



NEWS RELEASE

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FOR IMMEDIATE RELEASE

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Summary of Cases Accepted and Related Actions for Week of February 25, 2013

[This news release is issued to inform the public and the press of cases that the Supreme Court has accepted and of their general subject matter. The statement of the issue or issues in each case set out below does not necessarily reflect the view of the court, or define the specific issues that will be addressed by the court.]

#13-25 *Beacon Residential Community Assn. v. Skidmore, Owings & Merrill LLP, S208173.* (A134542; 211 Cal.App.4th 1301; San Francisco County Superior Court; CGC-08-478453.) Petition for review after the Court of Appeal reversed the judgment in a civil action. This case presents the following issue: May an architect who provides services to a residential developer be liable to the eventual purchasers of the residences for negligence in the rendition of those services?

#13-26 *Central Coast Forest Assn. v. Fish & Game Com., S208181.* (C060569; 211 Cal.App.4th 1433; Sacramento County Superior Court; 07CS00851.) Petition for review after the Court of Appeal reversed the judgment in an action for writ of administrative mandate. The court limited review to the following issues: (1) Under the California Endangered Species Act, Fish and Game Code section 2050 et seq., may the Fish and Game Commission consider a petition to delist a species on the ground that the original listing was in error? (2) If so, does the petition at issue here contain sufficient information to warrant the Commission's further consideration?

#13-27 *People v. Gonzalez, S207830.* (D059713; 211 Cal.App.4th 405; San Diego County Superior Court; SCD228173.) Petition for review after the Court of Appeal affirmed in part and reversed in part a judgment of conviction of criminal offenses. This case presents the following issue: Was defendant properly convicted of both oral copulation of an unconscious person and oral copulation of an intoxicated person? (See *People v. Craig* (1941) 17 Cal.2d 453.)

STATUS

#11-130 *Salas v. Sierra Chemical Co., S196568.* The court requested the parties to submit supplemental briefs addressing the following question: Does federal immigration law preempt state law and thereby preclude an undocumented worker from obtaining, as a remedy for a violation of “state labor and employment laws” (Lab. Code, § 1171.5; Civ. Code, § 3339; Gov. Code, § 7285; Health & Saf. Code, § 24000), an award of compensatory remedies, including back pay? (See *Hoffman Plastic Compounds, Inc. v. NLRB* (2002) 535 U.S. 137.)

#12-04 *People v. G3 Holistic, Inc., S198395.* In this case in which review was previously granted, the court ordered further proceedings deferred pending decision in *City of Riverside v. Inland Empire Patient’s Health & Wellness Center, Inc., S198638* (#12-03), which includes issues concerning preemption, under federal or state law, of local ordinances regulating or banning the operation of medical marijuana dispensaries and related activities.

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