



NEWS RELEASE

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Summary of Cases Accepted and Related Actions for Week of May 14, 2012

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

#12-52 *Duran v. U.S. Bank National Assn., S200923.* (A125557, A126827; 203 Cal.App.4th 212, mod. 203 Cal.App.4th 1042b; Alameda County Superior Court; 2001035537.) Petition for review after the Court of Appeal reversed the judgment in a civil action. This case presents issues concerning the certification of class actions in wage and hour misclassification litigation and the use of representative testimony and statistical evidence at trial of such a class action.

#12-53 *In re Garcia on Admission, S202512.* Original proceeding. The court ordered The Committee of Bar Examiners of the State Bar of California to show cause before this court why its motion for admission of Sergio C. Garcia to the State Bar of California should be granted. This case includes the following issues: (1) Does 8 U.S.C. section 1621(c) apply and preclude this court's admission of an undocumented immigrant to the State Bar of California? Does any other statute, regulation, or authority preclude the admission? (2) Is there any state legislation that provides — as specifically authorized by 8 U.S.C. section 1621(d) — that undocumented immigrants are eligible for professional licenses in fields such as law, medicine, or other professions, and, if not, what significance, if any, should be given to the absence of such legislation? (3) Does the issuance of a license to practice law impliedly represent that the licensee may be legally employed as an attorney? (4) If licensed, what are the legal and public policy limitations, if any, on an undocumented immigrant's ability to practice law? (5) What, if any, other public policy concerns arise with a grant of this application?

#12-54 *Western States Petroleum Assn. v. Board of Equalization, S200475.* (B225932; 202 Cal.App.4th 1092; Los Angeles County Superior Court; BC403167.) Petition for review after the Court of Appeal affirmed the judgment in a civil action. This case presents the following issues: (1) Was the economic impact statement prepared by the State Board of Equalization prior to adopting Property Tax Rule 474 (Cal. Code Regs., tit. 18, § 474) adequate under the standards prescribed by Government Code section 11346.5? (2) Is Property Tax Rule 474 inconsistent with Revenue and Taxation Code section 51, subdivision (d), and thus invalid pursuant to Government Code section 11342.2?

#12-55 *City of Lake Forest v. Lake Forest Wellness Center and Collective, S201372.* (G043817, G043867; nonpublished opinion; Orange County Superior Court; 30-2009-00298887.) Petition for review after the Court of Appeal reversed the issuance of a preliminary injunction in a civil action.

#12-56 *City of Lake Forest v. Evergreen Holistic Collective, S201454.* (G043909; 203 Cal.App.4th 1413, mod. 204 Cal.App.4th 704a; Orange County Superior Court; 30-2009-00298887.) Petition for review after the Court of Appeal reversed the issuance of a preliminary injunction in a civil action.

The court ordered briefing in these two matters 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.

#12-57 *People v. Kidd, S200237.* (C062075; nonpublished opinion; Sacramento County Superior Court; 07F01299.) Petition for review after the Court of Appeal affirmed in part and reversed in part judgments of conviction of criminal offenses. The court ordered briefing deferred pending decision in *People v. Caballero*, S190647 (#11-36), which presents the following issue: Does a sentence of 110 years to life for a juvenile convicted of committing non-homicide offenses constitute cruel and unusual punishment under the Eighth Amendment on the ground it is the functional equivalent of a life sentence without the possibility of parole? (See *Graham v. Florida* (2010) 560 U.S. ___, 130 S.Ct. 2011, 176 L.Ed.2d 825.)

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