



NEWS RELEASE

Release Number: **S.C. 32/11**

Release Date: **August 12, 2011**

JUDICIAL COUNCIL OF
CALIFORNIA
ADMINISTRATIVE OFFICE
OF THE COURTS
Public Information Office
455 Golden Gate Avenue
San Francisco, CA 94102-3688
www.courts.ca.gov

415-865-7740

Lynn Holton
Public Information Officer

Summary of Cases Accepted During the Week of August 8, 2011

[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.]

#11-94 California Redevelopment Assn. v. Matosantos, S194861.

Original proceeding. The court issued an order to show cause directing the parties to show cause why the relief prayed for in the petition for writ of mandate should not be granted. This case involves the validity of recent legislation (Stats. 2011, 1st Ex. Sess. 2011-2012, ch. 5 [Assem. Bill No. 26 X1]; Stats. 2011, 1st Ex. Sess. 2011-2012, ch. 6 [Assem. Bill No. 27 X1]) dissolving and reenacting with changes the statutory framework for redevelopment agencies.

#11-95 Ceja v. Rudolph & Sletten, Inc., S193493. (H034826; 194 Cal.App.4th 584; Santa Clara County Superior Court; CV112520, CV115283.) Petition for review after the Court of Appeal reversed the judgment in a civil action. This case presents the following issue: Is a person's good faith belief in the validity of a marriage measured by an objective or subjective standard for the purpose of determining the person's status as a putative spouse under Code of Civil Procedure section 377.60?

#11-96 DiCampli-Mintz v. County of Santa Clara, S194501.

(H034160; 195 Cal.App.4th 1327; Santa Clara County Superior Court; CV089159.) Petition for review after the Court of Appeal reversed the judgment in a civil action. This case presents the following issue: Did plaintiff substantially comply with the statutory requirement that her claim against the county for medical negligence be presented "to the clerk, secretary or auditor thereof" or mailed to "the governing body"

(Gov. Code, § 915, subd. (a)) by delivering the claim to the risk management department of the county hospital where the injury allegedly occurred?

#11-97 *People ex re. Harris v. Pac Anchor Transportation, Inc., S194388.* (B220966; 195 Cal.App.4th 765; Los Angeles County Superior Court; BC397600.) Petition for review after the Court of Appeal reversed the judgment in a civil action. This case presents the following issue: Is an action under the Unfair Competition Law (Bus. & Prof. Code, § 17200 et seq.) that is based on a trucking company’s alleged violation of state labor and insurance laws “related to the price, route, or service” of the company and, therefore, preempted by the Federal Aviation Administration Authorization Act of 1994 (49 U.S.C. § 14501)?

#11-98 *Hayes v. County of San Diego, S193997.* (9th Cir. No. 09-55644; __ F.3d __, 2011 WL 2315191; Southern District of California, 3:07-cv-01738-DMS-JMA.) Request under California Rules of Court, rule 8.548, that this court decide a question of California law presented in a matter pending in the United States Court of Appeals for the Ninth Circuit. As restated by the court, the question presented is: “Whether under California negligence law, liability can arise from tactical conduct and decisions employed by law enforcement preceding the use of deadly force.”

#11-99 *People v. Park, S193938.* (D056619; nonpublished opinion; San Diego County Superior Court; SCD210936.) Petition for review after the Court of Appeal affirmed a judgment of conviction of criminal offenses. The court limited review to the following issue: Should the enhancement imposed on defendant under Penal Code section 667, subdivision (a), be stricken because his prior conviction for a serious felony was reduced to a misdemeanor under Penal Code section 17, subdivision (b), and dismissed under Penal Code section 1203.4?

#11-100 *Diaz v. Bunkey, S194150.* (B225548; 195 Cal.App.4th 315, mod. 195 Cal.App.4th 1274d; San Luis Obispo County Superior Court; PR090337.) Petition for review after the Court of Appeal affirmed an order in a probate proceeding. The court ordered briefing deferred pending decision in *Pinnacle Museum Tower Assn. v. Pinnacle Market Development (US), LLC, S186149* (#10-127), which includes the following issue: Is a homeowners association bound by an arbitration provision contained in the covenants, conditions and restrictions for a common interest development that were executed and recorded prior to the time the association came into existence?