



JUDICIAL COUNCIL OF
CALIFORNIA
ADMINISTRATIVE OFFICE
OF THE COURTS
Public Information Office
455 Golden Gate Avenue
San Francisco, CA 94102-3688
www.courtinfo.ca.gov

415-865-7740

Lynn Holton
Public Information Officer

NEWS RELEASE

Release Number: **S.C. 05/08**

Release Date: **February 1, 2008**

Summary of Cases Accepted During the Week of January 28, 2008

[This news release is issued to inform the public and the press of cases that the Supreme Court has accepted and of their general subject matter. The statement of the issue or issues in each case set out below does not necessarily reflect the view of the court, or define the specific issues that will be addressed by the court.]

#08-24 Reid v. Google, Inc., S158965. (H029602; 155 Cal.App.4th 1342, mod. 156 Cal.App.4th 424g; Santa Clara County Superior Court; CV023646.) Petition for review after the Court of Appeal affirmed in part and reversed in part the judgment in a civil action. This case presents the following issues: (1) Should California law recognize the “stray remarks” doctrine, which permits the trial court in ruling on a motion for summary judgment to disregard isolated discriminatory remarks or comments unrelated to the decision-making process as insufficient to establish discrimination? (2) Are evidentiary objections not expressly ruled on at the time of decision on a summary judgment motion preserved for appeal?

#08-25 People v. Traylor, S157820. (C053172; 156 Cal.App.4th 339; Nevada County Superior Court; M05-0569.) Petition for review after the Court of Appeal affirmed an order dismissing a criminal complaint. This case presents the following issue: Can a misdemeanor complaint charging a lesser included offense be filed if a felony complaint charging the greater crime was dismissed after a preliminary hearing?

#08-26 People v. Banegas, S158978. (B193283; nonpublished opinion; Los Angeles County Superior Court; VA084675.) Petition for review after the Court of Appeal affirmed a judgment of conviction of criminal offenses. The court ordered briefing deferred pending decision in *People v. Towne*, S125677 (#04-75), which presents issues concerning the use as aggravating sentencing of such factors as being on probation or parole when a crime was committed and prior unsatisfactory performance on probation or parole.