



**SUPREME COURT OF CALIFORNIA  
ORAL ARGUMENT CALENDAR  
SAN FRANCISCO SESSION  
JANUARY 5, 2021**

**Due to the COVID-19 coronavirus pandemic and related public health directives from state and local authorities, the procedures specified by Administrative Orders Nos. [2020-03-13 \(Mar. 16, 2020\)](#), [2020-03-27 \(March 27, 2020\)](#), and [2020-08-19 \(August 19, 2020\)](#) 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 January 5, 2021.

**TUESDAY, JANUARY 5, 2021—9:00 A.M.**

- (1) In re Humphrey (Kenneth) on Habeas Corpus, S247278
- (2) Brown (Yazmin) et al. v. USA Taekwondo et al., S259216
- (3) Smith (Jeremiah) v. LoanMe, Inc., S260391

**1:30 P.M.**

- (4) Villanueva (Manny) et al. v. Fidelity National Title Company, S252035
- (5) In re A.R., S260928
- (6) Kaanaana (David) et al. v. Barrett Business Services, Inc., et al., S253458

CANTIL-SAKAUYE

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*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).)

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*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, JANUARY 5, 2021 — 9:00 A.M.**

**(1) *In re Humphrey (Kenneth) on Habeas Corpus, S247278***

#18-73 *In re Humphrey (Kenneth) on Habeas Corpus, S247278.* (A152056; 19 Cal.App.5th 1006; Superior Court of San Francisco County; 17007715.) Petition for review after the Court of Appeal granted relief on a petition for writ of habeas corpus. The court limited review to the following issues: (1) Did the Court of Appeal err in holding that principles of constitutional due process and equal protection require consideration of a criminal defendant's ability to pay in setting or reviewing the amount of monetary bail? (2) In setting the amount of monetary bail, may a trial court consider public and victim safety? Must it do so? (3) Under what circumstances does the California Constitution permit bail to be denied in noncapital cases? Included is the question of what constitutional provision governs the denial of bail in noncapital cases — article I, section 12, subdivisions (b) and (c), or article I, section 28, subdivision (f)(3), of the California Constitution — or, in the alternative, whether these provisions may be reconciled.

**(2) *Brown (Yazmin) et al. v. USA Taekwondo et al., S259216***

#20-01 *Brown (Yazmin) et al. v. USA Taekwondo et al., S259216.* (B280550; 40 Cal.App.5th 567d; Superior Court of Los Angeles County; BC599321.) Petition for review after the Court of Appeal reversed the judgment in a civil action. This case presents the following issue: What is the appropriate test that minor plaintiffs must satisfy to establish a duty by defendants to protect them from sexual abuse by third

parties? (See *Rowland v. Christian* (1968) 69 Cal.2d 108; *Nally v. Grace Community Church* (1988) 47 Cal.3d 278; *Regents of the University of California v. Superior Court* (2018) 4 Cal.5th 607; *Doe v. United States Youth Soccer Association* (2017) 8 Cal.App.5th 1118; *Conti v. Watchtower Bible & Tract Society of New York, Inc.* (2015) 235 Cal.App.4th 1214; *Juarez v. Boy Scouts of America, Inc.* (2000) 81 Cal.App.4th 377.)

**(3) *Smith (Jeremiah) v. LoanMe, Inc., S260391***

#20-98 *Smith (Jeremiah) v. LoanMe, Inc., S260391.* (E069752; 43 Cal.App.5th 844; Superior Court of Riverside County; RIC1612501.) Petition for review after the Court of Appeal affirmed the judgment in a civil action. This case includes the following issue: Does Penal Code section 632.7 prohibit only third-party eavesdroppers from recording calls involving a cellular or cordless telephone, or does it also prohibit participants in calls from recording them without the other participants' consent?

**1:30 P.M.**

**(4) *Villanueva (Manny) et al. v. Fidelity National Title Company, S252035***

#18-166 *Villanueva (Manny) et al. v. Fidelity National Title Company, S252035.* (H041870; 26 Cal.App.5th 1092; Superior Court of Santa Clara County; CV173356.) Petition for review after the Court of Appeal reversed the judgment in a civil action. The court limited review to the following issues: (1) Insurance Code section 12414.26 provides: "No act done, action taken, or agreement made pursuant to the authority conferred by Article 5.5 (commencing with Section 12401) or Article 5.7 (commencing with Section 12402) of this chapter shall constitute a violation of or grounds for prosecution or civil proceedings under any other law of this state heretofore or hereafter enacted which does not specifically refer to insurance." Does this statute provide immunity to an underwritten title company for charging consumers for services for which there have been no rate filings with the Insurance Commissioner? Stated otherwise, by charging unfiled rates, did Fidelity act "pursuant to the authority conferred by Article 5.5?" (2) Does the Insurance Commissioner have exclusive jurisdiction over any action

against an underwritten title company for services charged to the consumer, but not disclosed to the Department of Insurance?

**(5) *In re A.R.*, S260928**

#20-120 *In re A.R.*, S260928. (A158143; nonpublished order; Superior Court of Alameda County; JD02839802.) Petition for review after the Court of Appeal dismissed the appeal from an order terminating parental rights. The court limited review to the following issues: (1) Does a parent in a juvenile dependency case have the right to challenge her counsel's failure to file a timely notice of appeal from an order terminating her parental rights under Welfare and Institutions Code section 366.26? (See *Welf. & Inst. Code*, § 317.5, subd. (a); *In re Kristin H.* (1996) 46 Cal.App.4th 1635 [ineffective assistance of counsel claim in dependency proceeding brought on a petition for writ of habeas corpus].) (2) If so, what are the proper procedures for raising such a claim?

**(6) *Kaanaana (David) et al. v. Barrett Business Services, Inc., et al.*, S253458**

#19-23 *Kaanaana (David) et al. v. Barrett Business Services, Inc. et al.*, S253458. (B276420, B279838; 29 Cal.App.5th 778; Superior Court of Los Angeles County; BC496090, BC594050.) Petition for review after the Court of Appeal reversed a judgment in a civil action. The court limited review to the following issue: Should the phrase "work done for irrigation, utility, reclamation, and improvement districts, and other districts of this type" in Labor Code section 1720, subdivision (a)(2), of California's Prevailing Wage Law (Lab. Code, § 1720 et. seq.) be interpreted to cover any type of work regardless of its nature, funding, purpose or function, including belt sorting at recycling facilities?