

***[NO MINUTES WERE GENERATED FOR  
MONDAY, OCTOBER 1, 2018]***

1432

**SUPREME COURT MINUTES  
TUESDAY, OCTOBER 2, 2018  
SAN FRANCISCO, CALIFORNIA**

**S249859**

**PLANNING &  
CONSERVATION LEAGUE v.  
PADILLA (ALEX)/(DRAPER)**

Time extended to consider modification or rehearing

The time for granting or denying rehearing in the above-entitled case is hereby extended to November 11, 2018, or the date upon which rehearing is either granted or denied, whichever occurs first.

**S185810**

**PEOPLE v. THREATS  
(DERLYN RAY)**

Extension of time granted

The application of the Superior Court of San Diego County for an extension of time to prepare, certify for accuracy and send the record as corrected to the California Supreme Court, filed on September 17, 2018, is granted.

The Superior Court of San Diego County is directed to complete and deliver the clerk's and reporter's transcripts on appeal pursuant to California Rules of Court, rule 8.622(e) on or before January 4, 2019.

Within 30 days after the date of this order and every 30 days thereafter until the corrected record on appeal is filed, counsel for appellant, Deputy State Public Defender Jessica Oats, is ordered to publicly file in this court and serve upon the superior court a status report regarding the progress toward completion of the corrected record.

**S197781**

**PEOPLE v. REED (DAVID  
JOHN)**

Extension of time granted

Based upon Senior Deputy State Public Defender Timothy J. Foley's representation that the appellant's reply brief is anticipated to be filed by March 11, 2019, an extension of time in which to file that brief is granted to December 10, 2018. After that date, only two further extensions totaling about 90 additional days are contemplated.

An application to file an overlength brief must be served and filed no later than 60 days before the anticipated filing date. (See Cal. Rules of Court, rule 8.631(d)(1)(A)(ii) & (B)(ii).)

**S199311****GARCIA (RANDY EUGENE)  
ON H.C.**

Extension of time granted

Based upon counsel Nisha K. Shah's representation that the reply to the informal response to the petition for writ of habeas corpus is anticipated to be filed by October 25, 2018, an extension of time in which to file that document is granted to October 25, 2018. After that date, no further extension is contemplated.

**S203655****PEOPLE v. GREEN (EARL  
ELLIS)**

Extension of time granted

Based upon counsel Stephen M. Lathrop's representation that the appellant's opening brief is anticipated to be filed by December 3, 2018, an extension of time in which to file that brief is granted to December 3, 2018. After that date, no further extension is contemplated.

An application to file an overlength brief must be served and filed no later than 60 days before the anticipated filing date. (See Cal. Rules of Court, rule 8.631(d)(1)(A)(ii) & (B)(ii).)

**S212030****PEOPLE v. PEREZ (JOHN  
MICHAEL) & RUIZ (RUDY  
ANTHONY)**

Extension of time granted

On application of appellant John Michael Perez's, it is ordered that the time to serve and file appellant's opening brief is extended to November 30, 2018.

**S212030****PEOPLE v. PEREZ (JOHN  
MICHAEL) & RUIZ (RUDY  
ANTHONY)**

Extension of time granted

On application of appellant Rudy Ruiz's, it is ordered that the time to serve and file appellant's opening brief is extended to November 30, 2018.

**S214649****PEOPLE v. WADE  
(ANTHONY DARNELL)**

Extension of time granted

On application of appellant, it is ordered that the time to serve and file appellant's opening brief is

extended to November 27, 2018.

**S218457**

**PEOPLE v. VANG (RONNIE)**

Extension of time granted

On application of appellant, it is ordered that the time to serve and file appellant's opening brief is extended to December 4, 2018.

**S242538**

**NAVARRO, JR., (ANTHONY R.) ON H.C.**

Extension of time granted

Based upon counsel Richard I. Targow's representation that the reply to the informal response to the petition for writ of habeas corpus is anticipated to be filed by January 25, 2019, an extension of time in which to file that document is granted to November 27, 2018. After that date, only one further extension totaling about 59 additional days is contemplated.

**S246213**

**MILTON (WILLIAM) ON H.C.**

Extension of time granted

On application of petitioner and good cause appearing, it is ordered that the time to serve and file the reply to the informal response is extended to November 1, 2018.

**S246255**

**STEWART (DYLAN) v. SAN LUIS AMBULANCE, INC.**

Extension of time granted

On application of appellant and good cause appearing, it is ordered that the time to serve and file the reply brief on the merits is extended to October 31, 2018.  
No further requests for extension of time will be granted.

**S246669**

B283606 Second Appellate District, Div. 5

**SOUTHERN CALIFORNIA GAS LEAK CASES**

Extension of time granted

On application of petitioner and real parties in interest and good cause appearing, it is ordered that the time to serve and file the joint answer to amicus curiae is extended to October 26, 2018.

**S247677**      B272344 Second Appellate District, Div. 7      **GONZALEZ (LUIS) v.  
MATHIS (JOHN R.)**

Extension of time granted

On application of respondents and good cause appearing, it is ordered that the time to serve and file the reply brief on the merits is extended to November 8, 2018.

**S248125**      D073054 Fourth Appellate District, Div. 1      **WHITE (CHRISTOPHER  
LEE) ON H.C.**

Extension of time granted

On application of respondent and good cause appearing, it is ordered that the time to serve and file the answer brief on the merits is extended to October 29, 2018. No further requests for extension of time are contemplated.

**S248726**      **OMAN (DEV ANAND);  
EICHMANN (TODD); LEHR  
(MICHAEL); FLORES  
(ALBERT) v. DELTA AIR  
LINES, INC.**

Extension of time granted

On application of respondent and good cause appearing, it is ordered that the time to serve and file the answer brief on the merits is extended to November 9, 2018.

**S250604**      E070821 Fourth Appellate District, Div. 2      **DODSON (RYAN LEE) ON  
H.C.**

Extension of time granted

On application of petitioner and good cause appearing, it is ordered that the time to serve and file the reply to answer to petition for review is extended to October 11, 2018.

**S250421**      F077588 Fifth Appellate District      **ROUNTREE (CHARLES F.) v.  
S.C. (PEOPLE)**

Order filed

The petition for writ of mandate filed on August 6, 2018, will be treated as a petition for review filed the same date. The time for granting or denying review is extended to November 5, 2018. (Cal. Rules of Court, rule 8.512(b)(1).)

**S251097****VILLARREAL (NOE C.) v.  
S.C. (PEOPLE)**

Transferred to Court of Appeal, Fifth Appellate District

The above-entitled matter is transferred to the Court of Appeal, Fifth Appellate District, for consideration in light of *Hagan v. Superior Court* (1962) 57 Cal.2d 767. In the event the Court of Appeal determines that this petition is substantially identical to a prior petition, the repetitious petition must be denied.

**SUPREME COURT MINUTES  
TUESDAY, OCTOBER 2, 2018  
SAN FRANCISCO, CALIFORNIA**

The Supreme Court of California convened in the courtroom of the Earl Warren Building, 350 McAllister Street, Fourth Floor, San Francisco, California, on October 2, 2018, at 9:00 a.m.

Present: Chief Justice Tani Cantil-Sakauye, presiding, and Associate Justices Chin, Corrigan, Liu, Cuéllar, and Kruger.

Officers present: Jorge Navarrete, Clerk and Executive Officer, and Gail Gray, Calendar Coordinator.

The Honorable Ronald B. Robie, Associate Justice, Court of Appeal, Third Appellate District, sitting on the following case, under assignment by the Chairperson of the Judicial Council, joined the court at the bench.

S219783                      Sierra Club et al., Plaintiffs and Appellants,  
v.  
County of Fresno et al., Defendants and Respondents;  
Friant Ranch, L.P., Real Party in Interest.

Cause called. James G. Moose argued for Respondents and Real Party in Interest.

Susan Brandt-Hawley and Sara Hedgpeth-Harris argued for Appellants.

Mr. Moose replied.  
Cause submitted.

Justice Robie departed the bench. The court is now joined at the bench by the Honorable Laurence D. Rubin, Associate Justice, Court of Appeal, Second Appellate District, Division Eight, sitting on the following case, and is under assignment by the Chairperson of the Judicial Council.

S242030

Leo Avitia, Petitioner,  
v.  
Superior Court of San Joaquin County, Respondent;  
The People, Real Party in Interest.

Cause called. David J. Cohen argued for Petitioner.  
Catherine Chatman, Office of the Attorney General, argued for Real Party  
in Interest.

Mr. Cohen replied.  
Cause submitted.

Justice Rubin departed the bench. The court is now joined at the bench by the Honorable Rosendo Peña, Jr., Associate Justice, Court of Appeal, Fifth Appellate District, sitting on the following case, and is under assignment by the Chairperson of the Judicial Council.

S241324

Dr. Leevil, LLC, Plaintiff and Respondent,  
v.  
Westlake Health Care Center, Defendant and Appellant.

Cause called. Teri T. Pham argued for Appellant.  
Ronald Richards argued for Respondent.

Ms. Pham replied.  
Cause submitted.

Court recessed until 1:30 p.m. this date.

Court reconvened pursuant to recess at its courtroom in the Earl Warren Building, 350 McAllister Street, Fourth Floor, San Francisco, California.

Members of the court and officers present as first shown. The court is now joined by the Honorable Peter J. Siggins, Presiding Justice, Court of Appeal, First Appellate District, Division Three, sitting on the following case, and is under assignment by the Chairperson of the Judicial Council.

S241655                      Jazmina Gerard et al., Plaintiffs and Appellants,  
   v.  
   Orange Coast Memorial Medical Center, Defendant and Respondent.

Cause called. Ryan H. Wu argued for Appellants.  
Richard J. Simmons argued for Respondent.

Mr. Wu replied.  
Cause submitted.

Justice Siggins departed the bench. The court is now joined at the bench by the Honorable Stuart R. Pollak, Associate Justice, Court of Appeal, First Appellate District, Division Three, sitting on the following case, and is under assignment by the Chairperson of the Judicial Council.

S233973                      The People, Plaintiff and Respondent,  
   v.  
   Ruben Phillip Franco, Defendant and Appellant.

Cause called. Allison Ting argued for Appellant.  
Theresa A. Patterson, Office of the Attorney General, argued for  
Respondent.

Ms. Allison replied.  
Cause submitted.

Justice Pollak departed the bench. The court is now joined at the bench by the Honorable John L. Segal, Associate Justice, Court of Appeal, Second Appellate District, Division Seven, sitting on the following case, and is under assignment by the Chairperson of the Judicial Council.



S225562

The People, Petitioner,  
v.  
Superior Court of Orange County, Respondent;  
Richard Anthony Smith, Real Party in Interest.

Cause called. Mark S. Brown, Office of the Public Defender, argued for  
Real Party in Interest.  
Elizabeth Molfetta, Office of the District Attorney, argued for Petitioner.

Mr. Brown replied.  
Cause submitted.

Court recessed until Wednesday, October 3, 2018, at 9:00 a.m.