



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 July 14, 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.]*

**#14-76 *Centinela Freeman Emergency Medical Associates v. Health Net of California, Inc.*, S218497.** (B238867; 225 Cal.App.4th 237; Los Angeles County Superior Court; BC449056.) Petition for review after the Court of Appeal reversed the judgment in a civil action. This case presents the following issues: (1) Does the delegation — by a health care service plan (HMO) to an independent physicians association (IPA), under Health and Safety Code section 1371.4, subdivision (e) — of the HMO's responsibility to reimburse emergency medical service providers for emergency care provided to the HMO's enrollees relieve the HMO of the ultimate obligation to pay for emergency medical care provided to its enrollees by non-contracting emergency medical service providers, if the IPA becomes insolvent and is unable to pay? (2) Does an HMO have a duty to emergency medical service providers to protect them from financial harm resulting from the insolvency of an IPA which is otherwise financially responsible for the emergency medical care provided to its enrollees?

**#14-77 *People v. Friday*, S218288.** (H039404; 225 Cal.App.4th 8; Santa Clara County Superior Court; C1240683.) Petition for review after the Court of Appeal modified and affirmed a judgment of conviction of a criminal offense.

**#14-78 *People v. Garcia*, S218197.** (H039603; 224 Cal.App.4th 1283; Santa Clara County Superior Court; C1243927.) Petition for review after the Court of Appeal affirmed a judgment of conviction of a criminal offense.

**#14-79 *People v. Klatt, S218755.*** (H038755; 225 Cal.App.4th 906; Santa Clara County Superior Court; C1094633.) Petition for review after the Court of Appeal modified and affirmed a judgment of conviction of criminal offenses. Petition for review after the Court of Appeal affirmed a judgment of conviction of a criminal offense.

*Friday, Garcia, and Klatt* present the following issue: Are the conditions of probation mandated by Penal Code section 1203.067, subdivision (b), for persons convicted of specified felony sex offenses — including waiver of the privilege against self-incrimination, required participation in polygraph examinations, and waiver of the psychotherapist-patient privilege — constitutional?

**#14-80 *Horiike v. Coldwell Banker Residential Brokerage Co., S218734.*** (B246606; 225 Cal.App.4th 427; Los Angeles County Superior Court; SC110477.) Petition for review after the Court of Appeal reversed the judgment in a civil action. This case presents the following issue: When the buyer and the seller in a residential real estate transaction are each independently represented by a different salesperson from the same brokerage firm, does Civil Code section 2079.13, subdivision (b), make each salesperson the fiduciary to both the buyer and the seller with the duty to provide undivided loyalty, confidentiality and counseling to both?

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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.*