



# NEWS

Judicial Council of California  
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## **SUMMARY OF CASES ACCEPTED DURING THE WEEK OF NOVEMBER 8, 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.]

#04-126 *John B. v. Superior Court*, S128248. (B169563; 121 Cal.App.4th 1000; Los Angeles County Superior Court; BC271134.) Petition for review after the Court of Appeal granted in part and denied in part a petition for peremptory writ of mandate. The court limited review to the following issues: (1) Under California law, may a person be held liable for failure to disclose to a sexual partner the fact that the person has a sexually transmissible disease only when the person *actually knows* he or she has a sexually transmissible disease (see *Doe v. Roe* (1990) 218 Cal.App.3d 1538) or also when the person *reasonably should have known* he or she has such a disease? (2) If the duty to disclose is limited to situations in which a person actually knows he or she has a sexually transmittable disease, did the discovery permitted by the Court of Appeal in the present case violate either traditional standards of discovery (e.g., relevance) or constitutionally protected rights of privacy?

#04-127 *Frye v. Tenderloin Housing Clinic, Inc.*, S127641. (A104078; 120 Cal.App.4th 1208, mod. 121 Cal.App.4th 517c; San Francisco County Superior Court; 989-112.) 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 issues: (1) Is a nonprofit public benefit corporation that provides legal representation, in addition to other services, to the public required to register with the State Bar of California under

(over)

Corporations Code section 13406, subdivision (b)? (2) If so, is it appropriate for a court to require a nonprofit corporation that has failed to register with the State Bar to disgorge statutory attorney fees to which the nonprofit corporation would otherwise be entitled?

**DISPOSITION**

#03-13 *People v. Edmonton*, S112168, was dismissed.

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