



NEWS RELEASE

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Summary of Cases Accepted During the Week of August 18, 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.]

#08-135 *McCarther v. Pacific Telesis Group, S164692.* (A115223; 163 Cal.App.4th 176; Alameda County Superior Court; RG05219163.) Petition for review after the Court of Appeal reversed the judgment in a civil action. This case presents the following issues: (1) Does Labor Code section 233, which mandates that employees be allowed to use a portion of “accrued and available sick leave” to care for sick family members, apply to employer plans in which employees do not periodically accrue a certain number of paid sick days but are paid for qualifying absences due to illness? (2) Does Labor Code section 234, which prohibits employers from disciplining employees for using sick leave to care for sick family members, prohibit an employer from disciplining an employee who takes such “kin care” leave if the employer would have the right to discipline the employee for taking time off for the employee’s own illness or injury?

#08-136 *People v. Riffey, S164711.* (C055649; 163 Cal.App.4th 474; Placer County Superior Court; SCV13798.) Petition for review after the Court of Appeal affirmed an order of commitment as a sexually violent predator. The court ordered briefing deferred pending decision in *People v. McKee*, S162823 (#08-107), which presents the following issues: Does the amended Sexually Violent Predator Act violate appellant’s constitutional rights to due process of law, is it an illegal ex post facto law, and does it violate equal protection?

#08-137 *In re Saade, S164595.* (G038712; 162 Cal.App.4th 1391; Orange County Superior Court; M11225.) Petition for review after the

Court of Appeal denied a petition for writ of habeas corpus. The court ordered briefing deferred pending decision in *In re Gomez*, S155425 (#07-426), which presents the following issue: Is a habeas corpus petitioner whose conviction became final after *Blakely v. Washington* (2004) 542 U.S. 296 but before *Cunningham v. California* (2007) 549 U.S. ___, 127 S.Ct. 865, entitled to the benefit of the high court's decision in *Blakely*?

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