



**SUPREME COURT OF CALIFORNIA
ORAL ARGUMENT CALENDAR
SAN FRANCISCO SESSION
MAY 29 and 30, 2018
FIRST AMENDED**

The following cases are placed upon the calendar of the Supreme Court for hearing at its courtroom in the Ronald M. George State Office Complex, Earl Warren Building, 350 McAllister Street, Fourth Floor, San Francisco, California, on May 29 and 30, 2018.

TUESDAY, MAY 29, 2018—9:00 A.M.

- (1) Connor (Eileen) v. First Student, Inc., et al., S229428
(*Robie, J., assigned justice pro tempore*)
- (2) Boling (Catherine A.) et al. v. Public Employment Relations Board
(City of San Diego et al.), S242034
(*Miller, J., assigned justice pro tempore*)
- (3) Kim (William Jae) et al. v. Toyota Motor Corporation et al., S232754
(*Dato, J., assigned justice pro tempore*)

1:30 P.M.

- (4) King (Kirk) et al. v. CompPartners, Inc., et al., S232197
(*Grover, J., assigned justice pro tempore*)
- (5) People v. Powell (Troy Lincoln), [Automatic Appeal], S137730
(*Johnson, J., assigned justice pro tempore*)
- (6) People v. Woodruff (Steve), [Automatic Appeal], S115378
(*Levy, J., assigned justice pro tempore*)

WEDNESDAY, MAY 30, 2018—9:00 A.M.

- (7) City of Morgan Hill v. Shannon Bushey, as Registrar, etc., et al. (River Park Hospitality, Real Party in Interest and Respondent; Morgan Hill Hotel Coalition, Real Party in Interest and Appellant), S243042
(Margulies, J., assigned justice pro tempore)
- (8) Citizens for Fair REU Rates et al. v. City of Redding et al., S224779
(Mihara, J., assigned justice pro tempore)
- (9) People v. Gonzales (Craig Danny), S240044
(Moore, J., assigned justice pro tempore)

1:30 P.M.

- (10) People v. Powell (Carl Devon), [Automatic Appeal], S043520
(Cantil-Sakaue, C. J., not participating; Hull, Jr., J., assigned justice pro tempore; Huffman, J., assigned justice pro tempore)

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).)

**SUPREME COURT OF CALIFORNIA
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MAY 29 and 30, 2018**

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, MAY 29, 2018—9:00 A.M.

(1) *Connor (Eileen) v. First Student, Inc., et al., S229428 (Robie, J., assigned justice pro tempore)*

#15-217 Connor (Eileen) v. First Student, Inc., et al., S229428. (B256075; 239 Cal.App.4th 526; Superior Court of Los Angeles County; JCCP4624.) Petition for review after the Court of Appeal reversed the judgment in a civil action. This case presents the following issue: Is the Investigative Consumer Reporting Agencies Act (Civ. Code, § 1786 et seq.) unconstitutionally vague as applied to background checks conducted on a company's employees, because persons and entities subject to both that Act and the Consumer Credit Reporting Agencies Act (Civ. Code, §1785.1 et seq.) cannot determine which statute applies?

(2) *Boling (Catherine A.) et al. v. Public Employment Relations Board (City of San Diego et al.), S242034 (Miller, J., assigned justice pro tempore)*

#17-232 Boling (Catherine A.) et al. v. Public Employment Relations Board (City of San Diego et al.), S242034. (D069626, D069630; 10 Cal.App.5th 853; Superior Court of San Diego County; 2464-M, LA-CE-746-M, LA-CE-752-M, LA-CE-755-M, LA-CE-758-M.) Petition for review after the Court of Appeal annulled a decision of the Public Employment Relations Board. This case includes the following issues: (1) When a final decision of the Public Employment Relations Board under the Meyers-Milias-Brown Act (Gov. Code, §§ 3500 et seq.) is challenged in the Court of Appeal, what standard of review applies to the Board's interpretation of the applicable statutes and its findings of

fact? (2) Is a public agency's duty to "meet and confer" under the Act limited to situations in which the agency's governing body proposes to take formal action affecting employee wages, hours, or other terms and conditions of employment?

(3) ***Kim (William Jae) et al. v. Toyota Motor Corporation et al., S232754 (Dato, J., assigned justice pro tempore)***

#16-105 Kim (William Jae) et al. v. Toyota Motor Corporation et al., S232754.

(B247672; 243 Cal.App.4th 1366; Superior Court of Los Angeles County; VC059206.)

Petition for review after the Court of Appeal affirmed the judgment in a civil action. This case includes the following issue: Is evidence of industry custom and practice admissible in a strict products liability action?

1:30 P.M.

(4) ***King (Kirk) et al. v. CompPartners, Inc., et al., S232197 (Grover, J., assigned justice pro tempore)***

#16-106 King (Kirk) et al. v. CompPartners, Inc., et al., S232197. (E063527; 243 Cal.App.4th 685; Superior Court of Riverside County; RIC1409797.) Petition for review after the Court of Appeal reversed the judgment in a civil action. This case presents the following issues: (1) Is a claim by an injured worker for medical malpractice brought against a workers' compensation utilization review company barred by workers' compensation as the exclusive remedy? (2) Does a workers' compensation utilization review company that performs medical utilization reviews on behalf of employers owe a duty of care to an injured worker? (3) Did the CA err in finding that plaintiffs should be given leave to amend their complaint in this case?

(5) ***People v. Powell (Troy Lincoln), S137730 [Automatic Appeal] (Johnson, J., assigned justice pro tempore)***

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

(6) ***People v. Woodruff (Steve), S115378 [Automatic Appeal] (Levy, J., assigned justice pro tempore)***

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

(7) *City of Morgan Hill v. Shannon Bushey, as Registrar, etc., et al. (River Park Hospitality, Real Party in Interest and Respondent; Morgan Hill Hotel Coalition, Real Party in Interest and Appellant), S243042 (Margulies, J., assigned justice pro tempore) #17-261*

#17-261 City of Morgan Hill v. Shannon Bushey, as Registrar, etc., et al. (River Park Hospitality, Real Party in Interest and Respondent; Morgan Hill Hotel Coalition, Real Party in Interest and Appellant), S243042. (H043426; 12 Cal.App.5th 34; Superior Court of Santa Clara County; CV292595.) Petition for review after the Court of Appeal reversed the judgment in an action for writ of administrative mandate. This case presents the following issue: Can the electorate use the referendum process to challenge a municipality’s zoning designation for an area, which was changed to conform to the municipality’s amended general plan, when the result of the referendum — if successful — would leave intact the existing zoning designation that does not conform to the amended general plan?

(8) *Citizens for Fair REU Rates et al. v. City of Redding et al., S224779 (Mihara, J., assigned justice pro tempore)*

#15-51 Citizens for Fair REU Rates et al. v. City of Redding et al., S224779. (C071906; 233 Cal.App.4th 402; Superior Court of Shasta County; 171377.) Petition for review after the Court of Appeal reversed the judgment in a civil action. The court limited review to the following issues: (1) Is a payment in lieu of taxes (PILOT) transferred from the city utility to the city general fund a “tax” under Proposition 26 (Cal. Const., art. XIII C, § 1, subd. (1)(e))? (2) Does the exception for “reasonable costs to the local government of providing the service or product” apply to the PILOT (Cal. Const., art. XIII C, § 1, subd. (1)(e)(2))? (3) Does the PILOT predate Proposition 26?

(9) *People v. Gonzales (Craig Danny), S240044 (Moore, J., assigned justice pro tempore)*

#17-51 People v. Gonzales (Craig Danny), S240044. (C078960; 6 Cal.App.5th 1067; Superior Court of Sacramento County; 03F07705.) Review ordered on the court’s own motion after the Court of Appeal reversed an order denying a petition to recall sentence.

The court limited review to the following issue: What relationship, if any, must exist between convictions for forgery and identity theft in order to exclude a forgery conviction from sentencing as a misdemeanor under Penal Code section 473, subdivision (b)?

1:30 P.M.

(10) *People v. Powell (Carl Devon), S043520 [Automatic Appeal] (Cantil-Sakauye, C. J., not participating; Hull, Jr., J., assigned justice pro tempore; Huffman, J., assigned justice pro tempore)*

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