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NEWS RELEASE

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Summary of Cases Accepted During the Week of September 7, 2009

[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.]

#09-51 *Ardon v. City of Los Angeles*, S174507. (B201035; 174 Cal.App.4th 369; Los Angeles County Superior Court; BC363959.) Petition for review after the Court of Appeal affirmed an order striking class action allegations in a civil action. This case presents the following issue: Does Government Code section 910 authorize a class claim for refund of a local tax, or must each putative class member file his or her own claim prior to the filing of a class action suit?

#09-52 *Clark v. Superior Court*, 174229. (B212512; 174 Cal.App.4th 82; Los Angeles County Superior Court; BC321681.) Petition for review after the Court of Appeal granted a petition for peremptory writ of mandate. This case presents the following issue: Is Civil Code section 3345, which permits an enhanced award of up to three times the amount of a fine, civil penalty, or “any other remedy the purpose or effect of which is to punish or deter” in actions brought by or on behalf of senior citizens or disabled persons seeking to “redress unfair or deceptive acts or practices or unfair methods of competition,” applicable in an action brought by senior citizens seeking restitution under the Unfair Competition Law (Bus. & Prof. Code, § 17200 et seq.)?

#09-53 *People v. Hernandez*, S175615. (A119501; 175 Cal.App.4th 940; Contra Costa County Superior Court; 050707604.) Petition for review after the Court of Appeal reversed a judgment of conviction of a criminal offense. This case presents the following issue: Did the trial court abuse its discretion in requiring a uniformed, armed deputy sheriff to stand or sit immediately behind the defendant during his testimony?

#09-54 *Loeffler v. Target Corp.*, S173972. (B199287; 173 Cal.App.4th 1229; Los Angeles County Superior Court; BC360004.) Petition for review after the Court of Appeal affirmed the judgment in a civil action. This case presents the following issue: Does article XIII, section 32 of the California Constitution or Revenue and Taxation Code section 6932 bar a consumer from filing a lawsuit against a retailer under the Unfair Competition Law (Bus. & Prof. Code §§ 17200 et seq.) or the Consumers Legal Remedies Act (Civ. Code, § 1750 et seq.) alleging that the retailer charged sales tax on transactions that were not taxable?

#09-55 *Sonic-Calabasas A, Inc. v. Moreno*, S174475. (B204902; 174 Cal.App.4th 546; Los Angeles County Superior Court; BS107161.) Petition for review after the Court of Appeal reversed an order denying a motion to compel arbitration. This case presents the following issues: (1) Can a mandatory employment arbitration agreement be enforced prior to the conclusion of an administrative proceeding conducted by the Labor Commissioner concerning an employee's statutory wage claim? (2) Was the Labor Commissioner's jurisdiction over employee's statutory wage claim divested by the Federal Arbitration Act under *Preston v. Ferrer* (2008) __ U.S. __, 128 S.Ct. 978, 169 L.Ed.2d 917?

#09-56 *Steen v. Appellate Division*, S174773. Original proceeding. The court issued an order to show cause why petitioner's misdemeanor conviction for failure to appear in court on a traffic infraction should not be vacated, as requested in the petition for writ of mandate, on the ground that Penal Code section 959.1, subdivision (c)(1), violates the separation of powers doctrine (Cal. Const., art. III, § 3) by permitting a clerk of court, rather than a prosecutor, to issue a complaint "for the offenses of failure to appear, pay a fine, or comply with an order of the court."

#09-57 *People v. Kopay*, S174154. (E044352; nonpublished opinion; Riverside County Superior Court; CR45283.) Petition for review after the Court of Appeal affirmed an order extending a commitment as a mentally disordered offender. The court ordered briefing deferred pending decision in *People v. Cobb*, S159410 (#08-50). which presents the following issues: (1) Was defendant denied due process and a fair trial by delay in the prosecution of a petition for continued involuntary treatment and continued detention until 23 days after his release date? (2) Did defendant's pre-parole certification as a mentally disordered offender, which required him to accept treatment as a condition of parole, suffice to justify his continued detention pending trial on a petition for continued involuntary treatment?

#09-58 *Phelps v. Orange County Assessment Appeals Bd.*, S174418. (G040428; 175 Cal.App.4th 448; Orange County Superior Court; 07CC09169.) Petition for review after the Court of Appeal affirmed the judgment in an action for writ of administrative mandate. The court ordered briefing deferred pending decision in *Steinhart v. County of Los Angeles*,

S158007 (#07-464), which includes the following issue: Is the vesting of a life estate a “change in ownership” under Revenue and Taxation Code section 60 that triggers reassessment?

DISPOSITIONS

Review in the following cases was dismissed in light of *People v. Towne* (2008) 44 Cal.4th 53 and *People v. Nguyen* (2009) 46 Cal.4th 1007:

#07-297 *People v. Steele*, S153296

#07-424 *People v. Brown*, S155093

#08-10 *People v. White*, S158179

#08-15 *People v. Linarez*, S158154

#08-70 *People v. Rodriguez*, S160514

#08-73 *People v. Nichols*, S160709

Review in the following cases was dismissed in light of *People v. Nguyen* (2009) 46 Cal.4th 1007:

#07-429 *In re Antonio P.*, S156335

#07-467 *People v. Tu*, S156995

#07-472 *People v. Grayson*, S157952

The following case was transferred for reconsideration in light of *People v. Towne* (2008) 44 Cal.4th 53:

#08-41 *People v. Daniels*, S159866

The following case was transferred for reconsideration in light of *People v. Nguyen* (2009) 46 Cal.4th 1007:

#08-114 *People v. Baltazar*, S164248

Review in the following case was dismissed in light of *Arias v. Superior Court* (2009) 46 Cal.4th 969:

#09-25 *Deleon v. Verizon Wireless*, S170377

STATUS

#08-61 *Voices of the Wetlands v. State Water Resources Control Bd.*, S160211. The court ordered briefing in this case, in which briefing had previously been deferred pending the decision of the United States Supreme Court in *Entergy Corporation v. Environmental Protection Agency*(2009) ___ U.S. ___, 129 S.Ct. 1498, 173 L.Ed.2d 369.

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