



**SUPREME COURT OF CALIFORNIA
ORAL ARGUMENT CALENDAR
SAN FRANCISCO SESSION
NOVEMBER 3, 2020
FIRST AMENDED**

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 November 3, 2020.

TUESDAY, NOVEMBER 3, 2020 — 9:00 A.M.

- (1) Vazquez (Gerardo) et al. v. Jan-Pro Franchising International, Inc., S258191
(*Humes, A. P. J., assigned justice pro tempore*)
- (2) In re Palmer II (William M.) on Habeas Corpus, S256149
(*Grover, J., assigned justice pro tempore*)
- (3) People v. Johnsen (Brian David), [Automatic Appeal], S040704
(*Ikola, J., assigned justice pro tempore*)

1:30 P.M.

- (4) People v. Ramirez (Irving Alexander), [Automatic Appeal], S155160
(*Huffman, J., assigned justice pro tempore*)
- (5) People v. Baker (Paul Wesley), [Automatic Appeal], S170280
(*Hull, Jr., J., assigned justice pro tempore*)

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, NOVEMBER 3, 2020 — 9:00 A.M.

(1) *Vazquez (Gerardo) et al. v. Jan-Pro Franchising International, Inc., S258191 (Humes, A. P. J., assigned justice pro tempore)*

Vazquez v. Jan-Pro Franchising International, Inc., S258191. (9th Cir. No. 17-16096; 939 F.3d 1045; Northern District of California No. 3:16-cv-05961-WHA.) 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 the decision in *Dynamex Operations West Inc. v. Superior Court* (2018) 4 Cal.5th 903, apply retroactively?

(2) *In re Palmer II (William M.) on Habeas Corpus, S256149 (Grover, J., assigned justice pro tempore)*

#19-100 In re Palmer, S256149. (A154269; 33 Cal.App.5th 1199; Riverside County Superior Court; CR29074.) Review on the court's own motion 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 this life prisoner's continued confinement become constitutionally disproportionate under article I, section 17 of the California Constitution and/or the Eighth Amendment of the United States Constitution? (2) If this life prisoner's continued confinement became constitutionally disproportionate, what is the proper remedy?

(3) *People v. Johnsen (Brian David), [Automatic Appeal], S040704 (Ikola, J., assigned justice pro tempore)*

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

1:30 P.M.

(4) People v. Ramirez (Irving Alexander), [Automatic Appeal], S155160 (Huffman, J., assigned justice pro tempore)

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

(5) People v. Baker (Paul Wesley), [Automatic Appeal], S170280 (Hull, Jr., J., assigned justice pro tempore)

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