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NEWS RELEASE

Release Number: **S.C. 25/07**

Release Date: **June 25, 2007**

Summary of Cases Accepted During the Week of June 18, 2007

[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.]

#07-247 *Amalgamated Transit Union, Local 1756, AFL-CIO v. Superior Court, S151615.* (B191879; 148 Cal.App.4th 39, mod. 148 Cal.App.4th 808b; Los Angeles County Superior Court; KC043962.) Petition for review after the Court of Appeal denied a petition for peremptory writ of mandate. This case presents the following issues: (1) Does a worker's assignment to the worker's union of a cause of action for meal and rest period violations carry with it the worker's right to sue in a representative capacity under the Labor Code Private Attorneys General Act of 2004 (Lab. Code, § 2698 et seq.) or the Unfair Competition Law (Bus. & Prof. Code, § 17200 et seq.)? (2) Does Business and Professions Code section 17203, as amended by Proposition 64, which provides that representative claims may be brought only if the injured claimant "complies with Section 382 of the Code of Civil Procedure," require that private representative claims meet the procedural requirements applicable to class action lawsuits?

#07-248 *People v. Diaz, S151984.* (E040679; nonpublished opinion; San Bernardino County Superior Court; FSB055803.) Petition for review after the Court of Appeal affirmed a judgment of conviction of a criminal offense.

#07-249 *People v. Gamboa, S152803.* (E040668; nonpublished opinion; San Bernardino County Superior Court; FSB055852.) Petition for review after the Court of Appeal affirmed a judgment of conviction of a criminal offense.

The court ordered briefing in *Diaz* and *Gamboa* deferred pending decision in *People v. Lopez*, S149364 (#07-107), and *People v. Olguin*, S149303 (#07-108), which present the following issue: May a trial court impose a condition of probation requiring a probationer to obtain permission from his or her probation officer in order to own any pet?

In the following cases, which present issues relating to the effect of *Cunningham v. California* (2007) 549 U.S. ___, 127 S.Ct. 856, on California sentencing law, the court ordered briefing deferred pending further order of the court:

#07-250 *People v. Aragon*, S151521. (E038944; nonpublished opinion; San Bernardino County Superior Court; FBA007632.) Petition for review after the Court of Appeal remanded for resentencing and otherwise affirmed a judgment of conviction of criminal offenses.

#07-251 *People v. Bernard*, S152671. (H030145; nonpublished opinion; Santa Clara County Superior Court; CC310019.) Petition for review after the Court of Appeal affirmed a judgment of conviction of criminal offenses.

#07-252 *People v. Houk*, S152363. (C052937; nonpublished opinion; Butte County Superior Court; CM024233.) Petition for review after the Court of Appeal affirmed a judgment of conviction of criminal offenses.

#07-253 *People v. Miranda*, S151551. (F049370; nonpublished opinion; Tulare County Superior Court; VCF140775.) Petition for review after the Court of Appeal modified and affirmed a judgment of conviction of criminal offenses.

#07-254 *People v. Moran*, S152169. (E040485; nonpublished opinion; San Bernardino County Superior Court; FV1023193.) Petition for review after the Court of Appeal affirmed a judgment of conviction of a criminal offense.

#07-255 *People v. Ruiz*, S152530. (F049430; nonpublished opinion; Merced County Superior Court; 27903, 27906.) Petition for review after the Court of Appeal remanded for resentencing and otherwise affirmed a judgment of conviction of criminal offenses.

#07-256 *People v. Sutton*, S152002. (E038982; nonpublished opinion; San Bernardino County Superior Court; FSB03752.) Petition for review after the Court of Appeal remanded for resentencing and otherwise affirmed a judgment of conviction of criminal offenses.

DISPOSITION

Review in the following case was dismissed in light of the defendant's guilty plea:

#06-97 *Larranaga v. Superior Court*, S144818.

STATUS

#06-138 *In re Marriage Cases*, S147999. The court requested the parties to file supplemental briefs addressing the following questions: (1) What differences in legal rights or benefits and legal obligations or duties exist under current California law affecting those couples who are registered domestic partners as compared to those couples who are legally married spouses? Please list all of the current differences of which you are aware. (2) What, if any, are the minimum, constitutionally-guaranteed substantive attributes or rights that are embodied within the fundamental constitutional "right to marry" that is referred to in cases such as *Perez v. Sharp* (1948) 32 Cal.2d 711, 713-714? In other words, what set of substantive rights and/or obligations, if any, does a married couple possess that, because of their constitutionally protected status under the state Constitution, may not (in the absence of a compelling interest) be eliminated or abrogated by the Legislature, or by the people through the initiative process, without amending the California Constitution? (3) Do the terms "marriage" or "marry" themselves have constitutional significance under the California Constitution? Could the Legislature, consistent with the California Constitution, change the name of the legal relationship of "marriage" to some other name, assuming the legislation preserved all of the rights and obligations that are now associated with marriage? (4) Should Family Code section 308.5 — which provides that "[o]nly marriage between a man and a woman is valid or recognized in California" — be interpreted to prohibit only the recognition in California of same-sex marriages that are entered into in another state or country or does the provision also apply to and prohibit same-sex marriages entered into within California? Under the Full Faith and Credit Clause and the Privileges and Immunities Clause of the federal Constitution (U.S. Const., art. IV, §§ 1, 2, cl.1), could California recognize same-sex marriages that are entered into within California but deny such recognition to same-sex marriages that are entered into in another state? Do these federal constitutional provisions affect how Family Code section 308.5 should be interpreted?

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