



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 During Week of July 20, 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.]

#15-127 California Building Industry Assn. v. State Water Resources Control Bd., S226753. (A137680; 235 Cal.App.4th 1430, mod. 236 Cal.App.4th 529a; San Francisco County Superior Court; CGC11516510.) Petition for review after the Court of Appeal affirmed the judgment in an action for writ of administrative mandate. This case presents the following issues: (1) Does Water Code section 181 permit the State Water Resources Control Board to approve its annual fee under the waste discharge permit program by a majority of the quorum? (2) Does Proposition 26 apply to the waste discharge permit program fee? (3) Does the Board have the initial burden of demonstrating the validity of its fee? (4) Is the fee, which is based on balancing the fees and costs of the waste discharge permit program, an invalid tax unless it separately balances the fees and costs of each of the eight program areas within the program?

#15-128 Delano Farms Co. v. California Table Grape Com., S226538. (F067956; 235 Cal.App.4th 967; Fresno County Superior Court; 636636-3, 642546, 01CECG01127, 01CECG02289, 01CECG02292, 11CECG00178.) Petition for review after the Court of Appeal affirmed the judgment in a civil action. This case presents the following issue: Under Article 1, section 2, subdivision (a), of the California Constitution, can the California Table Grape Commission compel unwilling produce growers to contribute for generic commercial advertising?

#15-129 BNSF Railway Co. v. Superior Court, S226284. (B260798; 235 Cal.App.4th 591; BC552015.) Petition for review after the Court of Appeal granted a petition for peremptory writ of mandate. The court ordered briefing deferred pending decision in *Bristol-Myers Squibb Co. v. Superior Court*, S221038 (#14-133), which presents the following issues: (1) Did the plaintiffs in this action who are not residents of California establish specific jurisdiction over their claims against the nonresident pharmaceutical

drug manufacturer? (2) Does general jurisdiction exist in light of *Daimler AG v. Bauman* (2014) 571 U.S. ___ [134 S.Ct. 746, 187 L.Ed.2d 624]?

#15-130 *People v. Magat, S227107.* (H039935; nonpublished opinion; Santa Clara County Superior Court; C1239524.) Petition for review after the Court of Appeal modified and affirmed a judgment of conviction of a criminal offense. The court ordered briefing deferred pending decision in *People v. Friday*, S218288 (#14-77), *People v. Garcia*, S218197 (#14-78), and *People v. Klatt*, 218755 (#14-79), which present the following issue: Are the conditions of probation mandated by Penal Code section 1203.067, subdivision (b), for persons convicted of specified felony sex offenses — including waiver of the privilege against self-incrimination, required participation in polygraph examinations, and waiver of the psychotherapist–patient privilege — constitutional?

#15-131 *People v. Sek, S226721.* (B251196; 235 Cal.App.4th 1388; Los Angeles County Superior Court; NA087661.) Petition for review after the Court of Appeal affirmed in part and reversed in part judgments of conviction of criminal offenses. The court ordered briefing deferred pending decision in *People v. Canizales*, S221958 (#14-134), which presents the following issue: Was the jury properly instructed on the “kill zone” theory of attempted murder?

#15-132 *People v. Williams, S226857.* (D064781; nonpublished opinion; San Diego County Superior Court; SCD242869.) 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. Macabeo*, S221852 (#14-135), which presents the following issues: (1) May law enforcement officers conduct a search incident to the authority to arrest for a minor traffic offense, so long as a custodial arrest (even for an unrelated crime) follows? (2) Did *Riley v. California* (2014) ___ U.S. ___ [134 S.Ct. 2473, 189 L.Ed.2d 430] require the exclusion of evidence obtained during the warrantless search of the suspect’s cell phone incident to arrest, or did the search fall within the good faith exception to the exclusionary rule (see *Davis v. United States* (2011) 564 U.S. ___ [131 S.Ct. 2419, 180 L.Ed.2d 285]) in light of *People v. Diaz* (2011) 51 Cal.4th 84?

DISPOSITION

Review in the following case, which was granted and held for *People v. Sasser* (2015) 61 Cal.4th 1, was dismissed:

#15-21 *People v. Ruiz, S223831.*

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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.