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NEWS RELEASE

Release Number: **S.C. 46/09**

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Summary of Cases Accepted During the Week of November 16, 2009

[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.]

#09-75 *Yabsley v. Cingular Wireless, LLC, S176146.* (B198827; 176 Cal.App.4th 1156; Santa Barbara County Superior Court; 1221332.)
Petition for review after the Court of Appeal affirmed the judgment in a civil action. The court ordered briefing deferred pending decision in *Loeffler v. Target Corp.*, S173972 (#09-54), which presents the following issue: Does article XIII, section 32 of the California Constitution or Revenue and Taxation Code section 6932 bar a consumer from filing a lawsuit against a retailer under the Unfair Competition Law (Bus. & Prof. Code §§ 17200 et seq.) or the Consumers Legal Remedies Act (Civ. Code, § 1750 et seq.) alleging that the retailer charged sales tax on transactions that were not taxable?

DISPOSITIONS

Review in the following case was dismissed in light of *In re Tobacco II Cases* (2009) 46 Cal.4th 298 and *Meyer v. Sprint Spectrum LP* (2009) 45 Cal.4th 634:

#08-112 *O'Brien v. Camisasca Automotive Manufacturing, Inc., S163207.*

Review in the following case was dismissed in light of Assembly Bill No. 532 (2009-2010 Reg. Sess.), signed by the Governor and chaptered by the Secretary of State on October 11, 2009 (see Stats. 2009, ch. 450):

#09-05 *People v. Sweig*, S168781.