



NEWS RELEASE

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FOR IMMEDIATE RELEASE

October 18, 2013

Summary of Cases Accepted and Related Actions During Week of October 14, 2013

[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.]

#13-88 Mendiola v. CPS Security Solutions, Inc., S212704. (B240519; 217 Cal.App.4th 851; Los Angeles County Superior Court; BC391669.) Petition for review after the Court of Appeal affirmed in part and reversed in part an order granting a preliminary injunction in a civil action. This case presents the following issue: Are the guards that defendants provide for construction site security entitled to compensation for all nighttime “on call” hours, or may defendants deduct sleep time depending on the structure of the guards' work shifts?

#13-89 Williams v. Chino Valley Independent Fire Dist., S213100. (E055755; 218 Cal.App.4th 73; San Bernardino County Superior Court; CIVRS801732.) Petition for review after the Court of Appeal affirmed an order awarding costs in a civil action. This case presents the following issue: Is a prevailing defendant in an action under the Fair Employment and Housing Act (Gov. Code, § 12900 et seq.) required to show that the plaintiff's claim was frivolous, unreasonable, or groundless in order to recover ordinary litigation costs?

#13-90 People v. Adderley, S212517. (B235766; nonpublished opinion; Los Angeles County Superior Court; MA036204.) Petition for review after the Court of Appeal remanded for resentencing and otherwise affirmed a judgment of conviction of criminal offenses.

#13-91 In re Pulido, S212759. (A136960; nonpublished opinion; San Mateo County Superior Court; SC29805.) Petition for review after the Court of Appeal granted relief on a petition for writ of habeas corpus.

The court ordered briefing in *Adderley* and *Pulido* deferred pending decision in *People v. Gutierrez*, S206365 (#13-01), and *People v. Moffett*, S206771 (#13-03), which present issues concerning the sentencing of juvenile offenders under Penal Code section 190.5, subdivision(b), in light of *Miller v. Alabama* (2012) 567 U.S. __ [132 S.Ct. 2455].

DISPOSITION

Review in the following case was dismissed in light of *People v. Williams* (2013) 57 Cal.4th 776:

#13-43 *People v. Powell*, S210044.

STATUS

#12-53 *In re Garcia on Admission*, S202512. The court vacated submission of this matter in light of the passage of AB 1024 (2013-2014 Reg. Sess.) by the Legislature, and the approval of that bill by the Governor, and requested the parties and any interested amicus curiae to file supplemental briefs addressing the effect of the recently enacted legislation on the case.

#12-94 *People v. Vargas*, S203744. The court ordered the issues to be briefed and argued limited to the following issue: Did the trial court abuse its discretion under *People v. Superior Court (Romero)* (1996) 13 Cal.45th 497, by failing to dismiss one of defendant's two strikes, given that they arose from the same act?

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