



NEWS RELEASE

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Summary of Cases Accepted During the Week of August 22, 2011

[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.]

#11-102 Elk Hills Power, LLC v. Board of Equalization, S194121.

(D056943; 195 Cal.App.4th 285; San Diego County Superior Court; 37-2008-00097074-CU-MC-CTL.) Petition for review after the Court of Appeal affirmed the judgment in an action for refund of property taxes. This case presents the following issue: How do limitations on the taxation of intangible property (see Cal. Const., art. XIII, § 2; Rev. & Tax. Code, §§ 110, 212; *Roehm v. County of Orange* (1948) 32 Cal.2d 280) apply to the assessment of a power plant subject to annual assessment by the State Board of Equalization (Cal. Const., art. XIII, § 19), when the owner of the plant used emission reduction credits (see Health & Saf. Code, § 40709) to offset its emissions and obtain authorization to construct the plant?

#11-103 In re Marriage of Valli, S193990. (B222435; 195 Cal.App.4th 776; Los Angeles County Superior Court; BD414038.) Petition for review after the Court of Appeal reversed the judgment in a marital dissolution action. This case includes the following issue: Did the Court of Appeal err in concluding that an insurance policy on the husband's life was the wife's separate property upon dissolution of the marriage, even though the policy was purchased during the marriage and the premiums prior to the couple's separation were paid with community funds, because the policy listed the wife as the owner?

#11-104 Sander v. State Bar of California, S194951. (A128647; 196 Cal.App.4th 614; San Francisco County Superior Court; CPF08508880.) Petition for review after the Court of Appeal reversed the judgment in an

action for writ of administrative mandate. The court limited review to the following issues: (1) What ground, if any, exists for finding that the information sought by plaintiffs is information that is subject to public disclosure? (2) What is the effect, if any, of the representation of confidentiality made by the State Bar to the individuals from whom the information was collected? (3) Does the form in which the requested information is regularly maintained affect whether the State Bar must provide the requested information?

#11-105 *In re J.D.*, S194921. (C065223; nonpublished opinion; Sacramento County Superior Court; JV128685.) Petition for review after the Court of Appeal reversed an order in a juvenile wardship proceeding. The court ordered briefing deferred pending decision in *In re W.B.*, S181638 (#10-58), which presents the following issue: Is Welfare and Institutions Code section 224.3, which requires tribal notification under the Indian Child Welfare Act (25 U.S.C. § 1901 et seq.) of a juvenile delinquency proceeding (Welf. & Inst. Code, § 602) when a juvenile is charged with an act that would be a crime if committed by an adult, preempted because it expands jurisdiction to proceedings expressly excluded from the Act?

#11-106 *Kaiser Cement & Gypsum Corp. v. Insurance Co. of State of Pennsylvania*, S194724. (B222310; 196 Cal.App.4th 140; Los Angeles County Superior Court; BC249550.) Petition for review after the Court of Appeal reversed the judgment in a civil action. The court ordered briefing deferred pending decision in *State of California v. Continental Ins. Co.*, S170560 (#09-08), which presents the following issues: (1) When continuous property damage occurs during the periods of several successive liability policies, is each insurer liable for all damage both during and outside its period up to the amount of the insurer's policy limits? (2) If so, is the "stacking" of limits — i.e., obtaining the limits of successive policies — permitted?

DISPOSITIONS

Review in the following case was dismissed in light of *Davis v. United States* (2011) ___ U.S. ___, 131 S.Ct. 2419:

#10-23 *People v. Branner*, S179730.

Review in the following case was dismissed in light of *People v. Zambia* (2011) 51 Cal.4th 965:

#10-33 *People v. Cason*, S179344.

The following case was transferred for reconsideration in light of *People v. Zambia* (2011) 51 Cal.4th 965:

#10-63 *People v. Tillis*, S180501.

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