



JUDICIAL COUNCIL OF
CALIFORNIA
ADMINISTRATIVE OFFICE
OF THE COURTS
Public Information Office
455 Golden Gate Avenue
San Francisco, CA 94102-3688
www.courtinfo.ca.gov

415-865-7740

Lynn Holton
Public Information Officer

NEWS RELEASE

Release Number: **S.C. 05/10**

Release Date: **February 5, 2010**

Summary of Cases Accepted During the Week of February 1, 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.]

#10-10 *Cassell v. Superior Court, S178914.* (B215215; 179 Cal.App.4th 152; Los Angeles County Superior Court; LC070478.) Petition for review after the Court of Appeal granted a petition for peremptory writ of mandate. This case presents the following issues: (1) Are the private conversations of an attorney and client for the purpose of mediation entitled to confidentiality under Evidence Code sections 1115 through 1128? (2) Is an attorney a “participant” in a mediation such that communications between the attorney and his or her client for purposes of mediation must remain confidential under Evidence Code section 1119, subdivision (c) and 1122, subdivision (a)(2)?

#10-11 *Doe v. Roman Catholic Bishop of San Diego, S178748.* (B209557; 178 Cal.App.4th 1382, mod. 179 Cal.App.4th 1029a; Los Angeles County Superior Court; JCCP4297.) Petition for review after the Court of Appeal affirmed the judgment in a civil action. The court ordered briefing deferred pending decision in *Quarry v. Doe 1*, S171382 (#09-30), which presents the following issue: Did the Court of Appeal err in concluding that plaintiffs were entitled to rely on the delayed discovery provisions of the statute of limitations (Code Civ. Proc., § 340.1) for claims of childhood sexual abuse against specified non-perpetrators who knew of the abuse and had the ability to prevent it but failed to do so?

#10-12 *Merrill v. Leslie Controls, Inc., S178957.* (B200006; 179 Cal.App.4th 262; Los Angeles County Superior Court; BC352170.) Petition for review after the Court of Appeal reversed the judgment in a

civil action. The court ordered briefing deferred pending decision in *O'Neil v. Crane Co.*, S177401 (#09-85), which presents the following issue: Can the manufacturer of valves and fittings installed on Navy ships, and designed to be used with asbestos packing, gaskets, and insulation, rely on the “component parts” defense or related theories to preclude strict liability for asbestosis injuries years later suffered by seamen on those ships?

DISPOSITIONS

The court ordered review in the following cases dismissed in light of *21st Century Insurance Co v. Superior Court* (2009) 47 Cal.4th 511:

#07-404 *Allstate Indemnity Co. v. Superior Ct.*, S154726.

#07-405 *Allstate Ins. Co. v. Superior Ct.*, S154815.

#07-406 *Interinsurance Exchange v. Superior Ct.*, S154822.

#07-408 *Wawanesa General Ins. Co. v. Superior Ct.*, S154781.

#