

SUPREME COURT OF CALIFORNIA ORAL ARGUMENT CALENDAR LOS ANGELES SESSION June 4 and 5, 2019

The following cases are placed upon the calendar of the Supreme Court for hearing at its courtroom in the Ronald Reagan State Office Building, 300 South Spring Street, Third Floor, North Tower, Los Angeles, California on June 4 and 5, 2019.

<u>TUESDAY, JUNE 4, 2019 — 10:00 A.M.</u>

(1) OTO, L.L.C. v. Kho (Ken) (Julie A. Su, as Labor Commissioner, etc., Intervener), S244630

2:00 P.M.

- Union of Medical Marijuana Patients, Inc. v. City of San Diego (California Coastal Commission, Real Party in Interest), S238563
- (3) Voris (Brett) v. Lampert (Greg), S241812
- (4) Pitzer College v. Indian Harbor Insurance Company, \$239510
- (5) In re Masters (Jarvis J.) on Habeas Corpus [related to an underlying Automatic Appeal], \$130495

WEDNESDAY, JUNE 5, 2019 — 9:00 A.M.

- (6) Association for Los Angeles Deputy Sheriffs v. Superior Court of Los Angeles County (Los Angeles County Sheriff's Department et al., Real Parties in Interest), S243855
- (7) ZB, N.A., and Zions Bancorporation v. Superior Court of San Diego County (Kalethia Lawson, Real Party in Interest), S246711
- (8) City of Oroville v. Superior Court of Butte County (California Joint Powers Risk Management Authority et al., Real Parties in Interest), S243247

1:30 P.M.

- (9) People v. Ovieda (Willie), S247235
- (10) People v. Capers (Lee Samuel) [Automatic Appeal], S146939

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 LOS ANGELES SESSION June 4 and 5, 2019

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, JUNE 4, 2019—10:00 A.M.

(1) OTO, L.L.C. v. Kho (Ken) (Julie A. Su, as Labor Commissioner, etc., Intervener), S244630

#17-331 OTO, L.L.C. v. Kho (Ken) (Julie A. Su, as Labor Commissioner, etc., Intervener), S244630. (A147564; 14 Cal.App.5th 691; Superior Court of Alameda County; RG15781961.) Petition for review after the Court of Appeal reversed an order denying a petition to compel arbitration in a civil action. This case presents the following issues: (1) Was the arbitration remedy at issue in this case sufficiently "affordable and accessible" within the meaning of *Sonic-Calabasas A, Inc. v. Moreno* (2013) 57 Cal.4th 1109 to require the company's employees to forego the right to an administrative Berman hearing (Lab. Code, § 98 et seq.) on wage claims? (2) Did the employer waive its right to bypass the Berman hearing by waiting until the morning of that hearing, serving a demand for arbitration, and refusing to participate in the hearing?

2:00 P.M.

(2) Union of Medical Marijuana Patients, Inc. v. City of San Diego (California Coastal Commission, Real Party in Interest), S238563

#17-01 Union of Medical Marijuana Patients, Inc. v. City of San Diego (California Coastal Commission, Real Party in Interest), S238563. (D068185; 4 Cal.App.5th 103; Superior Court of San Diego County; 37-2014-00013481-CU-TT-CTL.) Petition for review after

the Court of Appeal affirmed the judgment in an action for administrative mandate. This case presents the following issues: (1) Is the enactment of a zoning ordinance categorically a "project" within the meaning of the California Environmental Quality Act (Pub. Resources Code, § 21000 et seq.)? (2) Is the enactment of a zoning ordinance allowing the operation of medical marijuana cooperatives in certain areas the type of activity that may cause a reasonably foreseeable indirect physical change to the environment?

(3) Voris (Brett) v. Lampert (Greg), S241812

#17-209 Voris (Brett) v. Lampert (Greg), S241812. (B265747; nonpublished opinion; Superior Court of Los Angeles County; BC408562.) Petition for review after the Court of Appeal affirmed in part and reversed in part the judgment in a civil action. This case presents the following issue: Is conversion of earned but unpaid wages a valid cause of action?

(4) Pitzer College v. Indian Harbor Insurance Company, S239510

#17-99 Pitzer College v. Indian Harbor Insurance Company, S239510. (9th Cir. No. 14-56017; 845 F.3d 993; Central District of California; 2:13-cv-05863-GW-E.) 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) Is California's common law notice-prejudice rule a fundamental public policy for the purpose of choice-of-law analysis? (2) If the notice-prejudice rule is a fundamental public policy for the purpose of choice-of-law analysis, can the notice-prejudice rule apply to the consent provision in this case?

(5) In re Masters (Jarvis J.) on Habeas Corpus [related to an underlying Automatic Appeal], \$130495

#07-35 In re Masters (Jarvis J.) on Habeas Corpus [related to an underlying Automatic Appeal], S130495. Original proceeding. In this case, which is related to the automatic appeal in *People v. Masters*, S016883, the court issued an order to show cause limited to claims of prosecutorial misconduct and recantation by a witness at the penalty phase of trial.

WEDNESDAY, JUNE 5, 2019—9:00 A.M.

(6) Association for Los Angeles Deputy Sheriffs v. Superior Court of Los Angeles County (Los Angeles County Sheriff's Department et al., Real Parties in Interest), S243855

#17-295 Association for Los Angeles Deputy Sheriffs v. Superior Court Los Angeles County (Los Angeles County (Los Angeles County Sheriff's Department et al., Real Parties in Interest), S243855. (B280676; 13 Cal.App.5th 413; Superior Court of Los Angeles County; BS166063.) Petition for review after the Court of Appeal granted in part and denied in part a petition for writ of peremptory mandate. The court directed the parties to brief the following issue: When a law enforcement agency creates an internal *Brady* list (see Gov. Code, § 3305.5), and a peace officer on that list is a potential witness in a pending criminal prosecution, may the agency disclose to the prosecution (a) the name and identifying number of the officer and (b) that the officer may have relevant exonerating or impeaching material in his or her confidential personnel file, or can such disclosure be made only by court order on a properly filed *Pitchess* motion? (See *Brady v. Maryland* (1963) 373 U.S. 83; *People v. Superior Court (Johnson)* (2015) 61 Cal.4th 696; *Pitchess v. Superior Court* (1974) 11 Cal.3d 531; Pen. Code, §§ 832.7-832.8; Evid. Code, §§ 1043-1045.)

(7) **ZB, N.A., and Zions Bancorporation v. Superior Court of San Diego County** (Kalethia Lawson, Real Party in Interest), S246711

#18-48 ZB, N.A., and Zions Bancorporation v. Superior Court of San Diego County (Kalethia Lawson, Real Party in Interest), S246711. (D071279, D071376; 18 Cal.App.5th 705; Superior Court of San Diego County; 37-2016-00005578-CU-OE-CTL.) Petition for review after the Court of Appeal granted a petition for peremptory writ of mandate. This case presents the following issue: Does a representative action under the Private Attorneys General Act of 2004 (Lab. Code, § 2698 et seq.) seeking recovery of individualized lost wages as civil penalties under Labor Code section 558 fall within the preemptive scope of the Federal Arbitration Act (9 U.S.C. § 1 et seq.)?

(8) City of Oroville v. Superior Court of Butte County (California Joint Powers Risk Management Authority et al., Real Parties in Interest), S243247

#17-266 City of Oroville v. Superior Court of Butte County (California Joint Powers Risk

Management Authority et al., Real Parties in Interest), S243247. (C077181; nonpublished opinion; Superior Court of Butte County; 152036.) Petition for review after the Court of Appeal denied a petition for peremptory writ of mandate. This case presents the following issue: Is a city liable for inverse condemnation when a blockage in a city sewer main and the absence of a legally required backwater valve on private property caused sewage to back up onto that property?

1:30 P.M.

(9) People v. Ovieda (Willie), S247235

#18-64 People v. Ovieda (Willie), S247235. (B277860; 19 Cal.App.5th 614; Superior Court of Santa Barbara County; 1476460.) Petition for review after the Court of Appeal affirmed a judgment of conviction of criminal offenses. This case presents the following issue: Did the trial court err when it applied the community caretaking exception to the Fourth Amendment as the basis for denying defendant's motion to suppress evidence of drug manufacturing equipment and an assault weapon found in his residence after police officers responded to an emergency call involving his threats to commit suicide, encountered defendant outside the residence, and entered without a warrant or consent?

(10) *People v. Capers (Lee Samuel) [Automatic Appeal], S146939* This matter is an automatic appeal from a judgment of death.