



# NEWS RELEASE

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## Summary of Cases Accepted During the Week of February 13, 2012

*[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.]*

**#12-14 *Biancalana v. T.D. Service Co., S198562.*** (H035400; 200 Cal.App.4th 527; Santa Cruz County Superior Court; CV162804.) Petition for review after the Court of Appeal reversed the judgment in a civil action. This case presents the following issue: When a trustee makes an error in the processing and announcement of a beneficiary's "credit bid" during foreclosure proceedings on a deed of trust, and the trustee has not yet issued a trustee's deed to the highest bidder at the foreclosure sale, does the trustee have the discretionary authority to set aside the foreclosure sale due to that error?

**#12-15 *In re Cipro Cases I & II, S198616.*** (D056361; 200 Cal.App.4th 442; San Diego County Superior Court; JCCP4154, JCCP4220.) Petition for review after the Court of Appeal affirmed the judgment in a civil action. This case presents the following issue: May a suit under the Cartwright Antitrust Act (Bus. & Prof. Code, § 16720 et seq.) be brought to challenge "reverse exclusionary payments" made by pharmaceutical manufacturers to settle patent litigation with generic drug producers and prolong the life of the patents in question?

**#12-16 *People v. Nunes, S198392.*** (C060871; 200 Cal.App.4th 587; Yolo County Superior Court; 054185, 072135.) Petition for review after the Court of Appeal affirmed in part and reversed in part judgments of conviction of criminal offenses. The court ordered briefing deferred pending decision in *People v. Mesa*, S185688 (#10-125), which presents the following issue: Does Penal Code section 654 bar the imposition of separate sentences for the offense of active participation in a criminal

street gang in violation of Penal Code section 186.22, subdivision (a), and for the crimes used to prove one element of that offense—that the defendant have promoted, furthered, and assisted felonious criminal conduct by members of the gang?

**DISPOSITION**

The following case was transferred for reconsideration in light of *In re C.H.* (2011) 53 Cal.4th 94:

***#11-43 In re Robert M., S191261.***

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