



**SUPREME COURT OF CALIFORNIA
ORAL ARGUMENT CALENDAR
SAN FRANCISCO SESSION
SEPTEMBER 6, 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 September 6, 2022.

TUESDAY, SEPTEMBER 6, 2022 — 9:00 A.M.

- (1) Yahoo! Inc. v. National Union Fire Insurance Company of Pittsburgh, Pennsylvania, S253593
- (2) People v. Ramirez (Marcos Antonio), S262010
- (3) People v. Ware (Victor) et al., S263923

1:30 P.M.

- (4) People v. Henderson (Level Omega), S265172
- (5) People v. Miranda-Guerrero (Victor M.), [Automatic Appeal], S118147
- (6) People v. Camacho (Adrian George), [Automatic Appeal], S141080

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, SEPTEMBER 6, 2022 — 9:00 A.M.

(1) *Yahoo! Inc. v. National Union Fire Insurance Company of Pittsburgh, Pennsylvania, S253593*

#19-33 *Yahoo! Inc. v. National Union Fire Ins. Co., S253593.* (9th Cir. No. 17-16452; 913 F.3d 923; Northern District of California No. 5:17-cv-00447-NC.) Request under California Rules of Court rule 8.548, that the California Supreme Court decide a question of California law presented in a matter pending in the United States Court of Appeals for the Ninth Circuit. The court restated the question as follows: “Does a commercial general liability insurance policy that provides coverage for ‘personal injury,’ defined as ‘injury . . . arising out of . . . [o]ral or written publication, in any manner, of material that violates a person’s right of privacy,’ and that has been modified by endorsement with regard to advertising injuries, trigger the insurer’s duty to defend the insured against a claim that the insured violated the Telephone Consumer Protection Act by sending unsolicited text message advertisements that did not reveal any private information?”

(2) *People v. Ramirez (Marcos Antonio), S262010*

#20-148 *People v. Ramirez, S262010.* (F076126; nonpublished opinion; Tuolumne County Superior Court; CRF50964.) Petition for review after the Court of Appeal affirmed a judgment of conviction of a criminal offense. This case presents the following issues: (1) Did the trial court err in ruling that defendant’s overdose on heroin during his jury trial was an implicit waiver of his right to be present and made him voluntarily

absent within the meaning of Penal Code section 1043, subdivision (b)(2)? (2) Did the trial court err in denying the defense motion for a one-day continuance to permit defendant to testify?

(3) *People v. Ware (Victor) et al., S263923*

#20-361 *People v. Ware, S263923.* (D072515; 52 Cal.App.5th 919; San Diego County Superior Court; SCD255884.) Petition for review after the Court of Appeal affirmed in part and reversed in part judgments of conviction of criminal offenses. The court limited review to the following issue: Does sufficient evidence support defendant Hoskins's conviction for conspiracy to commit murder?

1:30 P.M.

(4) *People v. Henderson (Level Omega), S265172*

#20-387 *People v. Henderson, S265172.* (B298366; 54 Cal.App.5th 612; Los Angeles County Superior Court; BA437882.) Petition for review after the Court of Appeal affirmed a judgment of conviction of criminal offenses. The court limited review to the following issue: Does the Three Strikes law (Pen. Code, §§ 667, subd. (c)(6) & (7), 1170.12, subd. (a)(6) & (7)) require consecutive terms on multiple current violent or serious felony convictions, regardless of whether the offenses occurred on the same occasion or arose from the same set of operative facts?

(5) *People v. Miranda-Guerrero (Victor M.), [Automatic Appeal], S118147*

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

(6) *People v. Camacho (Adrian George), [Automatic Appeal], S141080*

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