



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 August 17, 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.]*

**#15-147 *Banning Ranch Conservancy v. City of Newport Beach, S227473.*** (G049691; 236 Cal.App.4th 1341; Orange County Superior Court; 30-2012-00593557.) Petition for review after the Court of Appeal reversed the judgment in an action for writ of administrative mandate. This case presents the following issues: (1) Did the City’s approval of the project at issue comport with the directives in its general plan to “coordinate with” and “work with” the California Coastal Commission to identify habitats for preservation, restoration, or development prior to project approval? (2) What standard of review should apply to a city’s interpretation of its general plan? (3) Was the city required to identify environmentally sensitive habitat areas — as defined in the California Coastal Act of 1976 (Pub. Resources Code, § 3000, et seq.) — in the environmental impact report for the project?

**#15-148 *Gerawan Farming, Inc. v. Agricultural Labor Relations Bd., S227243.*** (F068526, F068676; 236 Cal.App.4th 1024; Fresno County Superior Court; 13CECG01408.) Petitions for review after the Court of Appeal reversed a decision of the Agricultural Labor Relations Board and denied a petition for peremptory writ of mandate. This case presents the following issues: (1) Does the statutory “Mandatory Mediation and Conciliation” process (Lab. Code, §§ 1164-1164.13) violate the equal protection clauses of the state and federal Constitutions? (2) Do the “Mandatory Mediation and Conciliation” statutes effect an unconstitutional delegation of legislative power? (3) May an employer oppose a certified union’s request for referral to the “Mandatory Mediation and Conciliation” process by asserting that the union has “abandoned” the bargaining unit?

**#15-149 *Tri-Fanucchi Farms v. Agricultural Labor Relations Bd., S227270.*** (F069419; 236 Cal.App.4th 1079.) Petitions for review after the Court of Appeal

affirmed in part and reversed in part a decision of the Agricultural Labor Relations Board. This case presents the following issues: (1) May an employer assert as a defense to a request for collective bargaining under the Agricultural Labor Relations Act (Lab. Code, § 1140, et seq.) that the certified union has “abandoned” the bargaining unit? (2) Did the Board err in granting “make whole” relief (Lab. Code, § 1160.3) as a remedy for the employer’s refusal to bargain with the union?

**#15-150 *Williams v. Superior Court*, S227228.** (B259967; 236 Cal.App.4th 1151; Los Angeles County Superior Court; BC503806.) Petition for review after the Court of Appeal denied a petition for peremptory writ of mandate. This case presents the following issues: (1) Is the plaintiff in a representative action under the Labor Code Private Attorneys General Act of 2004 (Lab. Code, § 2698 et seq.) entitled to discovery of the names and contact information of other “aggrieved employees” at the beginning of the proceeding or is the plaintiff first required to show good cause in order to have access to such information? (2) In ruling on such a request for employee contact information, should the trial court first determine whether the employees have a protectable privacy interest and, if so, balance that privacy interest against competing or countervailing interests, or is a protectable privacy interest assumed? (See *Hill v. National Collegiate Athletic Association* (1994) 7 Cal.4th 1; *Pioneer Electronics (USA), Inc. v. Superior Court* (2007) 40 Cal.4th 360.)

**#15-151 *People v. Castellanos*, S227342.** (F066005; nonpublished opinion; Fresno County Superior Court; F11902219.) 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. Chaney*, S223676 (#15-13), and *People v. Valencia*, S223825 (#15-14), which present the following issue: Does the definition of “unreasonable risk of danger to public safety” (Pen. Code, § 1170.18, subd. (c)) under Proposition 47 (“the Safe Neighborhoods and Schools Act”) apply on retroactivity or other grounds to resentencing under the Three Strikes Reform Act of 2012 (Pen. Code, § 1170.126)?

**#15-152 *Friends of the Santa Clara River v. County of Los Angeles*, S226749.** (B256125; nonpublished opinion; Los Angeles County Superior Court; BS136549.) Petition for review after the Court of Appeal affirmed the judgment in an action for writ of administrative mandate. The court ordered briefing deferred pending decision in *Center for Biological Diversity v. Department of Fish & Wildlife*, S217763 (#14-69), which presents the following issues: (1) Does the California Endangered Species Act (Fish & Game Code, § 2050 et seq.) supersede other California statutes that prohibit the taking of “fully protected” species, and allow such a taking if it is incidental to a mitigation plan under the California Environmental Quality Act (Pub. Resources Code, § 21000 et seq.)? (2) Does the California Environmental Quality Act restrict judicial review to the claims presented to an agency before the close of the public comment

period on a draft environmental impact report? (3) May an agency deviate from the Act's existing conditions baseline and instead determine the significance of a project's greenhouse gas emissions by reference to a hypothetical higher "business as usual" baseline?

**#15-153 *People v. Hightower*, S227856.** (C071682; nonpublished opinion; Sacramento County Superior Court; 09F03130.) Petition for review after the Court of Appeal affirmed a judgment of conviction of a criminal offense. The court ordered briefing deferred pending decision in *People v. Fuentes*, S219109 (#14-93), which 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?

**#15-154 *People v. Vega*, 226812.** (C072642; nonpublished opinion; San Joaquin County Superior Court; SF115481A.) Petition for review after the Court of Appeal affirmed in part and reversed in part a judgment of conviction of criminal offenses. The court ordered briefing deferred pending decision in *People v. Prunty*, S210234 (#13-55), which concerns whether evidence of a collaborative or organizational nexus is required before multiple subsets of the Norteños can be treated as a whole for the purpose of determining whether a group constitutes a criminal street gang within the meaning of Penal Code section 186.22, subdivision (f), and *People v. Sanchez*, S216681 (#14-47), which concerns whether the defendant's Sixth Amendment right to confrontation was violated by a gang expert's reliance on testimonial hearsay (*Crawford v. Washington* (2004) 541 U.S. 36).

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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.*