



Supreme Court of California
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NEWS RELEASE

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FOR IMMEDIATE RELEASE

August 22, 2014

Summary of Cases Accepted and Related Actions for Week of August 18, 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.]

#14-96 *People v. Brown, S218993*. (D064641; 226 Cal.App.4th 142; San Diego County Superior Court; SCS264898.) Petition for review after the Court of Appeal affirmed a judgment of conviction of a criminal offense. This case presents the following issues: (1) Was defendant detained when a deputy sheriff stopped his patrol car immediately behind defendant's parked vehicle and activated the patrol car's emergency lights? (2) In the alternative, did the deputy have reasonable suspicion to detain defendant?

#14-97 *Haver v. BNSF Railway Co., S219919*. (B246527; 226 Cal.App.4th 1104, mod. 226 Cal.App.4th 1376b; Los Angeles County Superior Court; BC435551.) Petition for review after the Court of Appeal affirmed the judgment in a civil action.

#14-98 *Kesner v. Superior Court, S219534*. (A136378, A136416; 226 Cal.App.4th 251; Alameda County Superior Court; RG11578906.) Petition for review after the Court of Appeal reversed the judgment in a civil action.

Haver and *Kesner* present the following issue: If an employer's business involves either the use or the manufacture of asbestos-containing products, does the employer owe a duty of care to members of an employee's household who could be affected by asbestos brought home on the employee's clothing?

#14-99 *People v. Tirey, S219050*. (G048369; 225 Cal.App.4th 1150; Orange County Superior Court; M14588.) Petition for review after the Court of Appeal affirmed an order denying a petition for certificate of rehabilitation. The court ordered briefing

deferred pending decision in *Johnson v. California Department of Justice*, S209167 (#13-39), which includes the following issues: Do the equal protection principles of *People v. Hofsheier* (2006) 37 Cal.4th 1185 bar mandatory sex offender registration for a defendant convicted of oral copulation between a “person over the age of 21 years” and a “person who is under 16 years of age” (Pen. Code, § 288a, subd. (b)(2))? Should the court overrule *People v. Hofsheier* (2006) 37 Cal.4th 1185?

DISPOSITIONS

Review in the following case was dismissed in light of *Long Beach Police Officers Assn. v. City of Long Beach* (2014) 59 Cal.4th 59:

#13-76 *Federated University Police Officers Assn. v. Superior Court*, S213024.

Review in the following case was dismissed in light of the denial by the United States Supreme Court of the petition for certiorari in *Medtronic, Inc. v. Stengel*, No. 12-1351:

#14-44 *Coleman v. Medtronic, Inc.*, S217050. The opinion of the Court of Appeal, originally printed at 223 Cal.App.4th 413, was ordered republished.

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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.