



NEWS RELEASE

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Summary of Cases Accepted During the Week of November 10, 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.]

#08-163 *Grenelsh v. Johnson, S166747.* (B198228; nonpublished opinion; San Luis Obispo County Superior Court; PR050017.) Petition for review after the Court of Appeal affirmed an order in a probate proceeding. This case presents the following issue: Does a proceeding to determine the competence of an individual to act under the terms of a trust trigger a no contest clause in the trust?

#08-164 *Synod of Southern California & Hawaii v. Kim, S167078.* (B191806; nonpublished opinion; Los Angeles County Superior Court; BC308786.) Petition for review after the Court of Appeal affirmed the judgment in a civil action. The court ordered briefing deferred pending decision in *Episcopal Church Cases, S155094* (#07-392), which includes the following issues: (1) Should the “principle of government” approach, also known as the “highest church judicatory” approach, be used to resolve disputes between a local congregation and a national church or regional diocese over ownership of church property, or should these disputes be resolved using a “neutral principles analysis”? (2) Was the complaint properly subject to a motion to strike under Code of Civil Procedure section 425.16? (3) What role does Corporations Code section 9142 play in the analysis and resolution of church property disputes?

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