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NEWS RELEASE

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Summary of Cases Accepted During the Week of August 29, 2005

[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.]

#05-188 *In re Jaime P.*, S135263. (A107686; unpublished opinion; Solano County Superior Court; J32334.) Petition for review after the Court of Appeal remanded for recalculation of maximum commitment term, and otherwise affirmed. This case presents the following issue: Does the decision in *In re Tyrell J.* (1994) 8 Cal.4th 68, which held that the search of a juvenile may be justified by a probation search condition even if the officer conducting the search was not aware that the juvenile was subject to such a search condition, remain viable in light of the reasoning and holding of this court's subsequent decision in *People v. Sanders* (2003) 31 Cal.4th 318?

#05-189 *Cohen v. Health Net of California, Inc.*, S135104. (G033868; 129 Cal.App.4th 841; Orange County Superior Court; 02CC1219.) Petition for review after the Court of Appeal reversed an award of discovery sanctions and otherwise affirmed the judgment in a civil action. The court ordered briefing deferred pending decision in *Californians for Disability Rights v. Mervyn's*, S131798 (#05-93), and *Branick v. Downey Savings & Loan Assn.*, S132433 (#05-94), which present the following issues: (1) Do the provisions of Proposition 64 (Gen. Elec. (Nov. 2, 2004)) that limit standing to bring an action under the Unfair Competition Law (Bus. & Prof. Code, § 17200 et seq.) to "any person who has suffered injury in fact and has lost money or property as a result of such unfair competition" (Bus. & Prof. Code, § 17204, as amended) apply to actions pending when the provisions of the proposition became effective on November 3, 2004? (2) If the standing limitations of Proposition 64 apply to actions under the Unfair Competition Law that were pending on

November 3, 2004, may a plaintiff amend his or her complaint to substitute in or add a party that satisfies the standing requirements of Business and Professions Code section 17204, as amended, and does such an amended complaint relate back to the initial complaint for statute of limitations purposes?

STATUS

#05-185 *California Earth Corps v. California State Lands Com.*, S134300. The court requested the parties to include in their briefing, in addition to the other issues presented in the petitions for review, a discussion of the following issue: Does Public Resources Code section 6307 permit an exchange of land only when the exchange will serve any of the trust purposes designated in the statute *with respect to the land that is currently subject to the public trust*, or does the statute also permit an exchange when the exchange will serve any of the designated purposes *with respect to the land that is to be acquired and that will become subject to the public trust as a result of the exchange*?

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