



Supreme Court of California
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NEWS RELEASE

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FOR IMMEDIATE RELEASE

July 13, 2018

Summary of Cases Accepted and Related Actions During Week of July 9, 2018

[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.]

#18-88 *Oman v. Delta Air Lines, Inc.*, S248726. (9th Cir. No. 17-15124; 889 F.3d 1075; Northern District of California No. 3:15-cv-00131-WHO.) Request under California Rules of Court rule 8.548, that this court decide questions of California law presented in a matter pending in the United States Court of Appeals for the Ninth Circuit. As restated by the court, the questions presented are: “(1) Do California Labor Code sections 204 and 226 apply to wage payments and wage statements provided by an out-of-state employer to an employee who, in the relevant pay period, works in California only episodically and for less than a day at a time? (2) Does California minimum wage law apply to all work performed in California for an out-of-state employer by an employee who works in California only episodically and for less than a day at a time? (See Cal. Labor Code, §§ 1182.12, 1194; Cal. Code Regs., § 11090(4).) (3) Does the *Armenta/Gonzalez* bar on averaging wages apply to a pay formula that generally awards credit for all hours on duty, but which, in certain situations resulting in higher pay, does not award credit for all hours on duty? (See *Gonzales v. Downtown LA Motors, LP* (2013) 215 Cal.App.4th 36, 155 Cal. Rptr. 3d 18; *Armenta v. Osmose, Inc.* (2005) 135 Cal.App.4th 314, 37 Cal. Rptr. 3d 460.)”

#18-89 *People v. Partee*, S248520. (B276040; 21 Cal.App.5th 630; Los Angeles County Superior Court; TA138027.) Petition for review after the Court of Appeal affirmed a judgment of conviction of criminal offenses. This case presents the following issue: Was defendant properly convicted as an accessory after the fact (Pen. Code § 32) for refusing to testify at trial after being subpoenaed as a witness and offered immunity for her testimony?

#18-90 *Satele v. Superior Court*, S248492. (B288828; no opinion; Los Angeles County Superior Court; NA039358.) Petition for review after the Court of Appeal denied a

petition for peremptory writ of mandate. The court issued an order to show cause. This case concerns a request under Penal Code section 1054.9 for discovery of evidence that was admitted at trial and is in the possession of the superior court.

#18-91 *Ward v. United Airlines, Inc.*, S248702. (9th Cir. No. 16-16415; 889 F.3d 1068; Northern District of California; No. 3:15-cv-02309-WHA.) *Vidrio v. United Airlines, Inc.*, (9th Cir. No. 17-55471; 889 F.3d 1068; Central District of California; No. 2:15-cv-07985-PSG-MRW.) Request under California Rules of Court rule 8.548, that this court decide questions of California law presented in consolidated matters pending in the United States Court of Appeals for the Ninth Circuit. As restated by the court, the questions presented are: “(1) Does California Labor Code section 226 apply to wage statements provided by an out-of-state employer to an employee who resides in California, receives pay in California, and pays California income tax on her wages, but who does not work principally in California or any other state? (2) The Industrial Wage Commission Wage Order 9 exempts from its wage statement requirements an employee who has entered into a collective bargaining agreement (CBA) in accordance with the Railway Labor Act (RLA). (See Cal. Code Regs., tit. 8, § 11090(1)(E).) Does the RLA exemption in Wage Order 9 bar a wage statement claim brought under California Labor Code section 226 by an employee who is covered by a CBA?”

#18-92 *White v. Square, Inc.*, S249248. (9th Cir. No. 16-17137; 891 F.3d 1174; Northern District of California No. 3:15-cv-04539-JST.) 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 a plaintiff suffer discriminatory conduct, and thus have statutory standing to bring a claim under the Unruh Act, when the plaintiff visits a business’s website with the intent of using its services, encounters terms and conditions that deny the plaintiff full and equal access to its services, and then departs without entering into an agreement with the service provider? Alternatively, does the plaintiff have to engage in some further interaction with the business and its website before the plaintiff will be deemed to have been denied full and equal treatment by the business?”

#18-93 *People v. Antoninetti*, S249045. (D072794; nonpublished opinion; San Diego County Superior Court; SCD272901.) Petition for review after the Court of Appeal affirmed a judgment of conviction of a criminal offense.

#18-94 *People v. Dreyfus*, S248606. (D072420; nonpublished opinion; San Diego County Superior Court; SCN355947.) Petition for review after the Court of Appeal affirmed a judgment of conviction of a criminal offense.

The court ordered briefing in *Antoninetti* and *Dreyfus* deferred pending decision in *In re Ricardo P.*, S230923 (#16-41) and *People v. Trujillo*, S244650 (#17-335), which present

issues concerning the imposition of an “electronics search condition” of probation if the devices subject to the condition had no relationship to the crime or crimes committed and use of the devices would not itself involve criminal conduct, but access to the devices might facilitate supervision of the probationer.

DISPOSITIONS

Review in the following cases was dismissed in light of *People v. Martinez* (2018) 4 Cal.5th 647:

#16-102 <i>People v. Turner</i> , S232272.	(C079217; nonpublished opinion; Yolo County Superior Court; CRF094367)
#16-179 <i>People v. Yount</i> , S233678.	(C079082; nonpublished opinion; Yolo County Superior Court; CRF072760, CRF086110, CRF090986, CRF106123)
#16-251 <i>People v. Oakley</i> , S234938.	(C079774; nonpublished opinion; Sacramento County Superior Court; 08F09057, 11F08400)
#16-259 <i>People v. Posada</i> , S233943.	(C079119; nonpublished opinion; Placer County Superior Court; 62081814A)
#16-344 <i>People v. Coleman</i> , S236702.	(C079299; nonpublished opinion; Tehama County Superior Court; NCR78898, NCR79248, NCR80183, NCR80240)
#17-31 <i>People v. Tillotson</i> , S238547.	(C80749; nonpublished opinion; Placer County Superior Court; 62074170)
#17-196 <i>People v. Hwang</i> , S241778.	(G052412; nonpublished opinion; Orange County Superior Court; 07NF2407)

STATUS

#17-335 *People v. Trujillo*, S244650. The court ordered briefing in this case in which briefing was previously deferred pending decision in *In re Ricardo P.*, S230923 (#16-41). *Ricardo P.* and *Trujillo* present issues concerning the imposition of an “electronics search condition” of probation if the devices subject to the condition had no relationship to the crime committed and use of the devices would not itself involve criminal conduct, but access to the devices might facilitate supervision of the probationer.

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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.