



**NEWS RELEASE**

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**FOR IMMEDIATE RELEASE**

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## Summary of Cases Accepted and Related Actions for Week of June 18, 2012

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

**#12-68 *People v. Gray, S202483.*** (B236337; 204 Cal.App.4th 1041; Los Angeles County Superior Court; BR048502, C165383.) Petition for review after the Court of Appeal affirmed a judgment of conviction of a criminal offense. This case presents the following issue: Does Vehicle Code section 21455.5, subdivision (b), require a local jurisdiction only to provide one 30-day warning notice period prior to the initial installation of an automated traffic enforcement system, or is such notice required prior to the installation of ATEs equipment at each additional intersection within the jurisdiction?

**#12-69 *Kurwa v. Kislinger, S201619.*** (B228078; 204 Cal.App.4th 21; Los Angeles County Superior Court; KC045216.) Petition for review after the Court of Appeal reversed the judgment in a civil action. This case presents the following issue: Was the judgment in this case, which dismissed most of the causes of action with prejudice and the remainder, pursuant to the parties' stipulation, without prejudice and with a waiver of the applicable statute of limitations, an appealable judgment?

**#12-70 *In re Manriquez, S141210.*** Original proceeding. In this case, which is related to the automatic appeal in *People v. Manriquez* (2005) 37 Cal.4th 547, the court issued an order to show cause why petitioner is not entitled to relief on the ground of juror misconduct.

**#12-71 *People v. Tom, S202107.*** (A124764, A130151; 204 Cal.App.4th 480; San Mateo County Superior Court; SC064912.) Petition for review after the Court of Appeal reversed a judgment of conviction of a criminal offense. This case presents the following issue: Did the admission of defendant's post-arrest, pre-*Miranda* silence as substantive evidence of guilt violate his Fifth Amendment rights?

**DISPOSITIONS**

The following cases were transferred for reconsideration in light of *Brinker Restaurant v. Superior Court* (2012) 53 Cal.4th 1004:

- #09-01 *Brinkley v. Public Storage, inc.*, S168806.**
- #09-24 *Bradley v. Networkers International LLC*, S171257.**
- #10-121 *Faulkinbury v. Boyd & Associates, Inc.*, S184995.**
- #10-133 *Brookler v. Radioshack Corp.*, S186357.**
- #11-10 *Hernandez v. Chipotle Mexican Grill, Inc.*, S188755.**
- #11-57 *Tien v. Tenet Healthcare Corp.*, S191756.**
- #11-90 *Lamps Plus Overtime Cases*, S194064.**
- #11-119 *Santos v. Vitas Healthcare Corp. of California*, S195866.**
- #12-39 *Muldrow v. Surrex Solutions Corp.*, S200557.**

Review in the following cases was dismissed in light of *Kirby v. Immoos Fire Protection, Inc.* (2012) 53 Cal.4th 1244:

- #11-52 *United Parcel Service Wage & Hour Cases*, S191908.**
- #11-146 *United Parcel Service Wage & Hour Cases*, S197722.**
- #12-11 *Zelasko-Barrett v. Brayton-Purcell, LLP*, S198438.**

The following case was transferred for reconsideration in light of *Kirby v. Immoos Fire Protection, Inc.* (2012) 53 Cal.4th 1244:

- #12-26 *Aleman v. AirTouch Cellular*, S199642.**

**STATUS**

- #09-77 *People v. Dungo*, S176886.**
- #09-79 *People v. Lopez*, S177046.**
- #09-80 *People v. Rutterschmidt*, S176213.**

The court requested the parties in these three cases to serve and file supplemental briefs addressing the significance, if any, of the United States Supreme Court's decision in *Williams v. Illinois* (June 18, 2012) \_\_\_ U.S. \_\_\_, 2012 WL 2202981.

- #12-62 *Boysel v. Superior Court*, S202324.**
- #12-64 *Wright v. Superior Court*, S202320.**

In these two cases in which review was previously granted, the court ordered briefing deferred pending decision in *Reilly v. Superior Court*, S202280 (#12-63), which presents the following issue: Was petitioner entitled to dismissal of a petition for commitment under the Sexually

Violent Predator Act (Welf. & Inst. Code, § 6600 et seq.) when the evaluations originally supporting the filing of the petition were conducted under an assessment protocol that was later found to constitute an invalid regulation and the results of reevaluation under a properly-adopted assessment protocol would have precluded the initial filing of the petition under Welfare and Institutions Code section 6601?

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