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## NEWS RELEASE

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# Summary of Cases Accepted During the Week of January 18, 2010

*[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.]*

**#10-05 Cabral v. Ralphs Grocery Co., S178799.** (E044098; 179 Cal.App.4th 1; San Bernardino County Superior Court; RCV089849.) Petition for review after the Court of Appeal reversed the judgment in a civil action. This case presents the following issues: (1) Does a big-rig truck driver owe a duty of care to freeway motorists not to park for non-emergency reasons in an “Emergency Parking Only” area at the side of a freeway? (2) Was the driver’s act of parking in the “Emergency Parking Only” area not a substantial factor, as a matter of law, in causing plaintiff’s injuries in this case?

**#10-06 In re J.H., S179579.** (B212635; 179 Cal.App.4th 1337; Los Angeles County Superior Court; GJ25587.) Review on the court’s own motion after the Court of Appeal modified and affirmed orders in a juvenile wardship proceeding.

**#10-07 In re V.V., S177654.** (B212416; nonpublished opinion; Los Angeles County Superior Court; GJ25585.) Petition for review after the Court of Appeal affirmed orders in a juvenile wardship proceeding.

*J.H.* and *V.V.* present the following issue: Was the evidence insufficient to support the finding that juvenile wards *J.H.* and *V.V.* committed arson in violation of Penal Code section 451, subdivision (c)? Does the “malice” element of arson require the intent to do harm?

**#10-08 In re M.M., S177704.** (E045714; 177 Cal.App.4th 1339; San Bernardino County Superior Court; J220179.) Petition for review after

the Court of Appeal reversed orders in a juvenile wardship proceeding. This case presents the following issue: Is a campus security officer employed by a public school district a “public officer” for purposes of a charge of willfully resisting, delaying, or obstructing a “public officer” in violation of Penal Code section 148?

**#10-09 National Paint & Coatings Assn., Inc. v. South Coast Air Quality Management Dist., S177823.** (G040122; 177 Cal.App.4th 1494; Orange County Superior Court; 03CC00007.) 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 issues: (1) Does Health and Safety Code section 40440, which requires an air quality district to adopt rules requiring use of the “best available retrofit control technology” for air pollution, authorize the district to require technology that does not yet exist? (2) Is technology “available” if it exists and is being used for some, but not all, applications within a particular product category?

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