



Supreme Court of California
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NEWS RELEASE

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FOR IMMEDIATE RELEASE

November 16, 2018

Summary of Cases Accepted and Related Actions During Week of November 12, 2018

[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.]

#18-151 *Monster Energy Co. v. Schechter*, S251392. (E066267; 26 Cal.App.5th 54; Riverside County Superior Court; RIC1511553.) Petition for review after the Court of Appeal affirmed in part and reversed in part an order granting in part and denying in part a special motion to strike. The court limited review to the following issues: (1) When a settlement agreement contains confidentiality provisions that are explicitly binding on the parties and their attorneys and the attorneys sign the agreement under the legend “APPROVED AS TO FORM AND CONTENT,” have the attorneys consented to be bound by the confidentiality provisions? (2) When evaluating the plaintiff’s probability of prevailing on its claim under Code of Civil Procedure section 425.16, subdivision (b), may a court ignore extrinsic evidence that supports the plaintiff’s claim or accept the defendant’s interpretation of an undisputed but ambiguous fact over that of the plaintiff?

#18-152 *Protecting Our Water & Environmental Resources v. Stanislaus County*, S251709. (F073634; nonpublished opinion; Stanislaus County Superior Court; 2006153.) Petition for review after the Court of Appeal reversed the judgment in a civil action. This case presents the following issue: Is the issuance of a well permit pursuant to state groundwater well-drilling standards a discretionary decision subject to review under the California Environmental Quality Act (Pub. Resources Code, § 21000 et seq.) or a ministerial action not subject to review?

18-153 *California Water Impact Network v. County of San Luis Obispo*, S251056. (B283846; 25 Cal.App.5th 666; San Luis Obispo County Superior Court; 16CVP-0195.) Petition for review after the Court of Appeal affirmed the judgment in a civil action.

#18-154 *Coston v. Stanislaus County, S251721.* (F074209; nonpublished opinion; Stanislaus County Superior Court; 2016561.) Petition for review after the Court of Appeal reversed the judgment in a civil action.

The court ordered briefing in *California Water Impact Network* and *Coston* deferred pending decision in *Protecting Our Water & Environmental Resources v. Stanislaus County, S251709* (#18-152), which presents the following issue: Is the issuance of a well permit pursuant to state groundwater well-drilling standards a discretionary decision subject to review under the California Environmental Quality Act (Pub. Resources Code, § 21000 et seq.) or a ministerial action not subject to review?

#18-155 *Geiser v. Kuhns, S251756.* (B279738; nonpublished opinion; Los Angeles County Superior Court; BS161018, BS161019, BS161020.) Petition for review after the Court of Appeal affirmed an order awarding attorney fees in a civil action. The court ordered briefing deferred pending decision in *FilmOn.com v. Doubleverify, Inc., S244157* (#17-316), which presents the following issue: In determining whether challenged activity furthers the exercise of constitutional free speech rights on a matter of public interest within the meaning of Civil Code section 425.16, should a court take into consideration the commercial nature of that speech, including the identity of the speaker, the identity of the audience and the intended purpose of the speech?

#18-156 *People v. Roberts, S251708.* (C082497; nonpublished opinion; Sacramento County Superior Court; 16FE007455.) Petition for review after the Court of Appeal affirmed in part and reversed in part a judgment of conviction of a criminal offense.

#18-157 *People v. Svet, S251075.* (E068713; nonpublished opinion; San Bernardino County Superior Court; FVI17001275.) Petition for review after the Court of Appeal affirmed an order modifying conditions of probation.

The court ordered briefing in *Roberts* and *Svet* deferred pending decision in *In re Ricardo P., S230923* (#16-41) and *People v. Trujillo, S244650* (#17-335), which present issues concerning the imposition of an “electronics search condition” of probation if the devices subject to the condition had no relationship to the crime or crimes committed and use of the devices would not itself involve criminal conduct, but access to the devices might facilitate supervision of the probationer.

#18-158 *People v. Stevenson, S251071.* (A143337, A143415, A143477; 25 Cal.App.5th 974; Alameda County Superior Court; CH54908A, CH54908B, CH54908C.) Petition for review after the Court of Appeal affirmed 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?

DISPOSITIONS

The following case was transferred for reconsideration in light of *People v. Buycks* (2018) 5 Cal.5th 857:

#16-324 <i>People v. Jones</i> , S235901.	(E063745; 1 Cal.App.5th 221; San Bernardino County Superior Court; FVA1301982.)
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Review in the following case, which was held for *People v. Buycks* (2018) 5 Cal.5th 857, and *People v. Maita* (Oct. 19, 2015, C074872 [nonpub. opn.], review granted Feb. 17, 2016, S230957, and trans. for reconsideration June 27, 2018, was dismissed:

#17-67 <i>People v. Fernandez</i> , S238851.	(H042665; nonpublished opinion; San Benito County Superior Court; CR1200954.)
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The following case was transferred for reconsideration in light of *People v. Ruiz* (2018) 4 Cal.5th 1100:

#17-245 <i>People v. Monroe</i> , S242744.	(D070387; nonpublished opinion; San Diego County Superior Court; SCN352205, SCN352174)
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Review in the following case, which was held for *People v. Martinez* (2018) 4 Cal.5th 647, *People v. Buycks* (2018) 5 Cal.5th 857, and *People v. Maita* (Oct. 19, 2015, C074872 [nonpub. opn.], review granted Feb. 17, 2016, S230957, and trans. for reconsideration June 27, 2018, was dismissed:

#17-296 <i>People v. Bayoneta</i> , S243461.	(C081588; nonpublished opinion; Yolo County Superior Court; CRF121798, CRF124178)
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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.