



**SUPREME COURT OF CALIFORNIA
ORAL ARGUMENT CALENDAR
SAN FRANCISCO SESSION
MAY 24 AND 25, 2022**

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 24 and 25, 2022.

TUESDAY, MAY 24, 2022 — 9:00 A.M.

- (1) Serova (Vera) v. Sony Music Entertainment et al., S260736
- (2) Zolly (Robert) et al. v. City of Oakland, S262634
- (3) B. (Brennon) v. Superior Court of Contra Costa County (West Contra Costa Unified School District et al.), S266254

1:30 P.M.

- (4) People v. Strong (Christopher), S266606
- (5) In re Milton (William) on Habeas Corpus, S259954
- (6) People v. Morelos (Valdamir Fred), [Automatic Appeal], S051968

WEDNESDAY, MAY 25, 2022 — 9:00 A.M.

- (7) People v. Tran (Ronald Tri), [Automatic Appeal], S165998

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 24, 2022 — 9:00 A.M.

(1) *Serova (Vera) v. Sony Music Entertainment et al., S260736*

#20-110 *Serova v. Sony Music Entertainment, S260736.* (B280526; 44 Cal.App.5th 103; Los Angeles County Superior Court; BC548468.) Petition for review after the Court of Appeal affirmed in part and reversed in part an order granting in part and denying in part a special motion to strike in a civil action. This case presents the following issues: (1) Do representations a seller made about a creative product on the product packaging and in advertisements during an ongoing controversy constitute speech in connection with an issue of public interest within the meaning of the anti-SLAPP statute (Code of Civ. Proc., § 425.16)? (2) For purposes of liability under the Unfair Competition Law (Bus. & Prof. Code, § 17200 et seq.) and the Consumer Legal Remedies Act (Civ. Code, § 1750 et seq.), do the seller's marketing representations constitute commercial speech, and does it matter if the seller lacked personal knowledge that the representations were false? (See *Kasky v. Nike, Inc.* (2002) 27 Cal.4th 939.)

(2) *Zolly (Robert) et al. v. City of Oakland, S262634*

#20-209 *Zolly v. City of Oakland, S262634.* (A154986; 47 Cal.App.5th 73; Alameda County Superior Court; RG16821376.) Petition for review after the Court of Appeal affirmed in part and reversed in part the judgment in a civil action. This case presents the following issue: Must city franchise fees that are subject to California Constitution, article XIII C, be reasonably related to the value of the franchise?

(3) *B. (Brennon) v. Superior Court of Contra Costa County (West Contra Costa Unified School District et al.), S266254*

#21-87 *Brennon B. v. Superior Court, S266254.* (A157026; 57 Cal.App.5th 367; Contra Costa County Superior Court; MSC1601005.) Petition for review after the Court of Appeal denied a petition for peremptory writ of mandate. This case presents the following issues: (1) Is a public

school district a “business establishment” within the meaning of the Unruh Civil Rights Act (Civ. Code, § 51)? (2) Even if a public school district is not a “business establishment” under that Act, can it nevertheless be sued under the Act when the alleged discriminatory conduct is actionable under the Americans with Disabilities Act of 1990 (42 U.S.C. § 12101 et seq.)?

1:30 P.M.

(4) *People v. Strong (Christopher)*, S266606

#21-101 *People v. Strong*, S266606. (C091162; nonpublished opinion; Sacramento County Superior Court; 11F06729.) Petition for review after the Court of Appeal affirmed an order denying a post-judgment motion in a criminal matter. This case presents the following issue: Does a felony-murder special circumstance finding (Pen. Code, § 190.2, subd. (a)(17)) made before *People v. Banks* (2015) 61 Cal.4th 788 and *People v. Clark* (2016) 63 Cal.4th 522 preclude a defendant from making a prima facie showing of eligibility for relief under Penal Code section 1170.95?

(5) *In re Milton (William) on Habeas Corpus*, S259954

#20-64 *In re Milton*, S259954. (B297354; 42 Cal.App.5th 977; Los Angeles County Superior Court; TA039953.) Petition for review after the Court of Appeal denied a petition for writ of habeas corpus. This case presents the following issue: Do the limitations of *People v. Gallardo* (2017) 4 Cal.5th 120 on judicial fact-finding concerning the basis for a prior conviction apply retroactively to final judgments? (Compare *In re Milton* (2019) 42 Cal.App.5th 977 with *In re Brown* (2020) 45 Cal.App.5th 699.)

(6) *People v. Morelos (Valdamir Fred)*, [Automatic Appeal], S051968

This matter is an automatic appeal from a judgment of death.

WEDNESDAY, MAY 25, 2022—9:00 A.M.

(7) *People v. Tran (Ronald Tri)*, [Automatic Appeal], S165998

This matter is an automatic appeal from a judgment of death.