

**SUPREME COURT MINUTES
THURSDAY, DECEMBER 15, 2016
SAN FRANCISCO, CALIFORNIA**

S212800 G047013/G047219 Fourth Appellate District, Div. 3 **ORANGE CITIZENS FOR
PARKS & RECREATION v.
S.C. (MILAN REI IV LLC)**

Opinion filed: Judgment reversed

For the reasons above, we reverse the judgment of the Court of Appeal.

Majority Opinion by Liu, J.

-- Cantil-Sakauye, C. J., Werdegar, Chin, Corrigan, Cuéllar, and Kruger, JJ.

S222211 E054517/E056595 Fourth Appellate District, Div. 2 **RACEWAY FORD CASES**

Opinion filed: Affirmed in part, reversed in part

For the reasons above, we affirm in part and reverse in part the judgment of the Court of Appeal with respect to Class One's claims. Because plaintiffs do not assert the APRs disclosed on plaintiffs' contracts are inaccurate within the tolerances permitted by Regulation Z, we reverse the judgment of the Court of Appeal to the extent it directs the trial court to conduct further proceedings concerning Class One's claims under the Rees-Levering Motor Vehicle Sales and Finance Act (Civ. Code, § 2981 et seq.), and to the extent it vacates and directs further proceedings concerning the award of attorney's fees related to Class One's claims. In all other respects, we affirm the judgment of the Court of Appeal with respect to Class One's claims and Class Two's claims. Finally, we disapprove *Nelson v. Pearson Ford Co.*, *supra*, 186 Cal.App.4th 983 to the extent it is inconsistent with this opinion.

Majority Opinion by Liu, J.

-- Cantil-Sakauye, C. J., Werdegar, Chin, Corrigan, Cuéllar, and Kruger, JJ.

S238672 E063487 Fourth Appellate District, Div. 2 **PEOPLE v. MARTINEZ (JOSE
LEOPOLDO)**

The time for ordering review on the court's own motion is hereby extended to January 16, 2017. (Cal. Rules of Court, rule 8.512(c).)

S052210 **PEOPLE v. RODRIGUEZ III
(JERRY)**

Extension of time granted

Good cause appearing, and based upon Deputy Attorney General Ryan B. McCarroll's representation that the supplemental respondent's brief is anticipated to be filed by February 10,

2017, counsel's request for an extension of time in which to file that brief is granted to February 10, 2017. After that date, no further extension is contemplated.

S155160

**PEOPLE v. RAMIREZ
(IRVING ALEXANDER)**

Extension of time granted

Good cause appearing, and based upon Deputy State Public Defender Maria Morga's representation that the appellant's reply brief is anticipated to be filed by April 18, 2017, counsel's request for an extension of time in which to file that brief is granted to February 17, 2017. After that date, only one further extension totaling about 60 additional days is contemplated.

An application to file an overlength brief must be served and filed no later than 60 days before the anticipated filing date. (See Cal. Rules of Court, rule 8.631(d)(1)(A)(ii) & (B)(ii).)

S175660

**PEOPLE v. AGUIRRE (JASON
ALEJANDRO)**

Extension of time granted

Good cause appearing, and based upon counsel Carla J. Johnson's representation that the appellant's opening brief is anticipated to be filed by July 1, 2017, counsel's request for an extension of time in which to file that brief is granted to February 10, 2017. After that date, only three further extensions totaling about 142 additional days will be granted.

An application to file an overlength brief must be served and filed no later than 60 days before the anticipated filing date. (See Cal. Rules of Court, rule 8.631(d)(1)(A)(ii) & (B)(ii).)

S176812

**PEOPLE v. YONKO (TONY
RICKY)**

Extension of time granted

Good cause appearing, and based upon Deputy Attorney General Tami Falkenstein Hennick's representation that the respondent's brief is anticipated to be filed by February 17, 2017, counsel's request for an extension of time in which to file that brief is granted to February 17, 2017. After that date, no further extension is contemplated.

An application to file an overlength brief must be served and filed no later than 60 days before the anticipated filing date. (See Cal. Rules of Court, rule 8.631(d)(1)(A)(ii) & (B)(ii).)

S187726

**PEOPLE v. ROTTIERS
(BROOKE MARIE)**

Extension of time granted

On application of appellant and good cause appearing, it is ordered that the time to serve and file appellant's opening brief is extended to February 14, 2017.

S198378**PEOPLE v. RICHARDSON
(JASON RUSSELL)**

Extension of time granted

On application of appellant and good cause appearing, it is ordered that the time to serve and file appellant's opening brief is extended to February 10, 2017.

S206764**HORNING (DANNY RAY) ON
H.C.**

Extension of time granted

Good cause appearing, and based upon Deputy Attorney General Robert Gezi's representation that the informal response to the petition for writ of habeas corpus is anticipated to be filed by January 12, 2017, counsel's request for an extension of time in which to file that document is granted to January 12, 2017. After that date, no further extension is contemplated.

S224564

D063428 Fourth Appellate District, Div. 1

**PEOPLE v. CONTRERAS
(LEONEL)**

Extension of time granted

On application of appellant, **Leonel Contreras**, and good cause appearing, it is ordered that the time to serve and file the answer brief on the merits is extended to January 13, 2017.

S224564

D063428 Fourth Appellate District, Div. 1

**PEOPLE v. CONTRERAS
(LEONEL)**

Extension of time granted

On application of appellant, **William Rodriguez**, and good cause appearing, it is ordered that the time to serve and file the answer brief on the merits is extended to January 17, 2017.

S230782**PETERSON (SCOTT LEE) ON
H.C.**

Extension of time granted

Good cause appearing, and based upon Deputy Attorney General Donna M. Provenzano's representation that the informal response to the petition for writ of habeas corpus is anticipated to be filed by December 15, 2017, counsel's request for an extension of time in which to file that document is granted to February 21, 2017. After that date, only five further extensions totaling about 296 additional days will be granted.

S237424**RAMIREZ (ARHTUR
ESPINDOLA) ON H.C.**

Extension of time granted

On application of petitioner and good cause appearing, it is ordered that the time to serve and file the reply to the informal response is extended to January 3, 2017.

S233898

D067839 Fourth Appellate District, Div. 1

**H. (T.) v. NOVARTIS
PHARMACEUTICALS
CORPORATION**

Application to appear as counsel pro hac vice granted

The application of Anna B. Laakmann for admission pro hac vice to appear on behalf of The Atlantic Legal Foundation is hereby granted. (See Cal. Rules of Court, rule 9.40.)

S233898

D067839 Fourth Appellate District, Div. 1

**H. (T.) v. NOVARTIS
PHARMACEUTICALS
CORPORATION**

Application to appear as counsel pro hac vice granted

The application of Polly Fohn for admission pro hac vice to appear on behalf of International Association of Defense Counsel and Federation of Defense & Corporate Counsel is hereby granted. (See Cal. Rules of Court, rule 9.40.)

S233898

D067839 Fourth Appellate District, Div. 1

**H. (T.) v. NOVARTIS
PHARMACEUTICALS
CORPORATION**

Application to appear as counsel pro hac vice granted

The application of Phil Goldberg for admission pro hac vice to appear on behalf of National Association of Manufacturers and American Tort Reform Association is hereby granted. (See Cal. Rules of Court, rule 9.40.)

S237175

B264861 Second Appellate District, Div. 4

**ACE AMERICAN
INSURANCE COMPANY v.
FIREMAN'S FUND
INSURANCE COMPANY**

Application to appear as counsel pro hac vice granted

The application of Marianne G. May for admission pro hac vice to appear on behalf of appellant is hereby granted. (See Cal. Rules of Court, rule 9.40.)

S237175 B264861 Second Appellate District, Div. 4 **ACE AMERICAN
INSURANCE COMPANY v.
FIREMAN'S FUND
INSURANCE COMPANY**

Application to appear as counsel pro hac vice granted

The application of Daren S. McNally for admission pro hac vice to appear on behalf of appellant is hereby granted. (See Cal. Rules of Court, rule 9.40.)

S237683 F070868 Fifth Appellate District **PEOPLE v. POLES (KEON
JEROME)**

Counsel appointment order filed

Upon request of appellant for appointment of counsel, the Central California Appellate Program is hereby appointed to represent appellant on the appeal now pending in this court.

S237989 F071326 Fifth Appellate District **PEOPLE v. SUNIGA
(ANTHONY)**

Counsel appointment order filed

Upon request of appellant for appointment of counsel, Jean Marinovich is hereby appointed to represent appellant on the appeal now pending in this court.

S237993 H042388 Sixth Appellate District **PEOPLE v. LUGO (JOE
LOUIS)**

Counsel appointment order filed

Upon request of appellant for appointment of counsel, the Sixth District Appellate Program is hereby appointed to represent appellant on the appeal now pending in this court.

S238034 A147225 First Appellate District, Div. 1 **IN RE D.W.**

Counsel appointment order filed

Upon request of appellant for appointment of counsel, Brian McComas is hereby appointed to represent appellant on the appeal now pending in this court.

S127119 **PEOPLE v. GIVENS (TODD)**

Motion for access to sealed record granted

Respondent's "Renewed Application for Reporter's Transcript of Confidential Proceedings Under Penal Code Section 987.9," filed on October 27, 2016, is granted. The Clerk is directed to provide to counsel for respondent a copy of the Sealed Reporter's Transcript of the section 987.9 hearings on: (1) December 13, 2001; (2) November 13, 2002; (3) June 19, 2003; (4) August 8, 2003; and (5) June 16, 2014. Except as provided herein, these transcripts remain under seal and their use must be limited solely to the pending proceedings. (Pen. Code, § 987.9, subd. (d).)

S227473 G049691 Fourth Appellate District, Div. 3**BANNING RANCH
CONSERVANCY v. CITY OF
NEWPORT BEACH
(NEWPORT BANNING
RANCH, LLC)**

Order filed

The joint request of counsel for defendants and appellants and Real Parties in Interest in the above-referenced cause to allow two counsel to argue on behalf of defendants and appellants and Real Parties in Interest at oral argument is hereby granted.

The joint request of defendants and appellants and Real Parties in Interest to allocate to Whitman F. Manley, counsel for City of Newport Beach et al., 20 minutes and Benjamin G. Shatz, counsel for Newport Banning Ranch, LLC et al., 10 minutes of defendants and appellants' 30-minute allotted time for oral argument is granted.

S233096 B264027 Second Appellate District, Div. 2**PERRY (WILSON DANTE) v.
BAKEWELL HAWTHORNE,
LLC**

Order filed

The request of respondent to allocate to amicus curiae Association of Southern California Defense Counsel 15 minutes of respondent's 30-minute allotted time for oral argument is granted.

S234359**TORRES (LARRY LUIS) ON
H.C.**

Order filed

Respondent's motion for relief from default and for an extension of time to file an informal response received on October 24, 2016, is granted with the filing of the informal response received on December 9, 2016.