

**SUPREME COURT MINUTES
MONDAY, MAY 14, 2018
SAN FRANCISCO, CALIFORNIA**

S231549 B258860 Second Appellate District, Div. 1 **UNITED RIGGERS &
ERECTORS, INC. v. COAST
IRON & STEEL CO.**

Opinion filed: Judgment affirmed in full

The statutory right to prompt payment United Riggers asserts is remedial, granted by one of several laws that sought to ensure contractors are not at the mercy of those upon whom they depend for payment. In light of that remedial purpose, we construe the right broadly and exceptions to its application narrowly. Our analysis is informed by the text, structure, and previous interpretations of those laws establishing a similar right, as well as the relevant legislative history. Taking all these factors into account, we conclude that timely payment may be excused only when the payor has a good faith basis for contesting the payee's right to receive the specific monies that are withheld. Coast Iron argues instead that the Legislature chose to permit withholding of monies both sides agree are due when any conceivable dispute exists between the parties, because the statute fails to include explicit limits on the circumstances in which monies can be withheld. This construction of the statute is not built on the most secure foundation, given the frequency with which the Legislature has imposed explicit limits in related contexts, the statute's specific remedial purpose, and evidence that the omission here was not a purposeful departure from the Legislature's general approach. We affirm the judgment of the Court of Appeal and remand for further proceedings consistent with this opinion.

Majority Opinion by Cuéllar, J.

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

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

S247593 E065030 Fourth Appellate District, Div. 2 **PEOPLE v. BLACKBURN
(MICHAEL ROBERT)**

The time for granting or denying review in the above-entitled matter is hereby extended
June 15, 2018.

S247716 C083153 Third Appellate District **PEOPLE v. HENDERSON, JR.,
(MARLOWE WILLIAM)**

The time for granting or denying review in the above-entitled matter is hereby extended
June 20, 2018.

1056590-18

THE HONORABLE WILLIAM S. DATO, Associate Justice of the Court of Appeal, Fourth Appellate District, Division One, is hereby assigned to assist the California Supreme Court, as a justice thereof, on *May 11, 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: May 14, 2018

* This order is made pursuant to the request for assignment until completion in the matter of *Kim (William Jae) et al. v. Toyota Motor Corporation et al.*, S232754.

1056591-18

THE HONORABLE ADRIENNE M. GROVER, Associate Justice of the Court of Appeal, Sixth Appellate District, is hereby assigned to assist the California Supreme Court, as a justice thereof, on *May 11, 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: May 14, 2018

* This order is made pursuant to the request for assignment until completion in the matter of *King (Kirk) et al. v. CompPartners, Inc., et al.*, S232197.

1056592-18

THE HONORABLE HERBERT I. LEVY, Associate Justice of the Court of Appeal, Fifth Appellate District, is hereby assigned to assist the California Supreme Court, as a justice thereof, on *May 11, 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: May 14, 2018

* This order is made pursuant to the request for assignment until completion in the matter of *People v. Woodruff (Steve)*, [Automatic Appeal], S115378.

1056593-18

THE HONORABLE JEFFREY W. JOHNSON, Associate Justice of the Court of Appeal, Second Appellate District, Division One, is hereby assigned to assist the California Supreme Court, as a justice thereof, on *May 11, 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: May 14, 2018

* This order is made pursuant to the request for assignment until completion in the matter of *People v. Powell (Troy Lincoln)*, [Automatic Appeal], S137730.

1056595-18

THE HONORABLE HARRY E. HULL, JR., Associate Justice of the Court of Appeal, Third Appellate District, is hereby assigned to assist the California Supreme Court, as a justice thereof, on *May 11, 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: May 14, 2018

* This order is made pursuant to the request for assignment until completion in the matter of *People v. Powell (Carl Devon)*, [Automatic Appeal], S043520.

1056596-18

THE HONORABLE RICHARD D. HUFFMAN, Associate Justice of the Court of Appeal, Fourth Appellate District, Division One, is hereby assigned to assist the California Supreme Court, as a justice thereof, on *May 11, 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: May 14, 2018

* This order is made pursuant to the request for assignment until completion in the matter of *People v. Powell (Carl Devon)*, [Automatic Appeal], S043520.

1056617-18

THE HONORABLE MARLA J. MILLER, Associate 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 *May 14, 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: May 14, 2018

* This order is made pursuant to the request for assignment until completion in the matter of *Boling (Catherine A.) et al. v. Public Employment Relations Board (City of San Diego et al)*, S242034.

1056618-18

THE HONORABLE NATHAN D. MIHARA, Associate Justice of the Court of Appeal, Sixth Appellate District, is hereby assigned to assist the California Supreme Court, as a justice thereof, on *May 14, 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: May 14, 2018

* This order is made pursuant to the request for assignment until completion in the matter of *Citizens for Fair REU Rates et al. v. City of Redding et al.*, S224779.

1056619-18

THE HONORABLE EILEEN C. MOORE, 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 *May 14, 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: May 14, 2018

* This order is made pursuant to the request for assignment until completion in the matter of *People v. Gonzales (Craig Danny)*, S240044.