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NEWS RELEASE

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Summary of Cases Accepted During the Week of May 22, 2006

[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.]

#06-58 *Crawford v. Weather Shield Mfg., Inc.*, S141541. (G032301; 136 Cal.App.4th 304, mod. 136 Cal.App.4th 1181e; Orange County Superior Court; 815154.) Petition for review after the Court of Appeal affirmed the judgment in a civil action. The court limited review to the following issue: Did a contract under which a subcontractor agreed “to defend any suit or action” against a developer “founded upon” any claim “growing out of the execution of the work” require the subcontractor to provide a defense to a suit against the developer even if the subcontractor was not negligent?

#06-59 *In re Charlotte D.*, S142028. (B183788; 137 Cal.App.4th 1222; Ventura County Superior Court; A14917.) Petition for review after the Court of Appeal reversed an order terminating parental rights. This case presents the following issue: Is Probate Code section 1516.5, which permits the termination of parental rights without an express finding of parental unfitness, unconstitutional either on its face or as applied to an unwed father who has demonstrated a full commitment to his parental responsibilities?

#06-60 *Mayer v L&B Real Estate*, S142211. (B180540; 136 Cal.App.4th 947; Los Angeles County Superior Court; BC283231.) Petition for review after the Court of Appeal reversed the judgment in a civil action. This case presents the following issue: Was plaintiffs’ quiet title action barred by Revenue and Taxations Code section 3725 because it was not brought within one year of the sale of the property at a tax sale?

(over)

#06-61 *Prospect Medical Group, Inc. v. Northridge Emergency Medical Group*, S142209. (B172737, B172817; 136 Cal.App.4th 1155; Los Angeles County Superior Court; BC300850, SC076909.) Petition for review after the Court of Appeal affirmed in part and reversed in part the judgment in a civil action. This case presents the following issue: Does Health and Safety Code section 1379 prohibit emergency room physicians who are not in contract with a health care service plan from “balance billing” plan member patients for the balance of the physician’s fee not paid by the health care service plan or its delegate?

#06-62 *In re Fernando R.*, S142296. (H028851; 137 Cal.App.4th 148; Monterey County Superior Court; J39804.) Petition for review after the Court of Appeal reversed orders in a wardship proceeding. The court ordered briefing deferred pending decision in *People v. Cage*, S127344 (#04-111), which includes the following issue: Are *all* statements made by an ostensible crime victim to a police officer in response to general investigative questioning “testimonial hearsay” within the meaning of *Crawford v. Washington* (2004) 541 U.S. 36, and inadmissible in the absence of an opportunity to cross-examine the declarant, or does “testimonial hearsay” include only statements made in response to a formal interview at a police station?

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