



NEWS RELEASE

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Summary of Cases Accepted During the Week of March 26, 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.]

#12-34 *Los Angeles Unified School Dist. v. Garcia, S199639.* (9th Cir. No. 10-55879; 669 F.3d 956; Central District of California; 2:09-cv-09289-VBF-CT.) Request under California Rules of Court, rule 8.548, that this court decide a question of California law presented in a matter pending in the United States Court of Appeals for the Ninth Circuit. The question presented is: Does Education Code section 56041 — which provides generally that for qualifying children ages eighteen to twenty-two, the school district where the child’s parent resides is responsible for providing special education services — apply to children who are incarcerated in county jails?

#12-35 *Wisdom v. Accentcare, Inc., S200128.* (C065744; 202 Cal.App.4th 591; Sacramento County Superior Court; 34-2009-00063028CUOEGDS.) Petition for review after the Court of Appeal affirmed an order denying a motion to compel arbitration. This case includes the following issue: Is an arbitration clause in an employment application that provides “I agree to submit to binding arbitration all disputes and claims arising out of the submission of this application” unenforceable as substantively unconscionable for lack of mutuality, or does the language create a mutual agreement to arbitrate all such disputes? (See *Roman v. Superior Court* (2009) 172 Cal.App.4th 1462.)

#12-36 *People v. Archuleta, S199979.* (E049095; 202 Cal.App.4th 493; San Bernardino County Superior Court; FVI802610.) Petition for review after the Court of Appeal affirmed a judgment of conviction of criminal offenses. The court ordered briefing deferred pending decision in

People v. Dungo, S176886 (#09-77), *People v. Gutierrez*, S176620 (#09-78), *People v. Lopez*, S177046 (#09-79), and *People v. Rutterschmidt*, S176213 (#09-80), which present issues concerning the right of confrontation under the Sixth Amendment when the results of forensic tests performed by a criminalist who does not testify at trial are admitted into evidence and how the decision of the United States Supreme Court in *Melendez-Diaz v. Massachusetts* (2009) 557 U.S. ___, 129 S.Ct. 2527, 174 L.Ed.2d 314, affects this court's decision in *People v. Geier* (2007) 41 Cal.4th 555.

STATUS

#12-22 *eHarmony, Inc. v. Superior Court*, S199406.

#12-23 *Ticketmaster LLC v. Superior Court*, S199412.

In these two cases in which review was previously granted, the court ordered briefing deferred pending decision in *Apple Inc. v. Superior Court*, S199384 (#12-21), which presents the following issue: Does the Song-Beverly Credit Card Act of 1971 (Civ. Code, § 1747 et seq.), which prohibits retailers from recording a customer's personal identification information when the customer uses a credit card in a transaction, preclude on-line retailers from obtaining and recording a purchaser's address and telephone number as a prerequisite to accepting a credit card as payment for a purchase of an item that does not need to be shipped to the purchaser?

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