



NEWS

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SUMMARY OF CASES ACCEPTED DURING THE WEEK OF JULY 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.]

#04-77 *Dore v. Arnold Worldwide, Inc.*, S124494. (B162235; unpublished opinion; Los Angeles County Superior Court; BC260637.) Petition for review after the Court of Appeal affirmed in part and reversed in part the judgment in a civil action. This case includes the following issue: Is an employment contract that states that “your employment with [the employer] is at will” but also states that “[t]his simply means that [the employer] has the right to terminate your employment at any time” reasonably susceptible of the interpretation either that employment may be terminated at any time *without* cause or that employment may be terminated at any time but only *with* cause, permitting the introduction of extrinsic evidence on the issue of the proper interpretation of the contract?

#04-78 *Lyle v. Warner Brothers Television Productions*, S125171. (B160528; 117 Cal.App.4th 1164; Los Angeles County Superior Court; BC239047.) Petition for review after the Court of Appeal affirmed in part and reversed in part the judgment in a civil action. The court limited review to the following issues: (1) Can the use of sexually coarse and vulgar language in the workplace constitute harassment based on sex within the meaning of the Fair Employment & Housing Act (FEHA) (Gov. Code, § 12900 et seq.)? (2) Does the potential imposition of liability under FEHA for sexual harassment based on such speech infringe on defendants’ rights of free speech under the First Amendment or the state Constitution?

(over)

#04-79 *People v. Murphy*, S125572. (D040040; 118 Cal.App.4th 821; San Diego County Superior Court; SCE217093.) Petition for review after the Court of Appeal reversed a judgment of conviction of a criminal offense. This case presents the following issues: (1) Did exigent circumstances excuse police officers' failure to comply with the knock-notice rule before entering defendant's house to conduct a warrantless search for drugs pursuant to his condition of probation, where they had observed drug transactions at the house shortly before the entry and, seconds before entering, had detained an individual outside the house while loudly announcing their presence and purpose? (See *United States v. Banks* (2003) 540 U.S. ___, 124 S.Ct. 521, 157 L.Ed.2d 343.) (2) Can a violation of the knock-notice rule during a warrantless search of a house pursuant to a defendant's condition of probation be excused by the doctrine of inevitable discovery?

#04-80 *Jasmine Networks, Inc. v. Marvell Semiconductor, Inc.*, S124914. (H023991; 117 Cal.App.4th 794; Santa Clara County Superior Court; CV801411.) Petition for review after the Court of Appeal reversed an order granting a preliminary injunction. The court ordered briefing deferred pending decision in *Rico v. Mitsubishi Motors Corp.*, S123808 (#04-58), which includes the following issue: Did the trial court properly disqualify plaintiffs' attorneys and plaintiffs' expert witnesses as a sanction when an attorney representing one of the plaintiffs, after inadvertently receiving a document prepared by defense counsel that included confidential work product, extensively reviewed the document with the attorneys representing other plaintiffs and with plaintiffs' expert witnesses?

#04-81 *Sacramento Police Officers Assn. v. City of Sacramento*, S124395. (C042493, C043377; 117 Cal.App.4th 1289; Sacramento County Superior Court; 02CS01054.) Petition for review after the Court of Appeal reversed the judgment in an action for writ of administrative mandate. The court ordered briefing deferred pending decision in *Claremont Police Officers Assn. v. City of Claremont*, S120546 (#04-01), which includes the following issue: Under what circumstances, if any, does a public agency's duty under the Meyers-Milius-Brown Act (Gov. Code, § 3500 et seq.) to meet and confer with a recognized employee organization before making changes to working conditions apply to actions *implementing* a fundamental management or policy decision where the *adoption* of that decision was exempt under Government Code section 3504?