



Supreme Court of California
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NEWS RELEASE

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FOR IMMEDIATE RELEASE

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Summary of Cases Accepted and Related Actions for Week of June 23, 2014

[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.]

#14-62 *City of San Jose v. Superior Court, S218066.* (H039498; 225 Cal.App.4th 75, mod. 225 Cal.App.4th 568c; Santa Clara County Superior Court; CV150427.) Petition for review after the Court of Appeal granted a petition for peremptory writ of mandate. This case presents the following issue: Are written communications pertaining to city business, including email and text messages, which (a) are sent or received by public officials and employees on their private electronic devices using their private accounts, (b) are not stored on city servers, and (c) are not directly accessible by the city, “public records” within the meaning of the California Public Records Act?

#14-63 *People v. Grewal, S217896.* (F065450, F065451, F065689; 224 Cal.App.4th 527; Kern County Superior Court; CV-276959, CV-276961, CV-276958.) Petitions for review after the Court of Appeal affirmed the issuance of preliminary injunctions in a civil action.

#14-64 *People v. Nasser, S217979.* (F066645, F066646; nonpublished opinion; Kern County Superior Court; CV-276603, CV-276962.) Petition for review after the Court of Appeal affirmed the issuance of preliminary injunctions in a civil action.

Grewal and *Nasser* include the following issue: Are the internet café games at issue in these cases subject to Penal Code section 330b, subdivision (d), on the ground they constitute “slot machine[s] or device[s]”?

#14-65 *Property Reserve v. Superior Court, S217738.* (C067758, C067765, C068469; 224 Cal.App.4th 828; San Joaquin County Superior Court; 4594.) Petition for review after the Court

of Appeal affirmed in part and reversed in part an order granting a petition for precondemnation entry. The court limited review to the following issues: (1) Do the geological testing activities proposed by the Department of Water Resources constitute a taking? (2) Do the environmental testing activities set forth in the February 22, 2011, entry order constitute a taking? (3) If so, do the precondemnation entry statutes (Code Civ. Proc., §§ 1245.010-1245.060) provide a constitutionally valid eminent domain proceeding for the taking?

#14-66 *People v. Canizales*, S217860. (E054056; 224 Cal.App.4th 440; San Bernardino County Superior Court; FVA1001265.) Petition for review after the Court of Appeal affirmed judgments of conviction of criminal offenses. The court ordered briefing deferred pending finality of the decision in *People v. Chiu* (June 2, 2014, S202724) __ Cal.4th __, 2014 WL 2450814, which held that an aider and abettor cannot be convicted of first degree premeditated murder under the natural and probable consequences doctrine of derivative liability.

#14-67 *Cheroti v. Harvey & Madding*, S218724. (A135553; nonpublished opinion; Alameda County Superior Court; HG10500986.) Petition for review after the Court of Appeal reversed an order denying a petition to compel arbitration in a civil action. 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?

#14-68 *Ybarra v. Apartment Investment & Management Co.*, S217994. (B245901; nonpublished opinion; Los Angeles County Superior Court; BC480377.) Petition for review after the Court of Appeal reversed an order denying 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] 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?

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The Supreme Court of California is the state's highest court and its decisions are binding on all other California state courts. The court's primary role is to decide matters of statewide importance and to maintain uniformity in the law throughout California by reviewing matters from the six districts of the California Courts of Appeal and the fifty-eight county superior courts (the trial courts). Among its other duties, the court also decides all capital appeals and related matters and reviews both attorney and judicial disciplinary matters.