



Supreme Court of California  
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**NEWS RELEASE**

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**FOR IMMEDIATE RELEASE**

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## Summary of Cases Accepted and Related Actions for Week of March 30, 2015

*[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.]*

**#15-38 *McGill v. Citibank, N.A.*, S224086.** (G049838; 232 Ca4th 753; Riverside County Superior Court; .RIC1109398) Petition for review after the Court of Appeal reversed an order denying a petition to compel arbitration in a civil action. This case presents the following issue: Does the Federal Arbitration Act (9 U.S.C. § 1 et seq.), as interpreted in *AT&T Mobility LLC v. Concepcion* (2011) 563 U.S. 321, preempt the California rule (*Broughton v. Cigna Healthplans* (1999) 21 Cal.4th 1066; *Cruz v. PacifiCare Health Systems, Inc.* (2003) 30 Cal.4th 303) that statutory claims for public injunctive relief are not subject to compulsory private arbitration?

**#15-39 *People v. Vidana*, S224546.** (G050399; 233 Cal.App.4th 666; Riverside County Superior Court; RIF1105527.) Petition for review after the Court of Appeal affirmed in part and reversed in part a judgment of conviction of criminal offenses. This case presents the following issue: Can a defendant be convicted of both embezzlement (Pen. Code, § 503) and grand theft by larceny (Pen. Code, § 487(a)) for the same conduct?

**#15-40 *People v. Hernandez*, S224383.** (C067260; 232 Cal.App.4th 278; San Joaquin County Superior Court; SF113661D.) Petition for review after the Court of Appeal remanded for resentencing and otherwise affirmed a judgment of conviction of criminal offenses. The court ordered briefing deferred pending decision in *In re Alatraste*, S214652 (#14-21), *In re Bonilla*, S214960 (#14-22), and *People v. Franklin*, S217699 (#14-56), which include the following issues: (1) Did Senate Bill 260 (Reg. Sess. 2013-2014), which includes provisions for a parole suitability hearing after a maximum of 25 years for most juvenile offenders serving life sentences, render moot any claim that such a sentence violates the Eighth Amendment to the federal Constitution and that the petitioner is entitled to a new sentencing hearing applying the mitigating factors for such

juvenile offenders set forth in *Miller v. Alabama* (2012) 567 U.S. \_\_ [132 S.Ct. 2455]? If not: (2) Does *Miller* apply retroactively on habeas corpus to a prisoner who was a juvenile at the time of the commitment offense and who is presently serving a sentence that is the functional equivalent of life without the possibility of parole? (3) Is a total term of imprisonment of 77 years to life (Alatrisme) or 50 years to life (Bonilla and Franklin) for murder committed by a 16-year-old offender the functional equivalent of life without possibility of parole by denying the offender a meaningful opportunity for release on parole? (4) If so, does the sentence violate the Eighth Amendment absent consideration of the mitigating factors for juvenile offenders set forth in *Miller*?

**#15-41 *Rivers v. Cedar-Sinai Medical Care Foundation*, S224592.** (B249979; nonpublished opinion; Los Angeles County Superior Court; BC492676.) Petition for review after the Court of Appeal reversed an order in a civil action. The court ordered briefing deferred pending decision in *Sandquist v. Lebo Automotive, Inc.*, S220812 (#14-127), which presents the following issue: Does the trial court or the arbitrator decide whether an arbitration agreement provides for class arbitration if the agreement itself is silent on the issue?

*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.*

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