



NEWS RELEASE

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FOR IMMEDIATE RELEASE

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Summary of Cases Accepted and Related Actions for Week of April 8, 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.]

#13-33 *Gregory v. Cott, S209125.* (B237645; 213 Cal.App.4th 41; Los Angeles County Superior Court; SC109507.) Petition for review after the Court of Appeal affirmed the summary judgment in a civil action. This case presents the following issue: Did the doctrine of primary assumption of the risk bar the complaint for damages brought by an in-home caregiver against an Alzheimer's patient and her husband for injuries the caregiver received when the patient lunged at her?

#13-34 *Flores v. West Covina Auto Group, LLC, S208716.* (B238265; 212 Cal.App.4th 895; Los Angeles County Superior Court; BC441761.) Petition for review after the Court of Appeal affirmed an order granting a petition to compel arbitration in a civil action. The court ordered briefing deferred pending decision in *Iskanian v. CLS Transportation Los Angeles, LLC, S204032* (#12-97), which includes the following issue: Did *AT&T Mobility LLC v. Concepcion* (2011) 563 U.S. __ [131 S. Ct. 1740, 179 L.Ed.2d 742] impliedly overrule *Gentry v. Superior Court* (2007) 42 Cal.4th 443 with respect to contractual class action waivers in the context of non-waivable labor law rights?

#13-35 *People v. Silva, S208313.* (B225127; nonpublished opinion; Los Angeles County Superior Court; PA062172.) Petition for review after the Court of Appeal remanded for resentencing and otherwise affirmed a judgment of conviction of criminal offenses. The court ordered briefing deferred pending decision in *People v. Gutierrez, S206365* (#13-01), and *People v. Moffett, S206771* (#13-03), which present issues concerning the sentencing of juvenile offenders under Penal Code section 190.5, subdivision(b), in light of *Miller v. Alabama* (2012) 567 U.S. __ [132 S.Ct. 2455].

DISPOSITIONS

The following cases were transferred for reconsideration in light of *Apple Inc. v. Superior Court* (2013) 56 Cal.4th 128:

#12-22 *eHarmony, Inc. v. Superior Court, S199406.*

#12-23 *Ticketmaster LLC v. Superior Court, S199412.*

STATUS

#09-54 *Loeffler v. Target Corp., S173972.* The court requested the parties to file supplemental letter briefs addressing whether and, if so, in what manner the doctrine of primary jurisdiction (see *Jonathan Neil & Assoc., Inc. v. Jones* (2004) 33 Cal.4th 917, 931-937), appropriately may be invoked and applied in the present case, including whether the issue was preserved in the trial and appellate courts and whether article XIII, section 32 of the California Constitution would be implicated by applying the doctrine.

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