



**SUPREME COURT OF CALIFORNIA
ORAL ARGUMENT CALENDAR
SAN FRANCISCO SESSION
MAY 30, 2019**

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 30, 2019.

THURSDAY, MAY 30, 2019—9:00 A.M.

- (1) White (Robert E.) et al. v. Square, Inc., S249248
- (2) People v. Aledamat (Yazan), S248105
- (3) People v. Fontenot (John), S247044

1:30 P.M.

- (4) People v. Foster (Jeremy John), S248046
- (5) In re Ricardo P., S230923

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.

THURSDAY, MAY 30, 2019—9:00 A.M.

(1) *White (Robert E.) et al. v. Square, Inc.*, S249248

#18-92 *White (Robert E.) et al. v. Square, Inc.*, S249248. (9th Cir. No. 16-17137; 891 F.3d 1174; Northern District of California No. 3:15-cv-04539-JST.) 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 is: “Does a plaintiff suffer discriminatory conduct, and thus have statutory standing to bring a claim under the Unruh Act, when the plaintiff visits a business’s website with the intent of using its services, encounters terms and conditions that deny the plaintiff full and equal access to its services, and then departs without entering into an agreement with the service provider? Alternatively, does the plaintiff have to engage in some further interaction with the business and its website before the plaintiff will be deemed to have been denied full and equal treatment by the business?”

(2) *People v. Aledamat (Yazan)*, S248105

#18-87 *People v. Aldemat (Yazan)*, S248105. (B282911; 20 Cal.App.5th 1149; Los Angeles County Superior Court; BA451225.) Petition for review after the Court of Appeal affirmed in part and reversed in part a judgment of conviction of criminal offenses. This case presents the following issue: Is error in instructing the jury on both a legally correct theory of guilt and a legally incorrect one harmless if an examination of the record permits a reviewing court to conclude beyond a reasonable doubt that the jury

based its verdict on the valid theory, or is the error harmless only if the record affirmatively demonstrates that the jury actually rested its verdict on the legally correct theory?

(3) *People v. Fontenot (John)*, S247044

#18-53 *People v. Fontenot (John)*, S247044. (B271368; nonpublished opinion; Los Angeles County Superior Court; NA093411.) Petition for review after the Court of Appeal affirmed a judgment of conviction of a criminal offense. This case presents the following issue: Is attempted kidnapping a lesser included offense of kidnapping? (See *People v. Bailey* (2012) 54 Cal.4th 740, 753; *People v. Martinez* (1999) 20 Cal.4th 225, 241.)

1:30 P.M.

(4) *People v. Foster (Jeremy John)*, S248046

#18-79 *People v. Foster (Jeremy John)*, S248046. (D071733; nonpublished opinion; San Diego County Superior Court; SCD204096.) Petition for review after the Court of Appeal affirmed an order denying a motion to vacate commitment as a mentally disordered offender. This case presents the following issue: Must a commitment or recommitment as an mentally disordered offender be vacated if the underlying offense supporting the initial commitment is redesignated as a misdemeanor under Proposition 47?

(5) *In re Ricardo P.*, S230923

#16-41 *In re Ricardo P.*, S230923. (A144149; 241 Cal.App.4th 676; Alameda County Superior Court; J14023676.) Petition for review after the Court of Appeal modified and affirmed orders in a juvenile wardship proceeding. This case presents the following issue: Did the trial court err by imposing an “electronics search condition” on the juvenile as a condition of his probation when that condition had no relationship to the crimes he committed but was justified on appeal as reasonably related to future criminality under *People v. Olguin* (2008) 45 Cal.4th 375 because it would facilitate the juvenile’s supervision?