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# NEWS RELEASE

Release Number: **S.C. 23/09**

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## **Summary of Cases Accepted During the Week of June 8, 2009**

**#09-29 *Kwikset Corp. v. Superior Court*, S171845.** (G040675; 171 Cal.App.4th 645; Orange County Superior Court; 00CC1275.) Petition for review after the Court of Appeal granted a petition for peremptory writ of mandate. This case includes the following issue: Does a plaintiff's allegation that he purchased a product in reliance on the product label's misrepresentation about a characteristic of the product satisfy the requirement for standing under the Unfair Competition Law (Bus. & Prof. Code, § 17200 et seq.) that the plaintiff allege a loss of money or property, or is such a plaintiff unable to allege the required loss of money or property because he obtained the benefit of his bargain by receiving the product in exchange for the payment?

**#09-30 *Quarry v. Doe I*, S171382.** (A120048; 170 Cal.App.4th 1574; Alameda County Superior Court; HG07313640.) Petition for review after the Court of Appeal reversed the judgment in a civil action. This case presents the following issue: Did the Court of Appeal err in concluding that plaintiffs were entitled to rely on the delayed discovery provisions of the statute of limitations (Code Civ. Proc., § 340.1) for claims of childhood sexual abuse against specified non-perpetrators who knew of the abuse and had the ability to prevent it but failed to do so?

### **DISPOSITIONS**

The court ordered the following case transferred for reconsideration in light of *Arizona v. Gant* (Apr. 21, 2009, No. 07-542) \_\_ U.S. \_\_ [129 S.Ct., 1710, 173 L.Ed.2d 485, 2009 WL 1045962]:

**#08-92 *People v. Leal*, S162271.**

The court ordered the following cases transferred to reconsideration in light of *People v. Chun* (2009) 45 Cal.4th 1172:

**#08-115 *People v. Spillman*, S163791.**

**#08-132 *People v. Iraheta*, S164168.**

**#08-173 *People v. Martinez*, S166970.**

Review in the following case was dismissed in light of *People v. Chun* (2009) 45 Cal.4th 1172:

**#08-64 *People v. Jones*, S159867.**

## **STATUS**

**#08-159 *People v. Diaz*, S166600.** The court directed briefing in this case in which briefing was previously deferred pending the decision of the United States Supreme Court in *Arizona v. Gant* (Apr. 21, 2009, No. 07-542) \_\_ U.S. \_\_ [129 S.Ct., 1710, 173 L.Ed.2d 485, 2009 WL 1045962]. The case presents the following issue: May police, while interrogating a suspect about 90 minutes after arresting him and transporting him to the station, conduct a warrantless search of information contained in a cell phone that was on the suspect's person at the time of his arrest?

**#09-16 *People v. Superior Court (Pearson)*, S171117.** The court directed briefing in this case, in which briefing was previously deferred pending decision in *Barnett v. Superior Court*, S165522 (#08-142). The case presents the following issue: Is Penal Code section 1054.9 an unconstitutional amendment to the criminal discovery statutes enacted by Proposition 115?

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