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Public Information Office  
455 Golden Gate Avenue  
San Francisco, CA 94102-3688  
[www.courtinfo.ca.gov](http://www.courtinfo.ca.gov)

415-865-7740

Lynn Holton  
Public Information Officer

# NEWS RELEASE

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## **Summary of Cases Accepted During the Week of November 9, 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.]*

**#09-70 *Birotte v. Superior Court***, S176965. (B213606; 177 Cal.App.4th 559; Los Angeles County Superior Court; BA295261.) Petition for review after the Court of Appeal denied a petition for peremptory writ of mandate. This case presents the following issue: When is the identity of a suspect “conclusively established by DNA testing” for purposes of the one-year statute of limitations under Penal Code section 803, subdivision (g)(1)?

**#09-71 *California Grocers Assn. v. City of Los Angeles***, S176099. (B206750; 176 Cal.App.4th 51; Los Angeles County Superior Court; BC351831.) Petition for review after the Court of Appeal affirmed the judgment in a civil action. This case presents the following issues: Do California food safety laws preempt a local ordinance that requires a grocery store, after a change of ownership, to retain the employees of the former owner for a 90-day transition period? Do federal labor laws do so?

**#09-72 *Kling v. Superior Court***, S176171. (B208748; 177 Cal.App.4th 223; Ventura County Superior Court; 2005045185.) Petition for review after the Court of Appeal granted a petition for peremptory writ of mandate. This case includes the following issues: (1) What role does the prosecution have in an in camera hearing to determine whether to disclose third party documents to the defense? (2) Is the prosecution entitled to information at that time about the documents subpoenaed and from whom they were subpoenaed, or is such disclosure only required (see Pen. Code, § 1054.3) once the defense decides to use the documents

at trial?

**#09-73 *D.D. v. Roman Catholic Bishop of Stockton***, S176451. (C057260; nonpublished opinion; San Joaquin County Superior Court; CV031440.) Petition for review after the Court of Appeal affirmed the judgment in a civil action.

**#09-74 *L.A. v. Roman Catholic Bishop of Stockton***, S176483. (C057895; nonpublished opinion; San Joaquin County Superior Court; CV031343.) Petition for review after the Court of Appeal affirmed the judgment in a civil action.

The court ordered briefing in *D.D.* and *L.A.* deferred pending decision in *Quarry v. Doe I*, S171382 (#09-30), which presents the following issue: Did the Court of Appeal err in concluding that plaintiffs were entitled to rely on the delayed discovery provisions of the statute of limitations (Code Civ. Proc., § 340.1) for claims of childhood sexual abuse against specified non-perpetrators who knew of the abuse and had the ability to prevent it but failed to do so?

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