the Ninth Circuit. The question presented is: “In what circumstances, if ever, does the common law duty of a commercial property owner to provide emergency first aid to invitees require the availability of an Automatic External Defibrillator (‘AED’) for cases of sudden cardiac arrest?”

(2) *City of Los Angeles et al. v. County of Kern et al., S210150 (Raye, J., assigned justice pro tempore)*

#13-53 City of Los Angeles et al. v. County of Kern et al., S210150. (F063381; 214 Cal.App.4th 394; Superior Court of Tulare County; VCU242057.) Petition for review after the Court of Appeal affirmed the issuance of a preliminary injunction in a civil action. The court limited review to the following issue: Does 28 U.S.C. section 1367(d) require a party to refile its state law claims within 30 days of their dismissal from a federal action in which they had been presented, or does it instead suspend the running of the limitations period during the pendency of the claims in federal court and for 30 days after their dismissal?

(3) *Paratransit, Inc. v. Unemployment Insurance Appeals Board (Craig Medeiros, Real Party in Interest), S204221 (Premo J., assigned justice pro tempore)*

#12-100 Paratransit, Inc. v. Unemployment Insurance Appeals Board (Craig Medeiros, Real Party in Interest), S204221. (C063863; 206 Cal.App.4th 1319; Superior Court of Sacramento

County; 34200980000249.) Petition for review after the Court of Appeal affirmed the judgment in an action for writ of administrative mandate. This case presents the following issue: Did the trial court properly find that employee misconduct within the meaning of *Amador v. Unemployment Ins. Appeals Bd.* (1984) 35 Cal.3d 671, disqualified a discharged employee from receiving unemployment insurance benefits?

1:30 P.M.

(4) ***People v. Avila (Alejandro), S135855 (Reardon, J., assigned justice pro tempore)***
[Automatic Appeal]

This matter is an automatic appeal from a judgment of death.

(5) ***People v. Boyce (Kevin Dewayn), S092240 (Perren, J., assigned justice pro tempore)***
[Automatic Appeal]

This matter is an automatic appeal from a judgment of death.

(6) ***People v. Hensley (Paul Loyde), S050102 (Pollak, J., assigned justice pro tempore)***
[Automatic Appeal]

This matter is an automatic appeal from a judgment of death.

WEDNESDAY, MAY 7, 2014—9:00 A.M.

(7) ***Gregory (Carolyn) v. Cott (Lorraine) et al., S209125 (Rubin, J., assigned justice pro tempore)***

#13-33 Gregory v. Cott, S209125. (B237645; 213 Cal.App.4th 41; Superior Court of Los Angeles County; SC109507.) Petition for review after the Court of Appeal affirmed the summary judgment in a civil action. This case presents the following issue: Did the doctrine of primary assumption of the risk bar the complaint for damages brought by an in-home caregiver against an Alzheimer's patient and her husband for injuries the caregiver received when the patient lunged at her?

(8) ***Beacon Residential Community Association v. Skidmore, Owings & Merrill LLP et al., S208173 (Richman, J., assigned justice pro tempore)***

#13-25 Beacon Residential Community Association v. Skidmore, Owings & Merrill LLP, S208173. (A134542; 211 Cal.App.4th 1301; Superior Court of San Francisco County; CGC-08-478453.) Petition for review after the Court of Appeal reversed the judgment in a civil action.

This case presents the following issue: May an architect who provides services to a residential developer be liable to the eventual purchasers of the residences for negligence in the rendition of those services?

(9) ***People v. Whitmer (Jeffrey Allen), S208843 (Rushing, J., assigned justice pro tempore)***
#13-40 *People v. Whitmer (Jeffrey Allen), S208843.* (B231038; 213 Cal.App.4th 122; Superior Court of Los Angeles County; GA079423.) Petition for review after the Court of Appeal affirmed a judgment of conviction of criminal offenses. The court limited review to the following issue: Was defendant properly sentenced on multiple counts of grand theft or did his multiple takings constitute a single offense under *People v. Bailey* (1961) 55 Cal.2d 514?

1: 30 P.M.

(10) ***Conservatorship of the Estate of McQueen (Ida) Taye (Fessha) v. Reed (Carol Veres), S209376 (Poochigian, J., assigned justice pro tempore)***
#13-43 *Conservatorship of the Estate of McQueen (Ida) Taye (Fessha) v. Reed (Carol Veres), S209376.* (A134337; nonpublished opinion; Superior Court of Alameda County; HP05237122.) Petition for review after the Court of Appeal reversed an order granting a motion for post-judgment attorney fees and costs. This case presents the following issue: Is a trial court award of statutorily-mandated fees and costs incurred on appeal subject to the Enforcement of Judgments Statutes (Code Civ. Proc., § 685.040 et seq.) if the statutory authority underlying the award is the Elder Abuse Act (Welf. & Inst. Code, § 15600 et seq.)?

(11) ***People v. Vargas (Darlene A.), S203744 (O'Rourke, J., assigned justice pro tempore)***
#12-94 *People v. Vargas (Darlene A.), S203744.* (B231338; 206 Cal.App.4th 971; Superior Court of Los Angeles County; KA085541.) Petition for review after the Court of Appeal affirmed a judgment of conviction of criminal offenses. This case includes the following issues:
(1) Was the trial court required to dismiss one of defendant's two prior convictions under the three-strikes law, when they arose from the same prior incident and were based on the same act?
(2) If dismissal of one prior conviction was not mandatory, did the trial court abuse its discretion by failing to dismiss one?

(12) ***People v. Capistrano (John Leo), S067394 (Pena, J., assigned justice pro tempore)***
[Automatic Appeal]

This matter is an automatic appeal from a judgment of death.