



**SUPREME COURT OF CALIFORNIA
ORAL ARGUMENT CALENDAR
SAN FRANCISCO SESSION
SEPTEMBER 5 and 6, 2017**

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 September 5 and 6, 2017.

TUESDAY, SEPTEMBER 5, 2017—9:00 A.M.

- (1) Gerawan Farming, Inc. v. Agricultural Labor Relations Board (United Farm Workers of America, Real Party in Interest) and Consolidated Case, S227243 (*Kline, P. J., assigned justice pro tempore*)
- (2) Tri-Fanucchi Farms v. Agricultural Labor Relations Board (United Farm Workers of America, Real Party in Interest), S227270 (*Kline, P. J., assigned justice pro tempore*)
- (3) F.P. v. Monier (Joseph), S216566 (*Humes, P. J., assigned justice pro tempore*)

1:30 P.M.

- (4) People v. Page (Timothy Wayne), S230793 (*Hull, Jr., J., assigned justice pro tempore*)
- (5) In re Martinez (Hector) on Habeas Corpus, S226596 (*Johnson, J., assigned justice pro tempore*)
- (6) People v. Wall (Randall Clark) [Automatic Appeal], S044693 (*Lavin, J., assigned justice pro tempore*)

WEDNESDAY, SEPTEMBER 6, 2017—9:00 A.M.

- (7) City of San Buenaventura v. United Water Conservation District et al., S226036 (*Irion, J., assigned justice pro tempore*)

- (8) Vasilenko (Aleksandr) et al. v. Grace Family Church, S235412
(Jones, P. J., assigned justice pro tempore)
- (9) People v. Henriquez (Christopher) [Automatic Appeal], S089311
(Levy, 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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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.

(1) *Gerawan Farming, Inc. v. Agricultural Labor Relations Board (United Farm Workers of America, Real Party in Interest) and Consolidated Case, S227243 (Kline, P. J., assigned justice pro tempore)*

#15-148 *Gerawan Farming, Inc. v. Agricultural Labor Relations Board (United Farm Workers of America, Real Party in Interest) and Consolidated Case, S227243.* (F068526, F068676; 236 Cal.App.4th 1024; Superior Court of Fresno County; 13CECG01408.) Petitions for review after the Court of Appeal reversed a decision of the Agricultural Labor Relations Board and denied a petition for peremptory writ of mandate. This case presents the following issues: (1) Does the statutory “Mandatory Mediation and Conciliation” process (Lab. Code, §§ 1164-1164.13) violate the equal protection clauses of the state and federal Constitutions? (2) Do the “Mandatory Mediation and Conciliation” statutes effect an unconstitutional delegation of legislative power? (3) May an employer oppose a certified union’s request for referral to the “Mandatory Mediation and Conciliation” process by asserting that the union has “abandoned” the bargaining unit?

(2) *Tri-Fanucchi Farms v. Agricultural Labor Relations Board (United Farm Workers of America, Real Party in Interest), S227270 (Kline, P. J., assigned justice pro tempore)*

#15-149 *Tri-Fanucchi Farms v. Agricultural Labor Relations Board (United Farm Workers of America, Real Party in Interest), S227270.* (F069419; 236 Cal.App.4th 1079.) Petitions for review after the Court of Appeal affirmed in part and reversed in part

a decision of the Agricultural Labor Relations Board. This case presents the following issues: (1) May an employer assert as a defense to a request for collective bargaining under the Agricultural Labor Relations Act (Lab. Code, § 1140, et seq.) that the certified union has “abandoned” the bargaining unit? (2) Did the Board err in granting “make whole” relief (Lab. Code, § 1160.3) as a remedy for the employer’s refusal to bargain with the union?

(3) ***F.P. v. Monier (Joseph), S216566 (Humes, P. J., assigned justice pro tempore)***
#14-40 F.P. v. Monier (Joseph), S216566. (C062329; 222 Cal.App.4th 1087; Superior Court of Sacramento County; 06AS00671.) Petition for review after the Court of Appeal affirmed the judgment in a civil action. The court limited review to the following issue: Is a trial court’s error in failing to issue a statement of decision upon a timely request reversible per se?

1:30 P.M.

(4) ***People v. Page (Timothy Wayne), S230793 (Hull, Jr., J., assigned justice pro tempore)***
#16-28 People v. Page (Timothy Wayne), S230793. (E062760; 241 Cal.App.4th 714; Superior Court of San Bernardino County; FVI1201369.) Petition for review after the Court of Appeal affirmed an order denying a petition to recall sentence. This case presents the following issue: Does Proposition 47 (“the Safe Neighborhoods and Schools Act”) apply to the offense of unlawful taking or driving a vehicle (Veh. Code, § 10851), because it is a lesser included offense of Penal Code section 487, subdivision (d), and that offense is eligible for resentencing to a misdemeanor under Penal Code sections 490.2 and 1170.18?

(5) ***In re Martinez (Hector) on Habeas Corpus, S226596 (Johnson, J., assigned justice pro tempore)***
#15-158 In re Martinez (Hector) on Habeas Corpus. S226596 (D066705; nonpublished opinion; Superior Court of San Diego County; SCD224457.) Petition for review after the

Court of Appeal denied a petition for writ of habeas corpus. This case presents the following issue: Is petitioner entitled to relief under *People v. Chiu* (2014) 59 Cal.4th 155?

(6) *People v. Wall (Randall Clark), S044693 [Automatic Appeal] (Lavin, J., assigned justice pro tempore)*

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

WEDNESDAY, SEPTEMBER 6, 2017—9:00 A.M.

(7) *City of San Buenaventura v. United Water Conservation District et al., S226036 (Irion, J., assigned justice pro tempore)*

#15-96 City of San Buenaventura v. United Water Conservation District et al., S226036.

(B251810; 235 Cal.App.4th 228; Superior Court of Santa Barbara County;

VENCI00401714, VENCI1414739.) Petition for review after the Court of Appeal

reversed the judgment in a civil action. The court limited review to the following issues:

(1) Do the District's ground water pumping charges violate Proposition 218 or

Proposition 26? (2) Does the rate ratio mandated by Water Code section 75594 violate

Proposition 218 or Proposition 26?

(8) *Vasilenko (Aleksandr) et al. v. Grace Family Church, S235412 (Jones, P. J., assigned justice pro tempore)*

#16-336 Vasilenko (Aleksandr) et al. v. Grace Family Church, S235412, (Jones, P. J.,

assigned justice pro tempore). (C074801; 248 Cal.App.4th 146; Sacramento County

Superior Court; 34201100097580.) Petition for review after the Court of Appeal

reversed the judgment in a civil action. This case presents the following issue: Does one

who owns, possesses, or controls premises abutting a public street have a duty to an

invitee to provide safe passage across that public street if that entity directs its invitees to

park in its overflow parking lot across the street?

(9) *People v. Henriquez (Christopher) S089311 [Automatic Appeal] (Levy, J., assigned justice pro tempore)*

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