



**SUPREME COURT OF CALIFORNIA
ORAL ARGUMENT CALENDAR
SAN FRANCISCO SESSION
MAY 7 and 8, 2019**

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 7 and 8, 2019.

TUESDAY, MAY 7, 2019—9:00 A.M.

- (1) Wilson (Stanley) v. Cable News Network, Inc., et al., S239686
- (2) Christensen (Angie) v. Lightbourne, as Director, etc. (Will), S245395
- (3) Monster Energy Company v. Schechter (Bruce L.) et al., S251392

1:30 P.M.

- (4) Quigley (Rebecca Megan) v. Garden Valley Fire Protection District et al., S242250
- (5) Chen (Hairu) et al. v. L.A. Truck Centers, LLC, S240245
- (6) In re Rogers (David Keith) on Habeas Corpus, [related to an underlying Automatic Appeal], S084292

WEDNESDAY, MAY 8, 2019—9:00 A.M.

- (7) Noel, as Personal Representative, etc. (Diana Nieves) v. Thrifty Payless, Inc., S246490
- (8) Satele (William Tupua) v. Superior Court of Los Angeles County (People, Real Party in Interest), S248492
- (9) People v. Young (Jeffrey Scott), [Automatic Appeal], S148462

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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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 7, 2019—9:00 A.M.

(1) *Wilson (Stanley) v. Cable News Network, Inc., et al.*, S239686

#17-83 *Wilson (Stanley) v. Cable News Network, Inc., et al.*, S239686. (B264944; 6 Cal.App.5th 822; Superior Court of Los Angeles County; BC559720.) Petition for review after the Court of Appeal reversed an order granting a special motion to strike in a civil action. This case presents the following issue: In deciding whether an employee's claims for discrimination, retaliation, wrongful termination, and defamation arise from protected activity for purposes of a special motion to strike (Code of Civ. Proc., § 425.16), what is the relevance of an allegation that the employer acted with a discriminatory or retaliatory motive?

(2) *Christensen (Angie) v. Lightbourne, as Director, etc. (Will)*, S245395

#18-01 *Christensen (Angie) v. Lightbourne, as Director, etc. (Will)*, S245395. (A144254; 15 Cal.App.5th 1239; Superior Court of San Francisco County; CPF12512070.) Petition for review after the Court of Appeal reversed the judgment in an action for writ of administrative mandate. This case presents the following issues: (1) Should court-ordered child support payments for children living outside the home be considered income available to children in the home in determining eligibility for CalWORKs aid? (2) When garnished child support is the direct or indirect income of children outside the home who are receiving CalWORKs aid, does the state violate

Welfare and Institutions Code section 11005.5 when it allows the garnished income to also be considered in determining the amount of aid to the paying family?

(3) ***Monster Energy Company v. Schechter (Bruce L.) et al., S251392***

#18-151 Monster Energy Company v. Schechter (Bruce L.) et al., S251392. (E066267; 26 Cal.App.5th 54; Superior Court of Riverside County; RIC1511553.) Petition for review after the Court of Appeal affirmed in part and reversed in part an order granting in part and denying in part a special motion to strike. The court limited review to the following issues: (1) When a settlement agreement contains confidentiality provisions that are explicitly binding on the parties and their attorneys and the attorneys sign the agreement under the legend “APPROVED AS TO FORM AND CONTENT,” have the attorneys consented to be bound by the confidentiality provisions? (2) When evaluating the plaintiff’s probability of prevailing on its claim under Code of Civil Procedure section 425.16, subdivision (b), may a court ignore extrinsic evidence that supports the plaintiff’s claim or accept the defendant’s interpretation of an undisputed but ambiguous fact over that of the plaintiff?

1:30 P.M.

(4) ***Quigley (Rebecca Megan) v. Garden Valley Fire Protection District et al., S242250***

#17-248 Quigley (Rebecca Megan) v. Garden Valley Fire Protection District et al., S242250. (C079270; 10 Cal.App.5th 1135; Superior Court of Plumas County; CV1000225.) Petition for review after the Court of Appeal affirmed the judgment in a civil action. This case presents the following issues: (1) Did defendants forfeit the immunity provided under Government Code section 850.4 for governmental entities involved in firefighting by failing to timely raise the defense before trial? (2) Does section 850.4 apply to immunize defendants in an action for personal injuries allegedly caused by a dangerous condition of property being used as a firefighting facility, where

plaintiff's injuries did not result from a condition of that property that rendered it inoperative, useless, or otherwise less effective in aiding defendant's firefighting efforts?

(5) *Chen (Hairu) et al. v. L.A. Truck Centers, LLC, S240245*

#17-110 Chen (Hairu) et al. v. L.A. Truck Centers, LLC, S240245. (B265304; 7 Cal.App.5th 757; Superior Court of Los Angeles County; BC469935.) Petition for review after the Court of Appeal reversed the judgment in a civil action. This case presents the following issue: Must a trial court reconsider its ruling on a motion to establish the applicable law governing questions of liability in a tort action when the party whose presence justified that choice of law settles and is dismissed?

(6) *In re Rogers (David Keith) on Habeas Corpus, [related to an underlying Automatic Appeal], S084292*

#07-470 In re Rogers (David Keith) on Habeas Corpus, [related to an underlying Automatic Appeal], S084292. Original proceeding. In this case, which is related to the automatic appeal in People v. Rogers (2006) 39 Cal.4th 826, the court issued an order to show cause limited to claims of newly discovered evidence and use of false evidence, the prosecution's failure to disclose exculpatory evidence, ineffective assistance of counsel, and cumulative penalty phase error.

WEDNESDAY, MAY 8, 2019 — 9:00 A.M.

(7) *Noel, as Personal Representative, etc. (Diana Nieves) v. Thrifty Payless, Inc., S246490*

#18-39 Noel, as Personal Representative, etc. (Diana Nieves) v. Thrifty Payless, Inc., S246490. (A143026; 17 Cal.App.5th 1315; Superior Court of Marin County; CIV1304712.) Petition for review after the Court of Appeal affirmed an order denying class certification in a civil action. This case presents the following issue: Must a plaintiff seeking class certification under Code of Civil Procedure section 382 or the Consumer Legal Remedies Act demonstrate that records exist permitting the identification of class members?

(8) *Satele (William Tupua) v. Superior Court of Los Angeles County (People, Real Party in Interest)*, S248492

Satele v. Superior Court, S248492. (B288828; no opinion; Los Angeles County Superior Court; NA039358.) Petition for review after the Court of Appeal denied a petition for peremptory writ of mandate. The court issued an order to show cause. This case concerns a request under Penal Code section 1054.9 for discovery of evidence that was admitted at trial and is in the possession of the superior court.

(9) *People v. Young (Jeffrey Scott)*, [Automatic Appeal], S148462

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