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NEWS RELEASE

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Summary of Cases Accepted During the Week of March 16, 2009

[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.]

#09-08 *State of California v. Continental Ins. Co., S170560.* (E041425; 170 Cal.App.4th 160; Riverside County Superior Court; 239784.)

Petition for review after the Court of Appeal reversed the judgment in a civil action. This case presents the following issues: (1) When continuous property damage occurs during the periods of several successive liability policies, is each insurer liable for all damage both during and outside its period up to the amount of the insurer's policy limits? (2) If so, is the "stacking" of limits—i.e., obtaining the limits of successive policies—permitted?

#09-09 *People v. Mosley, S169411.* (G038379; 168 Cal.App.4th 512; Orange County Superior Court; 05NF4105.) Petition for review after the Court of Appeal modified judgment by striking requirement for sex offender registration, and affirmed judgment as modified. The court ordered briefing deferred pending decision in *In re E.J.*, S156933 (#07-457), which concerns entitlement to relief from the residency restrictions imposed by Penal Code section 3003.5 on persons required to register as sex offenders on the ground the statute violates the ex post facto clauses of the state and federal Constitutions, has been impermissibly retroactively applied, constitutes an unreasonable parole condition, impinges on substantive due process rights, and is unconstitutionally vague.

(more)

DISPOSITIONS

Review in the following cases was dismissed in light of *In re Jose C.* (2009) 45 Cal.4th 534:

#08-84 *In re Marcos H.*, S161392.

#08-95 *In re Ivan C.*, S162502.

#08-106 *In re Raymundo S.*, S163132.

STATUS

#07-383 *Coral Construction v. City and County of San Francisco*, S152934. the court requested the Attorney General and the parties to file supplemental briefs directed to the following two questions: (1) Does article I, section 31, of the California Constitution, which prohibits government entities from discriminating against, or granting preferential treatment to, any individual or group on the basis of race, sex, color, ethnicity, or national origin in public contracting, violate federal equal protection principles by making it more difficult to enact legislation on behalf of minority groups? (See *Washington v. Seattle School Dist. No. 1* (1982) 458 U.S. 457; *Hunter v. Erickson* (1969) 393 U.S. 385.) (2) If yes, is section 31 narrowly tailored to serve a compelling governmental interest?

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