



NEWS

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SUMMARY OF CASES ACCEPTED DURING THE WEEK OF APRIL 19, 2004

[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 description or descriptions set out below do not necessarily reflect the view of the court, or define the specific issues that will be addressed by the court.]

#04-35 *Grafton Partners v. Superior Court*, S123344. (A102790; 115 Cal.App.4th 700; Alameda County Superior Court; 2002056106.) Petition for review after the Court of Appeal granted a petition for peremptory writ of mandate. This case presents the following issue: Is a provision of a contract in which the parties agree in advance not to demand a jury trial in any action that may arise out of the contract enforceable or is such a contract provision unenforceable in light of the relevant California constitutional and statutory provisions relating to the waiver of trial by jury in civil cases? (See Cal. Const. art I, § 16; Code Civ. Proc., § 631.)

#04-36 *Barratt American, Inc. v. City of Encinitas*, S123510. (D041162; 115 Cal.App.4th 837; San Diego County Superior Court; GIN008310.) Petition for review after the Court of Appeal affirmed in part and reversed in part the judgment in a civil action. The court ordered briefing deferred pending decision in *Barratt American, Inc. v. City of Rancho Cucamonga*, S117590 (#03-124), which includes the following issues: (1) What remedies are available when a local government imposes building permit and plan review fees in excess of the amount permitted under the provisions of the Mitigation Fee Act (Gov. Code, §§ 66000-66024)? (2) In this case, are all of petitioner's claims barred by the 120-day statute of limitations set forth in Government Code section 66022?

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