



# NEWS RELEASE

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## Summary of Cases Accepted During the Week of December 18, 2006

*[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.]*

**#06-135 *Cable Connection, Inc. v. DIRECTV, Inc.*, S147767.**

(B188278; 143 Cal.App.4th 207; Los Angeles County Superior Court; BS095987.) Petition for review after the Court of Appeal reversed a judgment vacating an arbitration award. This case includes the following issue: May the parties to a commercial arbitration agreement contractually expand the jurisdiction of the trial court to permit review of an arbitration award for legal error?

**#06-136 *Haraguchi v. Superior Court*, S148207.** (B191161; 143 Cal.App.4th 846, mod. 144 Cal.App.4th 589a; Santa Barbara County Superior Court; 1203536.) Review on the court's own motion after the Court of Appeal granted in part and denied in part a petition for peremptory writ of mandate. This case presents the following issues: (1) Was the trial court's ruling on a motion for recusal alleging conflict of interest, because the prosecutor had written a novel allegedly based in part on the facts of this case, subject to independent review or reviewable only for an abuse of discretion? (2) Was recusal appropriate under either standard?

**#06-137 *Hollywood v. Superior Court*, S147954.** (B188550; 143 Cal.App.4th 858; Santa Barbara County Superior Court; 1014465.) Petition for review after the Court of Appeal granted in part and denied in part a petition for peremptory writ of mandate. This case presents the following issues: (1) Was the trial court's ruling on a motion for recusal alleging conflict of interest, because the prosecutor had cooperated with

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filmmakers planning a motion picture based on this case, subject to independent review or reviewable only for an abuse of discretion? (2) Was recusal appropriate under either standard? (3) If recusal was required, was it error not to recuse the entire district attorney's office?

**#06-138 *In re Marriage Cases*, S147999.** (A110449, A110450, A110451, A110463, A110651, A110652; 143 Cal.App.4th 873, mod. 144 Cal.App.4th 589d; San Francisco County Superior Court; JCCP No. 4365.) Petitions for review after the Court of Appeal reversed and affirmed judgments in civil actions. This case includes the following issue: Does California's statutory ban on marriage between two persons of the same sex violate the California Constitution by denying equal protection of the laws on the basis of sexual orientation or sex, by infringing on the fundamental right to marry, or by denying the right to privacy and freedom of expression?

**#06-139 *Simmons v. Ghaderi*, S147848.** (B180735; 143 Cal.App.4th 410; Los Angeles County Superior Court; BC270780.) Petition for review after the Court of Appeal affirmed the judgment in a civil action. This case presents the following issue: In an action to determine whether a valid oral settlement agreement was formed during mediation, was one party estopped to claim confidentiality for the mediation proceedings (Evid. Code, §§ 1115-1124) because she had voluntarily declared the facts to be true, stipulated that she did not dispute them, submitted evidence of them, and litigated their effect for more than a year?

## STATUS

**#05-167 *California Com. on Peace Officer Standards & Training v. Superior Court*, S134072.** The court permitted real party in interest Los Angeles Times Communication LLC to file a supplemental reply brief responding to the argument of petitioner California Commission on Peace Officer Standards and Training that the records at issue are exempt from disclosure under Government Code section 6254, subdivision (c).

**#06-38 *City of Santa Barbara v. Superior Court*, S141643.** The court directed the parties to file supplemental briefs addressing the effect, if any, of the following decisions, and related authorities, in connection with the policy arguments advanced in the briefs—in particular, whether enforcing releases of liability for future ordinary negligence, but not for future gross negligence, would lead to the demise or substantial diminished availability of recreational services and programs: (1) *Hanks v. Powder Ridge Restaurant Corp.* (Conn. 2005) 885 A.2d 734; *Dalury v. S-K-I, Ltd.* (Vt. 1995) 670 A.2d 795; *Kyriazis v. University of West Virginia* (W.Va. 1994) 450 S.E.2d 649; *Wagenblast v. Odessa Sch. No. 105-157-166J* (Wash. 1988) 758 P.2d 968; (2) *Hiett v. Lake Barcroft Community Ass'n* (Va. 1992) 418 S.E.2d 894; N.Y. Gen. Oblig. Law, § 5-326, and cases applying that statute;

(3) *Hawkins ex rel. Hawkins v. Peart* (Utah 2001) 37 P.3d 1062, 1065-1066 (“A clear majority of courts . . . have held that a parent may not release a minor’s prospective claim for negligence”).

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