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# NEWS RELEASE

Release Number: **S.C. 39/07**

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## **Summary of Cases Accepted During the Week of September 24, 2007**

*[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.]*

**#07-404 Allstate Indemnity Co. v. Superior Court, S154726.**

(D049446; nonpublished opinion; San Diego County Superior Court; GIC857011.) Petition for review after the Court of Appeal granted a peremptory petition for writ of mandate.

**#07-405 Allstate Ins. Co. v. Superior Court, S154815.** (D049427; 151

Cal.App.4th 1512; San Diego County Superior Court; GIC856166.)

Petition for review after the Court of Appeal granted a peremptory petition for writ of mandate.

**#07-406 Interinsurance Exchange of the Automobile Club v. Superior Court, S154822.** (D049831; nonpublished opinion; San Diego County

Superior Court; GIC856160.) Petition for review after the Court of Appeal granted a peremptory petition for writ of mandate.

**#07-407 21st Century Ins. Co. v. Superior Court, S154790.** (D049430;

nonpublished opinion; San Diego County Superior Court; GIC857010)

Petition for review after the Court of Appeal granted a peremptory petition for writ of mandate.

**#07-408 Wawanesa General Ins. Co. v. Superior Court, S154781.**

(D049675; nonpublished opinion; San Diego County Superior Court;

GIC857012.) Petition for review after the Court of Appeal granted a peremptory petition for writ of mandate.

These five cases all include the following issue: Should an insured's attorney fees and costs incurred to obtain compensation from a third party

(over)

tortfeasor be taken into account when applying the rule that an insurer cannot seek reimbursement from the insured unless the insured has been “made whole” by the recovery from the tortfeasor and other sources? The court ordered briefing in *Allstate Indemnity Co., Allstate Ins. Co., Interinsurance Exchange*, and *Wawanesa General Ins. Co.* deferred pending decision in *21st Century Ins. Co.*

**#07-409 *Delgado v. Interinsurance Exchange of the Automobile Club*, S155129.**

(B191272; 152 Cal.App.4th 671; Los Angeles County Superior Court; VC045588.) Petition for review after the Court of Appeal reversed the judgment in a civil action. This case presents the following issue: When a liability policy covers injury arising from an “occurrence,” which is defined as an “accident,” does the insurer have a duty to defend an action for assault if the complaint alleges the insured was acting under an unreasonable and negligent belief that he was acting in self-defense?

**#07-410 *People v. Gomez*, S154992.** (E040515; nonpublished opinion; San Bernardino County Superior Court; FSB053761.) Petition for review after the Court of Appeal Petition for review after the Court of Appeal affirmed a judgment of conviction of a criminal offense. The court ordered briefing deferred pending decision in *People v. Lopez*, S149364 (#07-107), and *People v. Olguin*, S149303 (#07-108), which present the following issue: May a trial court impose a condition of probation requiring a probationer to obtain permission from his or her probation officer in order to own any pet?

**#07-411 *People v. Lara*, S155481.** (H028895; nonpublished opinion; Santa Clara County Superior Court; C9803113.) Petition for review after the Court of Appeal reversed an order extending an insanity commitment to the state hospital. The court ordered briefing deferred pending decision in *People v. Price*, S151207 (#07-210), which presents the following issue: Did the untimely filing of the petition to extend an insanity commitment deny defendant due process, when there was no good cause for the delay and the late filing allegedly left him with insufficient time to prepare for the hearing on the petition?

## **DISPOSITIONS**

Review in the following case was dismissed in light of *Oakland Raiders v. National Football League* (July 2, 2007) 41 Cal.4th 624:

**#05-135 *May v. Bd. of Trustees of the California State Univ.*, S132946.**

Review in the following case was dismissed in light of *Garcia v. Superior Court* (2007) 42 Cal.4th 63:

**#06-114 *Williams v. Superior Court*, S145656**