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NEWS RELEASE

Release Number: **S.C. 06/10**

Release Date: **February 11, 2010**

Summary of Cases Accepted During the Week of February 8, 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.]

#10-13 *Gomez v. Superior Court, S179176.* (C060710, C060773; 179 Cal.App.4th 614; Lassen County Superior Court; 47543, CHW2530.) Petition for review after the Court of Appeal denied petitions for peremptory writ of mandate. This case presents the following issue: Does a court commissioner, acting without the consent of the parties, have authority to summarily deny a petition for writ of habeas corpus or a petition for writ of mandate?

#10-14 *Nelson v. Exxon Mobil Corp., S179122.* (C059615, C060271; 179 Cal.App.4th 633; Sacramento County Superior Court; 02AS00535.) Petition for review after the Court of Appeal affirmed an order in a civil action and granted a petition for peremptory writ of mandate. This case presents the following issues: (1) Is the right to recover punitive damages assignable if it arises from an assignable cause of action for property damage, and the property is itself also transferred? (2) If not, may the assignee nonetheless pursue punitive damages if the assignee is merely a continuation of the assignor in a different legal form?

#10-15 *Pineda v. Williams-Sonoma Stores, Inc., S178241.* (D054355; 178 Cal.App.4th 714; San Diego County Superior Court; 37-2008-00086061-CU-BT-CTL.) Petition for review after the Court of Appeal affirmed the judgment in a civil action. The court limited review to the following issue: Does a retailer violate the Song-Beverly Credit Card Act of 1971 (Civ. Code, § 1747 et seq.), which prohibits retailers from recording a customer's "personal identification information" when the customer uses a credit card in a transaction, by recording a customer's zip

code for the purpose of later using it and the customer's name to obtain the customer's address through a reverse search database?

#10-16 *Zhang v. Superior Court*, S178542. (E047207; 178 Cal.App.4th 1081; San Bernardino County Superior Court; CIVVS701287.) Petition for review after the Court of Appeal granted a petition for peremptory writ of mandate. This case presents the following issues: (1) Can an insured bring a cause of action against its insurer under the unfair competition law (Bus. & Prof. Code, § 17200) based on allegations that the insurer misrepresents and falsely advertises that it will promptly and properly pay covered claims when it has no intention of doing so? (2) Does *Moradi-Shalal v. Fireman's Fund Ins. Companies* (1988) 46 Cal.3d 287 bar such an action?

#10-17 *People v. Glenn*, S178140. (G040608; 178 Cal.App.4th 778; San Bernardino County Superior Court; WHCSS0800375.) Petition for review after the Court of Appeal affirmed an order of commitment as a sexually violent predator. The court ordered briefing deferred pending finality of the decision in *People v. McKee* (Jan. 28, 2010, S162823) ___ Cal.4th ___, 2010 WL 308811, which concerns constitutional challenges to the Sexually Violent Predator Act as amended by Proposition 83 in 2006.

#10-18 *People v. Jaimes*, S178358. (E045215; nonpublished opinion; Riverside County Superior Court; CR59141.) Petition for review after the Court of Appeal affirmed an order extending a commitment as a mentally disordered offender. The court ordered briefing deferred pending decision in *People v. Cobb*, S159410 (#08-50), and *People v. Lara*, S155481 (#07-411), which involve whether a defendant is denied due process and a fair trial when a petition for continued involuntary treatment was prosecuted after the defendant's release date.

#10-19 *People v. Minjarez*, S179307. (E048115; nonpublished opinion; Riverside County Superior Court; SWF023937.) Petition for review after the Court of Appeal affirmed an order of dismissal of a criminal proceeding. The court ordered briefing deferred pending decision in *People v. Engram*, S176983 (#09-81), *People v. Hajjaj*, S175307 (#09-61), and *People v. Wagner*, S175794 (#09-62), which include the following issues: (1) Did the trial court err in dismissing this case for violation of defendant's statutory right to a speedy trial on the ground no criminal courtroom was available? (2) Should criminal cases facing dismissal on speedy trial grounds be given precedence over civil cases pursuant to Penal Code section 1050, subdivision (a), either as a matter of law or under the circumstances of this case?

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