



NEWS RELEASE

Contact: [Leanne Kozak](mailto:Leanne.Kozak@courts.ca.gov), 916-263-2838

FOR IMMEDIATE RELEASE

June 15, 2012 (S.C. 24/12)

Summary of Cases Accepted and Related Actions for Week of June 11, 2012

[This news release is issued to inform the public about 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.]

#12-62 *Boysel v. Superior Court, S202324.* (G045202; 204 Cal.App.4th 854; Orange County Superior Court; M11247.) Petition for review after the Court of Appeal denied without prejudice a petition for peremptory writ of mandate or prohibition.

#12-63 *Reilly v. Superior Court, S202280.* (G045118; 204 Cal.App.4th 829; Orange County Superior Court; M11860.) Petition for review after the Court of Appeal granted a petition for peremptory writ of mandate.

#12-64 *Wright v. Superior Court, S202320.* (G045203; 204 Cal.App.4th 879; Orange County Superior Court; M10012.) Petition for review after the Court of Appeal denied without prejudice a petition for peremptory writ of mandate or prohibition.

Boysel, Reilly, and Wright present the following issue: Was petitioner entitled to dismissal of a petition for commitment under the Sexually Violent Predator Act (Welf. & Inst. Code, § 6600 et seq.) when the evaluations originally supporting the filing of the petition were conducted under an assessment protocol that was later found to constitute an invalid regulation and the results of reevaluation under a properly-adopted assessment protocol would have precluded the initial filing of the petition under Welfare and Institutions Code section 6601?

#12-65 *Donkin v. Donkin, S202210.* (B228704; 204 Cal.App.4th 622; Los Angeles County Superior Court; BP109463.) Petition for review after the Court of Appeal affirmed in part and reversed in part the judgment in a probate proceeding. This case presents the following issues: Did any of the proposed challenges to the disposition of

the trust at issue in this case trigger the trust's no contest clause? Can a challenge that is founded on an alleged breach of fiduciary duty by a trustee violate a no contest clause?

#12-66 *In re Joey V., S201376.* (F062051; nonpublished opinion; Fresno County Superior Court; 09CEJ601172-1V5.) Petition for review after the Court of Appeal reversed an order in a juvenile wardship proceeding. The court ordered briefing deferred pending decision in *In re W.B.*, S181638 (#10-58), which presents the following issue: Is Welfare and Institutions Code section 224.3, which requires tribal notification under the Indian Child Welfare Act (25 U.S.C. § 1901 et seq.) of a juvenile delinquency proceeding (Welf. & Inst. Code, § 602) when a juvenile is charged with an act that would be a crime if committed by an adult, preempted because it expands jurisdiction to proceedings expressly excluded from the Act?

#12-67 *Mayers v. Volt Management Corp., S200709.* (G045036; 203 Cal.App.4th 1194; Orange County Superior Court; 30-2010-00430432.) Petition for review after the Court of Appeal affirmed an order denying a petition to compel arbitration. The court ordered briefing deferred pending decision in *Sanchez v. Valencia Holding Co. LLC*, S199119 (#12-33), which includes the following issue: Does the Federal Arbitration Act (9 U.S.C. § 2), as interpreted in *AT&T Mobility LLC v. Concepcion* (2011) 563 U. S. ___, 131 S.Ct. 1740, preempt state law rules invalidating mandatory arbitration provisions in a consumer contract as procedurally and substantively unconscionable?

DISPOSITIONS

Review in the following cases was dismissed in light of *Quarry v. Doe* (2012) 53 Cal.4th 945:

#09-32 *K.J. v. Roman Catholic Bishop of Stockton, S173042.*

#09-73 *D.D. v. Roman Catholic Bishop of Stockton, S176451.*

#09-74 *L.A. v. Roman Catholic Bishop of Stockton, S176483.*

#10-11 *Doe v. Roman Catholic Bishop of San Diego, S178748.*

#11-23 *Roe v. Doe, S189814.*

#11-35 *Roe 58 v. Doe 1, S190923.*

#11-64 *Doe v. Roman Catholic Bishop of Stockton, S192658.*

###