



Supreme Court of California
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NEWS RELEASE

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FOR IMMEDIATE RELEASE

August 15, 2014

Summary of Cases Accepted and Related Actions for Week of August 11, 2014

[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.]

#14-92 *City of Montebello v. Vasquez, S219052.* (B245959; 226 Cal.App.4th 1084; Los Angeles County Superior Court; BC488767.) Petition for review after the Court of Appeal affirmed an order denying a special motion to strike in a civil action. This case presents the following issue: Did votes by city officials to approve a contract constitute conduct protected under Code of Civil Procedure section 425.16 despite the allegation that they had a financial interest in the contract?

#14-93 *People v. Fuentes, S219109.* (G048563; 225 Cal.App.4th 1283; Orange County Superior Court; 13NF0928.) Petition for review after the Court of Appeal remanded for further proceedings and otherwise affirmed an order dismissing an enhancement allegation in a criminal case. This case presents the following issue: Does the trial court have the power under Penal Code section 1385 to dismiss a Penal Code section 186.22 enhancement for gang-related crimes, or is the court limited to striking the punishment for the enhancement in accordance with subdivision (g) of section 186.22?

#14-94 *Howard Jarvis Taxpayers Assn. v. Bowen, S220289.* Original proceedings. The court issued an order to show cause directing the parties to show cause why the relief prayed for in the petition for writ of mandate should not be granted. This case involves the validity of proposed Proposition 49 for the November 2014 General Election — specifically, whether the Legislature had the authority to place a non-binding measure on the ballot seeking the views of the electorate.

#14-95 *People v. American Contractors Indemnity Co., S219842.* (A138310; 226 Cal.App.4th 1059; Sonoma County Superior Court; SCR611964.) Petition for review after the Court of

Appeal affirmed an order denying a motion to vacate the forfeiture of a bail bond in a criminal case. The court ordered briefing deferred pending decision in *People v. Safety National Casualty Ins. Co.*, S218712 (#14-84), which presents the following issue: May Penal Code section 977, subdivision (b)(1), be utilized to determine whether a proceeding at which a defendant charged with a felony failed to appear was a proceeding at which the defendant was “lawfully required” to appear for purposes of forfeiting bail under Penal Code section 1305, subdivision (a)(4)?

DISPOSITIONS

Review in the following cases was dismissed in light of *People v. Chiu* (2014) 59 Cal.4th 155:

#11-55 *People v. Avila*, S191317.

#11-135 *People v. Armstrong*, S196985.

#12-51 *People v. Wollett*, S200871.

The following cases were transferred for reconsideration in light of *People v. Chiu* (2014) 59 Cal.4th 155:

#14-61 *People v. Prado*, S217615.

#14-66 *People v. Canizales*, S217860.

Review in the following case was dismissed in light of *People v. Goldsmith* (2014) 59 Cal.4th 258:

#13-51 *People v. Ellis*, S209408.

The following case was transferred for reconsideration in light of *People v. Goldsmith* (2014) 59 Cal.4th 258:

#12-48 *People v. Borzakian*, S201474.

Review in the following case was dismissed at the joint request of the parties in light of the settlement of the action:

#13-07 *Kandy Kiss of California, Inc. v. Tex-Ellent, Inc.*, S206354.

Review in the following case was dismissed as abandoned:

#14-18 *In re Brianna M.*, S214955.

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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.