



**SUPREME COURT OF CALIFORNIA
ORAL ARGUMENT CALENDAR
SAN FRANCISCO SESSION
OCTOBER 2 and 3, 2018**

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 October 2 and 3, 2018.

TUESDAY, OCTOBER 2, 2018—9:00 A.M.

- (1) Sierra Club et al. v. County of Fresno et al. (Friant Ranch, L.P., Real Party in Interest), S219783
(justice pro tempore to be assigned)
- (2) Avitia (Leo) v. Superior Court of San Joaquin County (People, Real Party in Interest), S242030
(justice pro tempore to be assigned)
- (3) Dr. Leevil, LLC, v. Westlake Health Care Center, S241324
(justice pro tempore to be assigned)

1:30 P.M.

- (4) Gerard (Jazmina) et al. v. Orange Coast Memorial Medical Center, S241655
(justice pro tempore to be assigned)
- (5) People v. Franco (Ruben Phillip), S233973
(justice pro tempore to be assigned)
- (6) People v. Superior Court of Orange County (Richard Anthony Smith, Real Party in Interest), S225562
(justice pro tempore to be assigned)

WEDNESDAY, OCTOBER 3, 2018—9:00 A.M.

- (7) In re B.M., S242153
(justice pro tempore to be assigned)
- (8) People v. Johnson (Cedric Jerome), [Automatic Appeal], S075727
(justice pro tempore to be assigned)

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, OCTOBER 2, 2018—9:00 A.M.

(1) *Sierra Club et al. v. County of Fresno et al. (Friant Ranch, L.P., Real Party in Interest), S219783 (justice pro tempore to be assigned)*

#14-117 Sierra Club et al. v. County of Fresno et al. (Friant Ranch, L.P., Real Party in Interest), S219783. (F066798; 226 Cal.App.4th 704; Superior Court of Fresno County; 11CECG00706, 11CECG00709, 11CECG00726.) Petition for review after the Court of Appeal reversed the judgment in an action for writ of administrative mandate. This case presents issues concerning the standard and scope of judicial review under the California Environmental Quality Act. (CEQA; Pub. Resources Code, § 21000 et seq.)

(2) *Avitia (Leo) v. Superior Court of San Joaquin County (People, Real Party in Interest), S242030 (justice pro tempore to be assigned)*

#17-199 Avitia (Leo) v. Superior Court of San Joaquin County (People, Real Party in Interest), S242030. (C082859; nonpublished opinion; Superior Court of San Joaquin County; STKCRFE2016881, GJ20164112415.) Petition for review after the Court of Appeal denied a petition for peremptory writ of mandate. This case presents the following issue: Was defendant denied a “substantial right” (People v. Standish (2006) 38 Cal.4th 858, 882) by the prosecutor’s improper dismissal of a grand juror?

(3) *Dr. Leevil, LLC, v. Westlake Health Care Center, S241324 (justice pro tempore to be assigned)*

#17-179 Dr. Leevil, LLC, v. Westlake Health Care Center, S241324. (B266931; 9 Cal.App.5th 450; Superior Court of Ventura County; 56-2015-00465793-CU-UD-VTA.)

Petition for review after the Court of Appeal affirmed the judgment in a civil action. The court limited review to the following issue: Does Code of Civil Procedure section 1161a require a purchaser of real property at a foreclosure sale to perfect title before serving a three-day notice to quit on the occupant of the property?

1:30 P.M.

(4) *Gerard (Jazmina) et al. v. Orange Coast Memorial Medical Center, S241655 (justice pro tempore to be assigned)*

#17-207 Gerard (Jazmina) et al. v. Orange Coast Memorial Medical Center, S241655.

(G048039; 9 Cal.App.5th 1204; Superior Court of Orange County; 30-2008-00096591.)

Petition for review after the Court of Appeal affirmed the judgment in a civil action. This case includes the following issues: (1) Did Senate Bill 327 constitute a change in the law or a clarification in the law? (2) Is the Industrial Wage Commission Wage Order No. 5, section 11(D) partially invalid to the extent it authorizes health care workers to waive their second meal periods on shifts exceeding 12 hours? (3) To what extent, if any, does the language of Labor Code section 516 regarding the “health and welfare of those workers” affect the analysis?

(5) *People v. Franco (Ruben Phillip), S233973 (justice pro tempore to be assigned)*

#16-218 People v. Franco (Ruben Phillip), S233973. (B260447; 245 Cal.App.4th 679;

Superior Court of Los Angeles County; VA125859.) Petition for review after the Court of Appeal affirmed a judgment of conviction of a criminal offense. This case presents the following issue: For the purpose of the distinction between felony and misdemeanor forgery, is the value of an uncashed forged check the face value (or stated value) of the check or only the intrinsic value of the paper it is printed on?

(6) *People v. Superior Court of Orange County (Richard Anthony Smith, Real Party in Interest), S225562 (justice pro tempore to be assigned)*

#15-68 People v. Superior Court of Orange County (Richard Anthony Smith, Real Party in Interest), S225562. (G050827; nonpublished opinion; Superior Court of Orange County; M-9531.) Petition for review after the Court of Appeal granted a petition for peremptory writ of mandate. The court limited review to the following issues: (1) Is an

expert retained by the prosecution in a proceeding under the Sexually Violent Predator Act entitled to review otherwise confidential treatment information under Welfare and Institutions Case section 5328? (2) Is the district attorney entitled to review medical and psychological treatment records or is access limited to confidential treatment information contained in an updated mental evaluation conducted under Welfare and Institutions Code section 6603, subdivision (c)(1)?

WEDNESDAY, OCTOBER 3, 2018—9:00 A.M.

(7) In re B.M., S242153 (justice pro tempore to be assigned)

#17-231 In re B.M., S242153. (B277076; 10 Cal.App.5th 1292; Superior Court of Ventura County; 2016025026.) Petition for review after the Court of Appeal affirmed orders in a juvenile wardship proceeding. The court limited review to the following issue: Can a butter knife with a rounded end and a serrated edge qualify as a deadly or dangerous weapon under Penal Code section 245, subdivision (a)(1)?

(8) People v. Johnson (Cedric Jerome), S075727 [Automatic Appeal] (justice pro tempore to be assigned)

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