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Office of Communications, 455 Golden Gate Ave., San Francisco, CA 94102-3688
California Courts Infoline 800-900-5980, www.courts.ca.gov

NEWS RELEASE

Contact: [Leanne Kozak](mailto:Leanne.Kozak@courts.ca.gov), 916-263-2838

FOR IMMEDIATE RELEASE

July 20, 2012 (S.C. 29/12)

Summary of Cases Accepted and Related Actions for Week of July 16, 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.]

#12-81 *Beeman v. Anthem Prescription Management, LLC, S203124.* (9th Cir. Nos. 07-56692, 07-056693; 682 F.3d 779; Central District of California; CV-04-00407-VAP, CV-02-01327-VAP.) 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 California Civil Code section 2527 compel speech in violation of article I, section 2 of the California Constitution?”

#12-82 *Ralphs Grocery Co. v. Missionary Church of the Disciples of Jesus Christ, S203026.* (B231005; 205 Cal.App.4th 490; Los Angeles County Superior Court; YC060329.) Petition for review after the Court of Appeal affirmed the judgment in a civil action. This case presents the following issue: Did the Court of Appeal err in affirming the trial court’s order granting a permanent injunction restricting defendant’s solicitation activities outside one of plaintiff’s stores?

#12-83 *People v. Wright, S202433.* (B228640; 204 Cal.App.4th 1084; Los Angeles County Superior Court; BA358919.) Petition for review after the Court of Appeal affirmed a judgment of conviction of a criminal offense. This case presents the following issues: (1) Did the trial court misapply *People v. Wheeler* (1978) 22 Cal.3d 258 and *Batson v. Kentucky* (1986) 476 U.S. 79 by granting a prosecution motion claiming the defense was selectively excluding prospective Caucasian jurors when defense counsel, asked his reason for excluding a particular female Caucasian juror, acknowledged that one of his reasons for the challenge was to achieve a more gender-balanced jury? (2) Did

the trial court err by reseating the juror and then refusing to allow the defense to exercise a peremptory challenge after acknowledging that defense counsel had provided a

legitimate gender-neutral reason for challenging that particular female Caucasian juror?
(3) If the trial court erred by reseating the juror, is that error reversible per se or subject to a harmless error analysis?

#12-84 *People v. Borg*, S202328. (A129258; 204 Cal.App.4th 1528; San Francisco County Superior Court; 209487.) Petition for review after the Court of Appeal modified and affirmed a judgment of conviction of criminal offenses. The court ordered briefing deferred pending finality of *People v. Brown* (2012) 54 Cal.4th 314.

DISPOSITIONS

Review in the following case was dismissed in light of *People v. Mena* (2010) 54 Cal.4th 146:

#10-34 *People v. Pasillas*, S179190.

Review in the following cases was dismissed in light of *People v. Mesa* (2010) 54 Cal.4th 191:

#11-19 *People v. Duarte*, S189174.

#11-20 *People v. Ballard*, S190106.

#11-110 *People v. Tauch*, S194385.

The following case was transferred for reconsideration in light of *People v. Mesa* (2010) 54 Cal.4th 191:

#12-16 *People v. Nunes*, S198392.

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