



**SUPREME COURT OF CALIFORNIA
ORAL ARGUMENT CALENDAR
SACRAMENTO SESSION
FEBRUARY 7, 2017**

The following cases are placed upon the calendar of the Supreme Court for oral argument at its courtroom in the Stanley Mosk Library and Courts Building, 914 Capitol Mall, Sacramento, California, on February 7, 2017.

TUESDAY, FEBRUARY 7, 2017—9:00 A.M.

- (1) DisputeSuite.com, LLC v. Scoreinc.com et al., S226652
- (2) Park (Sungho) v. Board of Trustees of the California State University, S229728
- (3) Mendoza (Christopher) v. Nordstrom, Inc. (Megan Gordon, Intervener), S224611

1:30 P.M.

- (4) In re Kirchner (Kristopher) on Habeas Corpus, S233508
- (5) Shaw (Deborah) v. Superior Court of Los Angeles County (THC—Orange County, Inc., et al., Real Parties in Interest), S221530
- (6) People v. Becerrada (Ruben) [Automatic Appeal], S170957

CANTIL-SAKAUYE
Chief Justice

If exhibits are to be transmitted to this court, counsel must apply to the court for permission. (See Cal. Rules of Court, rule 8.224(c).)

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The following case summaries are issued to inform the public about cases that the California Supreme Court has scheduled for oral argument and of their general subject matter. In most instances, the descriptions set out below are reproduced from the original news release issued when review in each of these matters was granted and are provided for the convenience of the public. The descriptions do not necessarily reflect the view of the court or define the specific issues that will be addressed by the court.

TUESDAY, FEBRUARY 7, 2017—9:00 A.M.

(1) *DisputeSuite.com, LLC v. Scoreinc.com et al.*, S226652

#15-134 DisputeSuite.com, LLC v. Scoreinc.com et al., S226652. (B248694; 235 Cal.App.4th 1261; Superior Court of Los Angeles County; BC489083.) Petition for review after the Court of Appeal affirmed an order denying an award of attorney fees in a civil action. This case presents the following issue: Were defendants entitled to an award of attorney fees under Civil Code section 1717 as the prevailing parties in an action on a contract when they obtained the dismissal of the action on procedural grounds pursuant to a Florida forum selection clause?

(2) *Park (Sungho) v. Board of Trustees of the California State University*, S229728

#15-234 Park (Sungho) v. Board of Trustees of California State University, S229728. (B260047; 239 Cal.App.4th 1258; Superior Court of Los Angeles County; BC546792.) Petition for review after the Court of Appeal reversed an order denying a special motion to strike in a civil action. This case presents the following issue: Does Code of Civil Procedure section 425.16 authorize a court to strike a cause of action in which the plaintiff challenges only *the validity of an action* taken by a public entity in an “official proceeding authorized by law” (subd. (e)) but does not seek relief against any participant in that proceeding based on his or her protected communications?

(3) ***Mendoza (Christopher) v. Nordstrom, Inc. (Megan Gordon, Intervener), S224611***
#15-54 *Mendoza (Christopher) v. Nordstrom Inc. (Megan Gordon, Intervener), S224611*.
(9th Cir., No. 12-57130; 778 F.3d 834, Central District of California; 8:10-cv-00109-
CJC-MLG.) Request under California Rules of Court, rule 8.548, that this court decide
questions of California law presented in a matter pending in the United States Court of
Appeals for the Ninth Circuit. The questions presented are: “(A) California Labor Code
section 551 provides that ‘[e]very person employed in any occupation of labor is entitled
to one day’s rest therefrom in seven.’ Is the required day of rest calculated by the
workweek, or is it calculated on a rolling basis for any consecutive seven-day period?
(B) California Labor Code section 556 exempts employers from providing such a day of
rest ‘when the total hours of employment do not exceed 30 hours in any week *or six
hours in any one day thereof.*’ (Emphasis added.) Does that exemption apply when an
employee works less than six hours in any one day of the applicable week, or does it
apply only when an employee works less than six hours in each day of the week? (C)
California Labor Code section 552 provides that an employer may not ‘cause his
employees to work more than six days in seven.’ What does it mean for an employer to
‘cause’ an employee to work more than six days in seven: force, coerce, pressure,
schedule, encourage, reward, permit, or something else?”

1:30 P.M.

(4) ***In re Kirchner (Kristopher) on Habeas Corpus, S233508***
#16-168 *In re Kirchner (Kristopher) on Habeas Corpus, S233508*. (D067920; 244
Cal.App.4th 1398; San Diego; C21804, CRN26291.) Petition for review after the Court
of Appeal reversed an order granting relief on a petition for writ of habeas corpus. This
case presents the following issue: When a juvenile offender seeks relief from a life-
without-parole sentence that has become final, does Penal Code section 1170, subdivision
(d)(2), which permits most juvenile offenders to petition for recall of a life-without-

parole sentence imposed pursuant to Penal Code section 190.5 after 15 years, provide an adequate remedy under *Miller v. Alabama* (2012) 567 U.S. ____ [132 S.Ct. 2455], as recently construed in *Montgomery v. Louisiana* (2016) 577 U.S. ____ [136 S.Ct. 718]?

(5) *Shaw (Deborah) v. Superior Court of Los Angeles County (THC—Orange County, Inc., et al., Real Parties in Interest)*, S221530

#14-128 Shaw (Deborah) v. Superior Court of Los Angeles County (THC—Orange County, Inc., et al., Real Parties in Interest), S221530. (B254958; 229 Cal.App.4th 12; Superior Court of Los Angeles County; BC493928.) Petition for review after the Court of Appeal granted a petition for peremptory writ of mandate. This case presents the following issues: (1) Did the Court of Appeal err by reviewing plaintiff's right to a jury by writ of mandate rather than appeal? (See *Nessbit v. Superior Court* (1931) 214 Cal. 1.) (2) Is there a right to jury trial on a retaliation cause of action under Health and Safety Code section 1278.5?

(6) *People v. Becerrada (Ruben)*, S170957 [Automatic Appeal]

This matter is an automatic appeal from a judgment of death.