



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

SECOND AMENDED

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 Tuesday, November 7, 2017.

TUESDAY, NOVEMBER 7, 2017 — 10:00 A.M.

- (1) Hernandez (Mike) et al., Muller (Francesca) v.
Restoration Hardware, Inc., S233983
(*Nicholson, J., assigned justice pro tempore*)
- (2) Solus Industrial Innovations, LLC, et al. v. Superior Court of
Orange County (People, Real Party in Interest), S222314
(*Mihara, J., assigned justice pro tempore*)

1:30 P.M.

- (3) People v. Chatman (Jody), S237374
(*Murray, Jr., J., assigned justice pro tempore*)
- (4) McMillin Albany LLC et al. v. Superior Court of Kern County
(Carl Van Tassell et al., Real Parties in Interest) S229762
(*Lui, J., assigned justice pro tempore*)
- (5) People v. Perez, Jr. (Joseph Andrew) [Automatic Appeal], S104144
(*Jenkins, 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).)

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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, NOVEMBER 7, 2017 — 10:00 A.M.

(1) ***Hernandez (Mike) et al., Muller (Francesca) v. Restoration Hardware, Inc., S233983 (Nicholson, J., assigned justice pro tempore)***

#16-225 Hernandez (Mike) et al., Muller (Francesca) v. Restoration Hardware, Inc., S233983. (D067091; 245 Cal.App.4th 651; Superior Court of San Diego County; 37-2008-00094395-CU-BT-CTL.) Petition for review after the Court of Appeal dismissed an appeal in a civil action. This case presents the following issue: Must an unnamed class member intervene in the litigation in order to have standing to appeal? (See *Eggert v. Pac. States S. & L. Co.* (1942) 20 Cal.2d 199.)

(2) ***Solus Industrial Innovations, LLC, et al. v. Superior Court of Orange County (People, Real Party in Interest), S222314 (Mihara, J., assigned justice pro tempore)***

#15-02 Solus Industrial Innovations, LLC et al. v. Superior Court of Orange County (People, Real Party in Interest), S222314. (G047661; 229 Cal.App.4th 1291; Superior Court of Orange County; 30-2012-00581868.) Petition for review after the Court of Appeal granted a petition for writ of peremptory mandate. This case presents the following issue: Does federal law preempt a district attorney's attempt to recover civil penalties under California's unfair competition law based on an employer's violation of workplace safety standards that resulted in the deaths of two employees?

1:30 P.M.

(3) ***People v. Chatman (Jody), S237374 (Murray, Jr., J., assigned justice pro tempore)***

#16-396 People v. Chatman (Jody), S237374. (A144196; 2 Cal.App.5th 561; Superior Court of Alameda County; C140542.) Petition for review after the Court of Appeal reversed an order denying a petition for a certificate of rehabilitation. This case presents the following issue: Does Penal Code section 4852.01 deny equal protection by making a former felony probationer who is incarcerated after completing probation ineligible for a certificate of rehabilitation, when a former felony prisoner is not rendered ineligible by a subsequent incarceration?

(4) ***McMillin Albany LLC et al. v. Superior Court of Kern County (Carl Van Tassell et al., Real Parties in Interest) S229762 (Lui, J., assigned justice pro tempore)***

#15-218 McMillin Albany LLC et al. v. Superior Court of Kern County (Carl Van Tassell et al., Real Parties in Interest), S229762. (F069370; 239 Cal.App.4th 1132; Superior Court of Kern County; CV279141DRL.) Petition for review after the Court of Appeal granted a petition for peremptory writ of mandate. This case presents the following issue: Does the Right to Repair Act (Civ. Code, § 895 et seq.) preclude a homeowner from bringing common law causes of action for defective conditions that resulted in physical damage to the home?

(5) ***People v. Perez, Jr. (Joseph Andrew), S104144 [Automatic Appeal] (Jenkins, J., assigned justice pro tempore)***

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