

**SUPREME COURT MINUTES
MONDAY, AUGUST 13, 2018
SAN FRANCISCO, CALIFORNIA
AMENDED***

S137730**PEOPLE v. POWELL (TROY
LINCOLN)**

Opinion filed: Judgment affirmed in full

Majority Opinion by Cantil-Sakauye, C. J.

— joined by Chin, Corrigan, Liu, Cuéllar, Kruger, and Johnson*, JJ.

* Associate Justice of the Court of Appeal, Second Appellate District, Division One, assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution.

S241434**De La TORRE (EDUARDO) v.
CASHCALL, INC.**

Opinion filed

With roots predating the Anglo-American legal tradition, the doctrine of unconscionability has been used to temper the consequences of certain bargains arising in the course of economic life. The California Legislature is entitled to subject loan transactions, like other contracts, to the unconscionability doctrine's nuanced blend of tractability and protection of human dignity. It did so here.

In doing so, the Legislature chose to retain the flexible standard of unconscionability even as it did away with interest caps on consumer loans of \$2,500 or more. By its action, the Legislature recognized to some degree how commerce depends on fairness, and functioning markets on meaningful choices. Although courts must proceed with caution in this area, the possibility that an interest rate is unconscionable in a particular context is not so different relative to any other kind of potential contractual defect that it justifies concluding that courts lack power or responsibility to address unconscionable interest rates. In light of the Legislature's choice, as reflected in the text, context, and history of the relevant statutory provisions and the unconscionability doctrine, we conclude the interest rate on consumer loans of \$2,500 or more may render the loans unconscionable under section 22302 of the Financial Code.

Majority Opinion by Cuéllar, J.

-- joined by Cantil-Sakauye, C. J., Chin, Corrigan, Liu, Kruger, and Haller*, JJ.

* Associate Justice of the Court of Appeal, Fourth Appellate District, Division One, assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution.

S244549

B279873 Second Appellate District, Div. 1

**RAMIREZ (IRMA) v. CITY
OF GARDENA**

Opinion filed: Judgment affirmed in full

We affirm the judgment of the Court of Appeal. We also disapprove *Morgan v. Beaumont Police Dept.*, *supra*, 246 Cal.App.4th 144, to the extent it is inconsistent with this opinion.

Majority Opinion by Chin, J.

-- joined by Cantil-Sakauye, C. J., Corrigan, Liu, Cuéllar, Kruger, and Lavin*, JJ.

* Associate Justice of the Court of Appeal, Second Appellate District, Division Three, assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution.

S234969

**TROESTER (DOUGLAS) v.
STARBUCKS
CORPORATION**

Time extended to consider modification or rehearing

The time for granting or denying rehearing in the above-entitled case is hereby extended to October 24, 2018, or the date upon which rehearing is either granted or denied, whichever occurs first.

***1058077-18**

THE HONORABLE KATHLEEN A. MEEHAN, Associate Justice of the Court of Appeal, Fifth Appellate District, is hereby assigned to assist the California Supreme Court, as a justice thereof, on *August 10, 2018, and until completion and disposition of all causes and matters submitted pursuant to this assignment including, if necessary by reason of a vacancy or disqualification of a Supreme Court justice, petitions for rehearing arising out of such causes and matters.

Dated: August 13, 2018

* This order is made pursuant to the request for assignment until completion in the matter of *County of San Diego et al. v. Commission on State Mandates et al.*, S239907.

***1058078-18**

THE HONORABLE RAYMOND J. IKOLA, Associate Justice of the Court of Appeal, Fourth Appellate District, Division Three, is hereby assigned to assist the California Supreme Court, as a justice thereof, on *August 10, 2018, and until completion and disposition of all causes and matters submitted pursuant to this assignment including, if necessary by reason of a vacancy or disqualification of a Supreme Court justice, petitions for rehearing arising out of such causes and matters.

Dated: August 13, 2018

* This order is made pursuant to the request for assignment until completion in the matter of *People v. Miracle (Joshua Martin)*, [Automatic Appeal], S140894.

***1058079-18**

THE HONORABLE J. ANTHONY KLINE, Presiding Justice of the Court of Appeal, First Appellate District, Division Two, is hereby assigned to assist the California Supreme Court, as a justice thereof, on *August 10, 2018, and until completion and disposition of all causes and matters submitted pursuant to this assignment including, if necessary by reason of a vacancy or disqualification of a Supreme Court justice, petitions for rehearing arising out of such causes and matters.

Dated: August 13, 2018

* This order is made pursuant to the request for assignment until completion in the matter of *People v. Rodas (Domingo)*, S237379.

***1058080-18**

THE HONORABLE LOUIS R. MAURO, Associate Justice of the Court of Appeal, Third Appellate District, is hereby assigned to assist the California Supreme Court, as a justice thereof, on *August 10, 2018, and until completion and disposition of all causes and matters submitted pursuant to this assignment including, if necessary by reason of a vacancy or disqualification of a Supreme Court justice, petitions for rehearing arising out of such causes and matters.

Dated: August 13, 2018

* This order is made pursuant to the request for assignment until completion in the matter of *People v. Buenrostro (Dora)*, [Automatic Appeal], S073823.

***1058081-18**

THE HONORABLE ELWOOD G. LUI, Administrative Presiding Justice of the Court of Appeal, Second Appellate District, Division Two, is hereby assigned to assist the California Supreme Court, as a justice thereof, on *August 10, 2018, and until completion and disposition of all causes and matters submitted pursuant to this assignment including, if necessary by reason of a vacancy or disqualification of a Supreme Court justice, petitions for rehearing arising out of such causes and matters.

Dated: August 13, 2018

* This order is made pursuant to the request for assignment until completion in the matter of *People v. Gomez (Ruben Perez)*, [Automatic Appeal], S087773.