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NEWS RELEASE

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Summary of Cases Accepted During the Week of May 19, 2008

[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.]

#08-87 *Boeken v. Philip Morris USA, Inc.*, S162029. (B198220; 159 Cal.App.4th 1391; Los Angeles County Superior Court; BC353365.) Petition for review after the Court of Appeal affirmed the judgment in a civil action. This case presents the following issue: Did the doctrine of res judicata bar plaintiff's claim for noneconomic damages in a wrongful death action after her husband died, because she had dismissed with prejudice a claim for loss of consortium while he was alive?

#08-88 *McCann v. Foster Wheeler*, S162435. (B189898; 160 Cal.App.4th 689; Los Angeles County Superior Court; BC336869.) Petition for review after the Court of Appeal reversed the judgment in a civil action. This case presents the following issue: Does Oklahoma's statute of repose bar a product liability action by a 30-year California resident against a boiler manufacturer arising out of the installation of a boiler in Oklahoma?

#08-89 *In re S.B.*, S162156. (C055838; 160 Cal.App.4th 21; Lassen County Superior Court; J-4674, J-4675.) Petition for review after the Court of Appeal dismissed as premature an appeal in a dependency proceeding. This case presents the following issue: Is an order in a dependency proceeding — based upon a finding under Welfare and Institutions Code section 366.26, subdivision (c)(3), that termination of parental rights would not be detrimental to a minor and that the minor, although "difficult to place," has a "probability for adoption" — appealable at the time the order is made?

#08-90 *People v. Punch*, S161825. (C052350; nonpublished opinion; Trinity County Superior Court; 05F090A.) Petition for review after the Court of Appeal affirmed a judgment of conviction of criminal offenses. The court ordered briefing deferred pending decision in *People v. Towne*, S125677 (#04-75), which presents issues concerning the use as aggravating sentencing of such factors as being on probation or parole when a crime was committed and prior unsatisfactory performance on probation or parole.

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