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NEWS RELEASE

Release Number: **S.C. 07/10**

Release Date: **February 19, 2010**

Summary of Cases Accepted During the Week of February 15, 2010

[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.]

#10-20 Baycol Cases I and II, S178320. (B204943; nonpublished opinion; Los Angeles County Superior Court; JCCP4217.) Petition for review after the Court of Appeal reversed in part the judgment in a civil action and otherwise dismissed the appeal. This case presents the following issue: Did the “death knell doctrine” require plaintiff to immediately appeal the sustaining of a demurer as to class claims when the ruling resolved both individual and class claims, or did the one final judgment rule apply and require a single appeal from the subsequent entry of final judgment on all claims?

#10-21 Tarrant Bell Property, LLC v. Superior Court, S179378. (A125496, A125714; 179 Cal.App.4th 1283; Alameda County Superior Court; HG08418168.) Petition for review after the Court of Appeal denied a petition for peremptory writ of mandate. This case presents the following issue: Does the trial court have discretion to deny a motion under Code of Civil Procedure section 638 to refer a dispute to a referee in accordance with the pre-dispute agreement of the parties?

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