



Supreme Court of California
350 McAllister Street, San Francisco, CA 94102-4797
www.courts.ca.gov/supremecourt

NEWS RELEASE

Contact: [Cathal Conneely](mailto:Cathal.Conneely@courts.ca.gov), 415-865-7740

FOR IMMEDIATE RELEASE

August 24, 2018

Summary of Cases Accepted and Related Actions During Week of August 20, 2018

[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.]

#18-112 Abbott Laboratories v. Superior Court, S249895. (D072577; 24 Cal.App.5th 1, mod. 24 Cal.App.5th 927b; Orange County Superior Court; 30-2016-00879117.) Petition for review after the Court of Appeal granted a petition for peremptory writ of mandate. This case presents the following issue: Does a district attorney have the authority to recover restitution and civil penalties under the Unfair Competition Law (Bus. & Prof. Code, § 17200 et seq.) for violations occurring outside his or her territorial jurisdiction?

#18-113 Gund v. County of Trinity, S249792. (C076828; 24 Cal.App.5th 185; Trinity County Superior Court; 11CV080.) Review ordered on the court's own motion after the Court of Appeal affirmed the judgment in a civil action. This case presents the following issue: Were plaintiffs engaged in active law enforcement and limited to workers' compensation for their injuries (Lab. Code, § 3366) when a deputy sheriff asked them to check on a neighbor who made a 911 call and the officer allegedly misrepresented the potential danger of the situation?

#18-114 People v. Long, S249274. (E066388; nonpublished opinion; Riverside County Superior Court; RIF113354.) Petition for review after the Court of Appeal reversed an order granting relief on a petition for writ of habeas corpus. This case presents the following issues: (1) Did defense counsel render ineffective assistance by failing to consult a qualified expert on determining time of death and failing to present evidence regarding defendant's clothing around the time of the crime? (2) Did the decision of the Court of Appeal adhere to the controlling standards of appellate review?

#18-115 *Saint Francis Memorial Hospital v. State Dept. of Public Health, S249132.*

(A150545; 24 Cal.App.5th 617; San Mateo County Superior Court; CIV537118.)

Petition for review after the Court of Appeal affirmed the judgment in an action for writ of administrative mandate. This case presents the following issues: (1) Does equitable tolling apply to a petition for writ of mandate to challenge an action by a state regulatory agency that is filed outside the specified period? (2) Is equitable tolling justified on the facts of this case?

DISPOSITION

Review in the following case was dismissed in light of *People v. DeHoyos* (2018) 4 Cal.5th 594, *People v. Page* (2017) 3 Cal.5th 1175, and *People v. Romanowski* (2017) 2 Cal.5th 903:

#17-16 <i>People v. Curtis, S238857.</i>	(C076045; nonpublished opinion; Sacramento County Superior Court; 11F04056, 10F07217)
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STATUS

18-87 *People v. Aledamat, S248105.* The court ordered the parties to brief the following question: Could the jury in this case have concluded that defendant used an inherently deadly weapon in committing the assault without also concluding that defendant used a weapon in a manner that presents a risk of death or great bodily injury?

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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.