



Supreme Court of California
350 McAllister Street, San Francisco, CA 94102-4797
www.courts.ca.gov/supremecourt

NEWS RELEASE

Contact: [Cathal Conneely](mailto:Cathal.Conneely@courts.ca.gov), 415-865-7740

FOR IMMEDIATE RELEASE

February 23, 2018

Summary of Cases Accepted and Related Actions During Week of February 19, 2018

[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.]

#18-35 *Kirzhner v. Mercedes-Benz USA, LLC*, S246444. (G052551; 18 Cal.App.5th 453; Orange County Superior Court; 30-2014-00744604.) Petition for review after the Court of Appeal affirmed an order for restitution in a civil action. This case presents the following issue: When a consumer chooses restitution as a remedy for a defective vehicle under the Song-Beverly Consumer Warranty Act (Civ. Code, § 1790 et seq.), is the consumer entitled to receive registration fees paid after the time of sale as part of the restitution payable under Civil Code sections 1794 and 1793.2(d)(2)(B)?

#18-36 *People v. Lozano*, S246013. (B278663; 16 Cal.App.5th 1286; Los Angeles County Superior Court; NA023984.) Petition for review after the Court of Appeal dismissed appeal as moot. The court ordered briefing deferred pending decision in *People v. Mendoza*, S238032 (#17-32) and *People v. Padilla*, S239454 (#17-34), which present issues as to the requirements under *Montgomery v. Louisiana* (2016) 577 U.S. ___, 136 S.Ct. 718, 193 L.Ed.2d 599, and *Miller v. Alabama* (2012) 567 U.S. ___, 132 S.Ct. 2455, 183 L.Ed.2d 407, for imposing a sentence of life imprisonment without possibility of parole on a juvenile offender.

#18-37 *Traveler's Property Casualty Co. of America v. Actavis, Inc.*, S245867. (G053749; 16 Cal.App.5th 1026; Orange County Superior Court; 30-2014-00746842.) Petition for review after the Court of Appeal affirmed the judgment in a civil action. The court ordered briefing deferred pending decision in *Liberty Surplus Ins. Corp. v. Ledesma & Meyers Construction Co., Inc.*, S236765 (#16-363), which presents the following issue: Is there is an 'occurrence' under an employer's commercial general liability policy when an injured third party brings claims against the employer for the negligent hiring, retention, and supervision of the employee who intentionally injured the third party?

DISPOSITIONS

#16-169 *In re Ward*, S142694. Original proceeding. The court transferred this matter to the Superior Court of California, County of Los Angeles.

The following cases were transferred for reconsideration in light of *People v. Page* (2017) 3 Cal.5th 1175:

| | |
|---|---|
| #16-49 <i>People v. Carver</i>, S231268 | (C078239; nonpublished opinion; Placer County Superior Court; 62131666) |
| #16-50 <i>People v. Ceja</i>, S231658 | (E062467; nonpublished opinion; San Bernardino County Superior Court; FSB1404077) |
| #16-138 <i>People v. Cortinas</i>, S233246 | (H042043; nonpublished opinion; Santa Clara County Superior Court; C1370576) |
| #16-184 <i>People v. Casias</i>, S233979 | (H042065; nonpublished opinion; Santa Clara County Superior Court; C1369155) |
| #16-200 <i>People v. Aguayo</i>, S234284 | (A144051; nonpublished opinion; Solano County Superior Court; VCR219459) |
| #16-220 <i>People v. Bartlett</i>, S233944 | (G051386; nonpublished opinion; Orange County Superior Court; 14NF4151) |
| #16-428 <i>People v. Ashley</i>, S238102 | (C080297; nonpublished opinion; Shasta County Superior Court; 03F0348) |
| #17-38 <i>People v. Davis</i>, S239050 | (B268034; nonpub. opn.; Los Angeles County Superior Court; MA054631) |
| #17-54 <i>People v. Cabello</i>, S239485 | (D069958; nonpublished opinion; San Diego County Superior Court; SCS274556) |
| #17-64 <i>People v. Bullard</i>, S239488 | (E065918; nonpublished opinion; San Bernardino County Superior Court; FVI1200894) |
| #17-118 <i>People v. Allison</i>, S240485 | (H043417; nonpublished opinion; Santa Cruz County Superior Court; F23073) |
| #17-167 <i>People v. Baughman</i>, S241275 | (F071518; nonpublished opinion; Stanislaus County Superior Court; 1463111) |
| #17-168 <i>People v. Cruder</i>, S241262 | (F072625; nonpublished opinion; Fresno County Superior Court; F13903072) |
| #17-182 <i>People v. Abrams</i>, S241237 | (F072560; nonpublished opinion; Fresno County Superior Court; F09906199) |
| #17-249 <i>People v. Cahill</i>, S242986 | (F071407; nonpublished opinion; Fresno County Superior Court; F13906055) |
| #16-252 <i>People v. Bunnell</i>, S235066 | (C078376; nonpublished opinion; Placer County Superior Court; 62-124374, 62-127934) |

STATUS

#17-64 *People v. Bullard*, S239488. In this case in which briefing was previously deferred pending decision in *People v. Page* (2017) 3 Cal.5th 1175, the court ordered the parties to brief the following question: Does equal protection or the avoidance of absurd consequences require that misdemeanor sentencing under Penal Code sections 490.2 and 1170.18 extend not only to those convicted of violating Vehicle Code section 10851 by theft, but also to those convicted for taking a vehicle without the intent to permanently deprive the owner of possession? (See *People v. Page* (2017) 3 Cal.5th 1175, 1188, fn. 5.)

#

The Supreme Court of California is the state's highest court and its decisions are binding on all other California state courts. The court's primary role is to decide matters of statewide importance and to maintain uniformity in the law throughout California by reviewing matters from the six districts of the California Courts of Appeal and the fifty-eight county superior courts (the trial courts). Among its other duties, the court also decides all capital appeals and related matters and reviews both attorney and judicial disciplinary matters.