



SUPREME COURT OF CALIFORNIA
ORAL ARGUMENT CALENDAR
SAN FRANCISCO SESSION
APRIL 7 and 8, 2020
AMENDED

Due to the COVID-19 coronavirus pandemic and related public health directives from state and local authorities, the procedures specified by Administrative Orders [2020-03-13 \(Mar. 16, 2020\)](#) and [2020-03-27 \(March 27, 2020\)](#) apply. Counsel will appear remotely and courtroom seating for the press will be strictly limited to achieve appropriate distancing. The public will continue to have access to argument via live-streaming on the judicial branch website: <https://www.courts.ca.gov/>.

The following cases are placed upon the calendar of the Supreme Court for hearing at its courtroom in the Ronald M. George State Office Complex, Earl Warren Building, 350 McAllister Street, Fourth Floor, San Francisco, California, on April 7 and 8, 2020.

TUESDAY, APRIL 7, 2020 — 9:00 A.M.

- (1) Abbott Laboratories et al. v. Superior Court of Orange County
(Tony Rackauckas, Real Party in Interest), S249895
(*Groban, J., not participating; Fujisaki, J., assigned justice pro tempore.*)
- (2) Ward (Charles E.) et al. v. United Airlines, Inc., S248702
- (3) Oman (Dev Anand) et al. v. Delta Air Lines, Inc., S248726

1:30 P.M.

- (4) People v. Frahs (Eric Jason), S252220
- (5) People v. Stamps (William), S255843
- (6) In re Scoggins (Willie) on Habeas Corpus, S253155

WEDNESDAY, APRIL 8, 2020 — 9:00 A.M.

- (7) Saint Francis Memorial Hospital v. California Department of Public Health, S249132
- (8) People v. Suarez (Arturo Juarez), [Automatic Appeal], S105876
(*To be called and continued to a future oral argument calendar.*)

 CANTIL-SAKAUYE
Chief Justice

If exhibits are to be transmitted to this court, counsel must apply to the court for permission. (See Cal. Rules of Court, rule 8.224(c).)

**SUPREME COURT OF CALIFORNIA
ORAL ARGUMENT CALENDAR
SAN FRANCISCO SESSION
APRIL 7 and 8, 2020**

The following case summaries are issued to inform the public about cases that the California Supreme Court has scheduled for oral argument and of their general subject matter. In most instances, the descriptions set out below are reproduced from the original news release issued when review in each of these matters was granted and are provided for the convenience of the public. The descriptions do not necessarily reflect the view of the court or define the specific issues that will be addressed by the court.

TUESDAY, APRIL 7, 2020—9:00 A.M.

(1) *Abbott Laboratories et al. v. Superior Court of Orange County (Tony Rackauckas, Real Party in Interest), S249895 (Groban, J., not participating; Fujisaki, J., assigned justice pro tempore.)*

#18-112 Abbott Laboratories et al. v. Superior Court of Orange County (Tony Rackauckas, Real Party in Interest), S249895. (D072577; 24 Cal.App.5th 1, Cal.App.5th 927b; Superior Court of Orange County; 30-2016-00879117.) Petition for review after the Court of Appeal granted a petition for peremptory writ of mandate. This case presents the following issue: Does a district attorney have the authority to recover restitution and civil penalties under the Unfair Competition Law (Bus. & Prof. Code, § 17200 et seq.) for violations occurring outside his or her territorial jurisdiction?

(2) *Ward (Charles E.) et al. v. United Airlines, Inc., S248702*

Ward (Charles E.) et al. v. United Airlines, Inc., S248702. (9th Cir. No. 16-16415; 889 F.3d 1068; Northern District of California; No. 3:15-cv-02309-WHA.) Vidrio v. United Airlines, Inc., (9th Cir. No. 17-55471; 889 F.3d 1068; Central District of California; No. 2:15-cv-07985-PSG-MRW.) Request under California Rules of Court rule 8.548, that this court decide questions of California law presented in consolidated matters pending in the United States Court of Appeals for the Ninth Circuit. As restated by the court, the questions presented are: (1) Does California Labor Code section 226 apply to wage statements provided by an out-of-state employer to an employee who resides in

California, receives pay in California, and pays California income tax on her wages, but who does not work principally in California or any other state? (2) The Industrial Wage Commission Wage Order 9 exempts from its wage statement requirements an employee who has entered into a collective bargaining agreement (CBA) in accordance with the Railway Labor Act (RLA). (See Cal. Code Regs., tit. 8, § 11090(1)(E).) Does the RLA exemption in Wage Order 9 bar a wage statement claim brought under California Labor Code section 226 by an employee who is covered by a CBA?”

(3) *Oman (Dev Anand) et al. v. Delta Air Lines, Inc., S248726*

#18-88 Oman (Dev Anand) et al. v. Delta Air Lines, Inc., S248726. (9th Cir. No. 17-15124; 889 F.3d 1075; Northern District of California No. 3:15-cv-00131-WHO.)

Request under California Rules of Court rule 8.548, that this court decide questions of California law presented in a matter pending in the United States Court of Appeals for the Ninth Circuit. As restated by the court, the questions presented are: “(1) Do California Labor Code sections 204 and 226 apply to wage payments and wage statements provided by an outof-state employer to an employee who, in the relevant pay period, works in California only episodically and for less than a day at a time? (2) Does California minimum wage law apply to all work performed in California for an out-of-state employer by an employee who works in California only episodically and for less than a day at a time? (See Cal. Labor Code, §§ 1182.12, 1194; Cal. Code Regs., § 11090(4).) (3) Does the Armenta/Gonzalez bar on averaging wages apply to a pay formula that generally awards credit for all hours on duty, but which, in certain situations resulting in higher pay, does not award credit for all hours on duty? (See *Gonzales v. Downtown LA Motors, LP* (2013) 215 Cal.App.4th 36, 155 Cal. Rptr. 3d 18; *Armenta v. Osmose, Inc.* (2005) 135 Cal.App.4th 314, 37 Cal. Rptr. 3d 460.)”

1:30 P.M.

(4) *People v. Frahs (Eric Jason), S252220*

#18-175 People v. Frahs (Eric Jason), S252220. (G054674; 27 Cal.App.5th 784; Orange County Superior Court; 16CF0837.) Review ordered on the court’s own motion after the Court of Appeal conditionally reversed and remanded a judgment of conviction of

criminal offenses. The court limited review to the following issues: (1) Does Penal Code section 1001.36 apply retroactively to all cases in which the judgment is not yet final? (2) Did the Court of Appeal err by remanding for a determination of defendant's eligibility under Penal Code section 1001.36?

(5) ***People v. Stamps (William), S255843***

#19-63 *People v. Stamps (William), S255843*. (A154091; 34 Cal.App.5th 117; Superior Court of Alameda County; 17CR010629.) Petition for review after the Court of Appeal affirmed in part and reversed in part a judgment of conviction of a criminal offense. This case presents the following issue: Is a certificate of probable cause required for a defendant to challenge a negotiated sentence based on a subsequent ameliorative, retroactive change in the law?

(6) ***In re Scoggins (Willie) on Habeas Corpus, S253155***

#19-37 *In re Scoggins (Willie) on Habeas Corpus, S253155*. (C084358; nonpublished opinion; Superior Court of Sacramento County; 08F04643.) Petition for review after the Court of Appeal denied a petition for writ of habeas corpus. This case presents the following issue: Was the evidence at trial sufficient to support the robbery-murder special circumstance under *People v. Banks* (2015) 61 Cal.4th 788 and *People v. Clark* (2016) 63 Cal.4th 522?

WEDNESDAY, APRIL 8, 2020—9:00 A.M.

(7) ***Saint Francis Memorial Hospital v. California Department of Public Health, S249132***

#18-115 *Saint Francis Memorial Hospital v. California Department of Public Health, S249132*. (A150545; 24 Cal.App.5th 617; Superior Court of San Mateo County; CIV537118.) Petition for review after the Court of Appeal affirmed the judgment in an action for writ of administrative mandate. This case presents the following issues:

(1) Does equitable tolling apply to a petition for writ of mandate to challenge an action by a state regulatory agency that is filed outside the specified period? (2) Is equitable tolling justified on the facts of this case?

(8) ***People v. Suarez (Arturo Juarez), [Automatic Appeal], S105876***
(To be called and continued to a future oral argument calendar.)

This matter is an automatic appeal from a judgment of death.