



**SUPREME COURT OF CALIFORNIA
ORAL ARGUMENT CALENDAR
SAN FRANCISCO SESSION
MAY 19 and 20, 2020**

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 \(Mar. 16, 2020\)](#) 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 May 19 and 20, 2020.

TUESDAY, MAY 19, 2020 — 9:00 A.M.

- (1) Jarman (Janice) v. HCR ManorCare, Inc., et al., S241431
- (2) Facebook, Inc. v. Superior Court of San Diego County (Lance Touchstone, Real Party in Interest), S245203
- (3) Kirzhner (Allen) v. Mercedes-Benz USA, LLC, S246444

1:30 P.M.

- (4) Robinson (Julius M.) v. Lewis (G.W.), S228137
- (5) Conservatorship of the Person of O.B., S254938
- (6) People v. Anderson (Vernon), S253227

WEDNESDAY, MAY 20, 2020 — 9:00 A.M.

- (7) People v. Henderson (Paul Nathan), [Automatic Appeal], S098318
- (8) People v. Silveria (Daniel Todd) and Travis (John Raymond), [Automatic Appeal], S062417
- (9) 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).)

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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, MAY 19, 2020—9:00 A.M.

(1) *Jarman (Janice) v. HCR ManorCare, Inc., et al., S241431*

#17-202 Jarman (Janice) v. HCR Manor Care, Inc., et al., S241431. (G051086; 9 Cal.App.5th 807; Riverside County Superior Court; RIC10007764.) 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 issues: (1) Does Health and Safety Code section 1430, subdivision (b), authorize a maximum award of \$500 per “cause of action” in a lawsuit against a skilled nursing facility for violation of specified rights or only \$500 per lawsuit? (2) Does section 1430, subdivision (b), authorize an award of punitive damages in such an action?

(2) *Facebook, Inc. v. Superior Court of San Diego County (Lance Touchstone, Real Party in Interest), S245203*

#18-19 Facebook, Inc. v. Superior Court of San Diego County (Lance Touchstone, Real Party in Interest), S245203. (D027171; 15 Cal.App.5th 729; San Diego County Superior Court; SCD268262.) Petition for review after the Court of Appeal granted a petition for peremptory writ of mandate. This case raises statutory and constitutional claims concerning the propriety of a criminal defense subpoena seeking social media posts. After receiving the original and supplemental briefing, the court directed the parties to also address the adequacy of the justifications for the underlying subpoena.

(3) *Kirzhner (Allen) v. Mercedes-Benz USA, LLC, S246444*

#18-35 Kirzhner (Allen) v. Mercedes-Benz USA, LLC, S246444. (G052551; 18 Cal.App.5th 453; Orange County Superior Court; 30-2014-00744604.) Petition for review after the Court of

Appeal affirmed an order for restitution in a civil action. This case presents the following issue: When a consumer chooses restitution as a remedy for a defective vehicle under the Song-Beverly Consumer Warranty Act (Civ. Code, § 1790 et seq.), is the consumer entitled to receive registration fees paid after the time of sale as part of the restitution payable under Civil Code sections 1794 and 1793.2(d)(2)(B)?

1:30 P.M.

(4) *Robinson (Julius M.) v. Lewis (G.W.), S228137*

Robinson (Julius M.) v. Lewis (G.W.), S228137. (9th Cir. No. 14-15125; 795 F.3d 926; Eastern District of California; 2:13-cv-00604-WBS-AC.) Request under California Rules of Court, rule 8.548, that this court decide a question of California law presented in a matter pending in the United States Court of Appeals for the Ninth Circuit. The question presented, as restated by the court, is: “When a California court denies a claim in a petition for writ of habeas corpus, and the petitioner subsequently files the same or a similar claim in a petition for writ of habeas corpus directed to the original jurisdiction of a higher court, what is the significance, if any, of the period of time between the earlier petition’s denial and the subsequent petition’s filing (66 days in this case) for the purpose of determining the subsequent claim’s timeliness under California law?”

(5) *Conservatorship of the Person of O.B., S254938*

#19-46 Conservatorship of the Person O.B., S254938. (B290805; 32 Cal.App.5th 626; Santa Barbara County Superior Court; 17PR00325.) Petition for review after the Court of Appeal affirmed the judgment in a conservatorship proceeding. The court limited review to the following issue: On appellate review in a conservatorship proceeding of a trial court order that must be based on clear and convincing evidence, is the reviewing court simply required to find substantial evidence to support the trial court’s order or must it find substantial evidence from which the trial court could have made the necessary findings based on clear and convincing evidence?

(6) *People v. Anderson (Vernon), S253227*

#19-25 People v. Anderson (Vernon), S253227. (A136451; nonpublished opinion; San Francisco County Superior Court; 206013.) Petition for review after the Court of Appeal affirmed a judgment of conviction of criminal offenses. The court limited review to the

following issue: Were the enhancements under Penal Code section 12022.53, subdivision (e), improperly imposed as to counts 3 through 7 because the prosecution did not specifically plead a violation of this subdivision as to those counts? (See *People v. Mancebo* (2002) 27 Cal.4th 735.)

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

(8) *People v. Silveria (Daniel Todd) and Travis (John Raymond)*, [Automatic Appeal], S062417

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