



Supreme Court of California
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NEWS RELEASE

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FOR IMMEDIATE RELEASE

January 25, 2019

Summary of Cases Accepted and Related Actions During Week of January 21, 2019

[This news release is issued to inform the public and the press of cases that the Supreme Court has accepted and of their general subject matter. The statement of the issue or issues in each case set out below does not necessarily reflect the view of the court, or define the specific issues that will be addressed by the court.]

DISPOSITIONS

Review in the following case was dismissed in light of *People v. Gonzales* (2018) 6 Cal.5th 44, *People v. Guerrero*, S238401, and *People v. Franco* (2018) 6 Cal.5th 433:

#18-31 <i>People v. Harrell</i>, S245796.	(A145661; nonpublished opinion; Solano County Superior Court; FCR306522, FCR308925)
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Review in the following cases was dismissed in light of *People v. Franco* (2018) 6 Cal.5th 433:

#16-330 <i>People v. Lupien</i>, S236230.	(G051852; nonpublished opinion; Orange County Superior Court; 02NF1132)
#16-331 <i>People v. Noriega</i>, S236298.	(G051673; nonpublished opinion; Orange County Superior Court; 06NF1119)
#18-27 <i>People v. McQuary</i>, S246053.	(E067215; nonpublished opinion; Riverside County Superior Court; SWF006085)
#18-150 <i>People v. Long</i>, S250773.	(C076292, C077406, C078221; nonpublished opinion; Yolo County Superior Court; CRF110002374)
#18-164 <i>People v. Johnson</i>, S252022.	(A151706; nonpublished opinion; Marin County Superior Court; SC108820A)

The following case was transferred for reconsideration in light of *People v. Franco* (2018) 6 Cal.5th 433:

#17-136 <i>People v. Lowery</i> , S240615.	(H042551; 8 Cal.App.5th 533; Santa Clara County Superior Court; FF932426)
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The following case was transferred for reconsideration in light *People v. Franco* (2018) 6 Cal.5th 433 and *People v. Page* (2017) 3 Cal.5th 1175:

#16-377 <i>People v. Hudson</i> , S237340.	(D068439; 2 Cal.App.5th 575; San Diego County Superior Court; SCE314973)
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The following case was transferred for reconsideration in light of in light of *People v. Franco* (2018) 6 Cal.5th 433, *People v. Page* (2017) 3 Cal.5th 1175, and *People v. Romanowski* (2017) 2 Cal.5th 903:

#16-332 <i>People v. Moore</i> , S235710.	(E063358; nonpublished opinion; Riverside County Superior Court; INF1400898)
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Review in the following case, which was granted for *People v. Franco* (2018) 6 Cal.5th 433, was dismissed without prejudice in light of *People v. Page* (2017) 3 Cal.5th 1175:

#18-59 <i>People v. Torres</i> , S247387.	(H044687; nonpublished opinion; Santa Clara County Superior Court; CC599313)
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The following case was transferred for reconsideration in light of Senate Bill No. 1391 (Stats. 2018, ch. 1012) and Senate Bill No. 620 (Stats. 2017, ch. 682):

#17-302 <i>People v. Turner</i> , 243600.	(A138649; nonpublished opinion; Alameda County Superior Court; 169011)
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STATUS

#17-163 *Flo & Eddie, Inc. v. Pandora Media, Inc.*, S240649. The court directed the parties to file supplemental briefs addressing the following questions: (1) What effect, if any, does the enactment of United States Public Law No. 115-264, the “Orrin G. Hatch-Bob Goodlatte Music Modernization Act” (the MMA), have on this case? (2) In light of the MMA’s provision preempting certain state claims for past acts (17 U.S.C § 1401(e)), does it remain true that our decision on questions of California law could determine the outcome of the underlying federal litigation? (See Cal. Rules of Court, rule 8.548(a)(1).) (3) If plaintiff’s claims under California law are not currently preempted under 17 United States Code section 1401(e), should this court hold the case in abeyance pending the

conclusion of any discussions about whether to make statutory royalty payments under 17 United States Code section 1401(e)(1)(B)(i), within the time period prescribed in that provision, or agreed payments under 17 United States Code section 1401(e)(1)(B)(ii)?

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The Supreme Court of California is the state's highest court and its decisions are binding on all other California state courts. The court's primary role is to decide matters of statewide importance and to maintain uniformity in the law throughout California by reviewing matters from the six districts of the California Courts of Appeal and the fifty-eight county superior courts (the trial courts). Among its other duties, the court also decides all capital appeals and related matters and reviews both attorney and judicial disciplinary matters.