



**SUPREME COURT OF CALIFORNIA
ORAL ARGUMENT CALENDAR
SAN FRANCISCO SESSION
MAY 18 AND 19, 2021**

Due to the COVID-19 coronavirus pandemic and related public health directives from state and local authorities, the procedures specified by Administrative Orders Nos. [2020-03-13 \(Mar. 16, 2020\)](#), [2020-03-27 \(March 27, 2020\)](#), and [2020-08-19 \(August 19, 2020\)](#) apply. Counsel will appear remotely and courtroom seating for the press will be strictly limited to achieve appropriate distancing. The public will continue to have access to argument via live-streaming on the judicial branch website: <https://www.courts.ca.gov/>.

The following cases are placed upon the calendar of the Supreme Court for hearing at its courtroom in the Ronald M. George State Office Complex, Earl Warren Building, 350 McAllister Street, Fourth Floor, San Francisco, California, on May 18 and 19, 2021.

TUESDAY, MAY 18, 2021—9:00 A.M.

- (1) Natarajan (Sundar) v. Dignity Health, S259364
- (2) Shalabi (Luis Alexandro) v. City of Fontana et al., S256665
- (3) Ferra (Jessica) et al. v. Loews Hollywood Hotel, LLC, S259172

1:30 P.M.

- (4) People v. Raybon (Goldy), *and consolidated cases*, S256978

WEDNESDAY, MAY 19, 2021—9:00 A.M.

- (5) People v. Lewis (Vince E.), S260598
- (6) Busker (John) v. Wabtec Corporation et al., S251135
- (7) Mendoza (Leopoldo Pena) et al. v. Fonseca McElroy Grinding Co., Inc., et al., S253574

CANTIL-SAKAUYE

Chief Justice

If exhibits are to be transmitted to this court, counsel must apply to the court for permission. (See Cal. Rules of Court, rule 8.224(c).)

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The following case summaries are issued to inform the public about cases that the California Supreme Court has scheduled for oral argument and of their general subject matter. In most instances, the descriptions set out below are reproduced from the original news release issued when review in each of these matters was granted and are provided for the convenience of the public. The descriptions do not necessarily reflect the view of the court or define the specific issues that will be addressed by the court.

TUESDAY, MAY 18, 2021—9:00 A.M.

(1) *Natarajan (Sundar) v. Dignity Health, S259364*

#20-57 *Natarajan (Sundar) v. Dignity Health, S259364*. (C085906; 42 Cal.App.5th 383; Superior Court of San Joaquin County; STKCVUWM20164821.) Petition for review after the Court of Appeal affirmed the judgment in an action for writ of administrative mandate. This case presents the following issue: Does a physician with privileges at a private hospital have the right to disqualify a hearing officer in a proceeding for revocation of those privileges based on an appearance of bias (see *Haas v. County of San Bernardino* (2002) 27 Cal.4th 1017) or must the physician show actual bias?

(2) *Shalabi (Luis Alexandro) v. City of Fontana et al., S256665*

#19-104 *Shalabi (Luis Alexandro) v. City of Fontana et al., S256665*. (E069671; 35 Cal.App.5th 639; Superior Court of San Bernardino County; CIVDS1314694.) Petition for review after the Court of Appeal reversed the judgment in a civil action. The court limited review to the following issue: Code of Civil Procedure section 12 provides: “The time in which any act provided by law is to be done is computed by excluding the first day, and including the last, unless the last day is a holiday, and then it is also excluded.” In cases where the statute of limitations is tolled, is the first day after tolling ends included or excluded in calculating whether an action is timely filed? (See *Ganahl v. Soher* (1884) 2 Cal.Unrep. 415.)

(3) ***Ferra (Jessica) et al. v. Loews Hollywood Hotel, LLC, S259172***

#20-21 Ferra (Jessica) et al. v. Loews Hollywood Hotel, LLC, S259172. (B283218; 40 Cal.App.5th 1239; Superior Court of Los Angeles County; BC586176.) Petition for review after the Court of Appeal affirmed the judgment in a civil action. The court limited review to the following issue: Did the Legislature intend the term “regular rate of compensation” in Labor Code section 226.7, which requires employers to pay a wage premium if they fail to provide a legally compliant meal period or rest break, to have the same meaning and require the same calculations as the term “regular rate of pay” in Labor Code section 510(a), which requires employers to pay a wage premium for each overtime hour?

1:30 P.M.

(4) ***People v. Raybon (Goldy), and consolidated cases, S256978***

#19-121 People v. Raybon (Goldy), and consolidated cases, S256978. (C084853, C084911, C084960, C084964, C085101; 36 Cal.App.5th 111; Superior Court of Sacramento County; 09F08248, 13F03230, 08F07402, 12F00411, 06F11185.) Petition for review after the Court of Appeal reversed orders denying petitions to recall sentence. This case presents the following issue: Did Proposition 64 [the “Adult Use of Marijuana Act”] decriminalize the possession of up to 28.5 grams of marijuana by adults 21 years of age or older who are in state prison as well as those not in prison?

WEDNESDAY, MAY 19, 2021—9:00 A.M.

(5) ***People v. Lewis (Vince E.), S260598***

#20-78 People v. Lewis (Vince E.), S260598. (B295998; 43 Cal.App.5th 1128; Superior Court of Los Angeles County; TA117431.) Petition for review after the Court of Appeal affirmed an order denying a post-judgment motion in a criminal matter. The court limited review to the following issues: (1) May superior courts consider the record of conviction in determining whether a defendant has made a prima facie showing of

eligibility for relief under Penal Code section 1170.95? (2) When does the right to appointed counsel arise under Penal Code section 1170.95, subdivision (c)?

(6) *Busker (John) v. Wabtec Corporation et al., S251135*

Busker (John) v. Wabtec Corporation et al., S251135. (9th Cir. No. 17-55165; 903 F.3d 881; Central District of California No. 2:15-cv-08194-ODW-AFM.) Request under rule 8.548 of the California Rules of Court 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. The question presented is: “Does work installing electrical equipment on locomotives and rail cars (i.e., the ‘on-board work’ for Metrolink’s [Positive Train Control (PTC)] project) fall within the definition of ‘public works’ under California Labor Code § 1720, subdivision (a)(1), either (a) as constituting ‘construction’ or ‘installation’ under the statute or (b) as being integral to other work performed for the PTC project on the wayside (i.e., the ‘field installation work’)?”

(7) *Mendoza (Leopoldo Pena) et al. v. Fonseca McElroy Grinding Co., Inc., et al., S253574*

Mendoza (Leopoldo Pena) et al. v. Fonseca McElroy Grinding Co., Inc., et al., S253574. (9th Cir. No. 17-15221; 913 F.3d 911; Northern District of California No. 3:15-cv-05143-WHO.) Request under rule 8.548 of the California Rules of Court 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. The question presented is: “Is operating engineers’ offsite ‘mobilization work’ —including the transportation to and from a public works site of roadwork grinding equipment —performed ‘in the execution of [a] public work’ (Cal. Lab. Code, § 1772), such that it entitles workers to ‘not less than the general prevailing rate of per diem wages for work of a similar character in the locality in which the public work is performed’ pursuant to section 1771 of the California Labor Code?”