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NEWS RELEASE

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Summary of Cases Accepted During the Week of April 20, 2009

[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.]

#09-17 *Pineda v. Bank of America, N.A.*, S170758. (A122022; 170 Cal.App.4th 388; San Francisco County Superior Court; 468417.)

Petition for review after the Court of Appeal affirmed the judgment in a civil action. This case presents the following issues: (1) When a worker files an action to recover penalties for late payment of final wages under Labor Code section 203, but does not concurrently seek to recover any other unpaid wages, is the statute of limitations the one-year statute for penalties under Code of Civil Procedure section 340, subdivision (a), or the three-year statute for unpaid wages under Labor Code section 202? (2) Can penalties under Labor Code section 203 be recovered as restitution in an Unfair Competition Law action (Bus. & Prof. Code, § 17203)?

#09-18 *Sullivan v. Oracle Corporation*, S170577. (9th Cir. No. 06-56649; 557 F.3d 979; Central District of California; CV-05-00392-AHS.) Request under California Rules of Court, rule 8.548, that this court decide questions of California law presented in a matter pending in the United States Court of Appeals for the Ninth Circuit. The questions presented are: “(1) Does the California Labor Code apply to overtime work performed in California for a California-based employer by out-of-state plaintiffs in the circumstances of this case, such that overtime pay is required for work in excess of eight hours per day or in excess of forty hours per week? (2) Does [Business and Professions Code section] 17200 [et seq.] apply to the overtime work described in question one? (3) Does [section] 17200 [et seq.] apply to overtime work performed

outside of California for a California-based employer by out-of-state plaintiffs in the circumstances of this case if the employer failed to comply with the overtime provisions of the [federal Fair Labor Standards Act (29 U.S.C. § 207 et seq.)]?”

DISPOSITION

The court ordered review in the following case dismissed in light of the dismissal of certiorari by the United States Supreme Court in *Philip Morris USA Inc. v. Williams*, No. 07-1216:

#08-109 *Buell-Wilson v. Ford Motor Co.*, S163102.

STATUS

People v. Taylor, S054774. The court requested the parties to file supplemental letter briefs addressing the following questions in this automatic appeal: (1) Does California law provide a standard of mental competence to waive counsel and represent oneself at trial, separate from competence to stand trial? If so, what is that standard and how would it apply in the present case? (2) If California law does not provide such a standard, should this court, in the exercise of its supervisory powers, articulate one as a judicially declared rule of criminal procedure? If so, what standard should we state and how, if at all, would it apply in the present case?

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