



NEWS RELEASE

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Summary of Cases Accepted During the Week of March 12, 2012

[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.]

#12-21 *Apple Inc. v. Superior Court, S199384.* (B238097; no opinion; Los Angeles County Superior Court; BC463305.) Petition for review after the Court of Appeal denied a petition for peremptory writ of mandate. The court issued an order to show cause.

#12-22 *eHarmony, Inc. v. Superior Court, S199406.* (B238138; no opinion; Los Angeles County Superior Court; BC462494.) Petition for review after the Court of Appeal denied a petition for peremptory writ of mandate. The court issued an order to show cause.

#12-23 *Ticketmaster LLC v. Superior Court, S199412* (B238129; no opinion; Los Angeles County Superior Court; BC462492.) Petition for review after the Court of Appeal denied a petition for peremptory writ of mandate. The court issued an order to show cause.

Apple, eHarmony, and Ticketmaster present the following issue: Does the Song-Beverly Credit Card Act of 1971 (Civ. Code, § 1747 et seq.), which prohibits retailers from recording a customer's personal identification information when the customer uses a credit card in a transaction, preclude on-line retailers from obtaining and recording a purchaser's address and telephone number as a prerequisite to accepting a credit card as payment for a purchase of an item that does not need to be shipped to the purchaser?

#12-24 *Harrison v. Board of Parole Hearings, S199830.* (E051465; 202 Cal.App.4th 340; Los Angeles County Superior Court; FELSS1001624.) Petition for review after the Court of Appeal reversed an order of commitment as a Mentally Disordered Offender. This case presents the following issue: Are the evaluation and certification requirements of Penal Code section 2962, subdivision (d), substantive requirements for the initial commitment of a mentally disorder offender that must be admitted by the offender or found true by the trier of fact?

#12-25 *Rose v. Bank of America, N.A., S199074.* (B230859; 200 Cal.App.4th 1441; Los Angeles County Superior Court; BC433460.) Petition for review after the Court of Appeal affirmed the judgment in a civil action. This case presents the following issue: Can a cause of action under the Unfair Competition Law (Bus. & Prof. Code, § 17200 et seq.) be predicated on an alleged violation of the Truth in Savings Act (12 U.S.C. § 4301 et seq.), despite Congress's repeal of the private right of action initially provided for under that Act?

#12-26 *Aleman v. AirTouch Cellular, S199642.* (B231142; 202 Cal.App.4th 117; Los Angeles County Superior Court; BC369372.) Petition for review after the Court of Appeal affirmed in part and reversed in party the judgment in a civil action. The court ordered briefing deferred pending decision in *Kirby v. Immoos Fire Protection, Inc.*, S185827 (#10-132), which presents the following issues: (1) Does Labor Code section 1194 apply to a cause of action alleging meal and rest period violations (Lab. Code, § 226.7) or may attorney's fees be awarded under Labor Code section 218.5? (2) Is our analysis affected by whether the claims for meal and rest periods are brought alone or are accompanied by claims for minimum wage and overtime?

#12-27 *People v. Hass, S199833.* (D058263; nonpublished opinion; San Diego County Superior Court; SCD225553.) Petition for review after the Court of Appeal modified and affirmed a judgment of conviction of criminal offenses. The court ordered briefing deferred pending decision in *People v. Mosley*, S187965 (#11-07), which includes the following issue: Does the discretionary imposition of lifetime sex offender registration, which includes residency restrictions that prohibit registered sex offenders from living "within 2000 feet of any public or private school, or park where children regularly gather" (Pen. Code, § 3003.5, subd. (b)), increase the "penalty" for the offense within the meaning of *Apprendi v. New Jersey* (2000) 530 U.S. 466, and require that the facts supporting the trial court's imposition of the registration requirement be found true by a jury beyond a reasonable doubt?

#12-28 *People v. Jerry Z., S199289.* (A127878; 201 Cal.App.4th 296; Contra Costa County Superior Court; 9706326.) Petition for review after the Court of Appeal reversed the denial of post-judgment relief from a conviction of a criminal offense. The court ordered briefing deferred pending decision in *Doe v. Harris*, S191948 (#11-68), which

presents the following issue: Under California law of contract interpretation as applicable to the interpretation of plea agreements, does the law in effect at the time of a plea agreement bind the parties or can the terms of a plea agreement be affected by changes in the law?

DISPOSITION

Review in the following case was dismissed:

#12-06 Traudt v. City of Dana Point, S197700.

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