



Supreme Court of California  
350 McAllister Street, San Francisco, CA 94102-4797  
[www.courts.ca.gov/supremecourt](http://www.courts.ca.gov/supremecourt)

**NEWS RELEASE**

Contact: [Cathal Conneely](mailto:Cathal.Conneely@courts.ca.gov), 415-865-7740

**FOR IMMEDIATE RELEASE**

December 13, 2013

---

## Summary of Cases Accepted and Related Actions During Week of December 9, 2013

*[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.]*

**#13-107 *People v. Banks, S213819.*** (B236152; nonpublished opinion; Los Angeles County Superior Court; BA347305.) Petition for review after the Court of Appeal amended and affirmed judgments of conviction of criminal offenses. The court limited review to the following issues: (1) Was the evidence sufficient to establish that defendant Matthews was a “major participant” within the meaning of Penal Code section 190.2, subdivision (d)? (2) Does the true finding on the special circumstance violate due process? (U.S. Const., 5th & 14th Amends.; Cal. Const., art. I, §§ 7, 15; *Enmund v. Florida* (1982) 458 U.S. 782.)

**#13-108 *Nickerson v. Stonebridge Life Ins. Co., S213873.*** (B234271; 219 Cal.App.4th 188; Los Angeles County Superior Court; BC405280.) Petition for review after the Court of Appeal modified and affirmed the judgment in a civil action. This case includes the following issue: Is an award of attorney fees under *Brandt v. Superior Court* (1985) 37 Cal.3d 813 properly included as compensatory damages for purposes of calculating the ratio between punitive and compensatory damages where the fees are awarded by the jury, but excluded from compensatory damages when they are awarded by the trial court after the jury has rendered its verdict?

**#13-109 *Rodriguez v. RWA Trucking Company, Inc., S214150.*** (B241727; 219 Cal.App.4th 692; Los Angeles County Superior Court; BC182763.) Petition for review after the Court of Appeal affirmed in part and reversed in part the judgment in a civil action. The court ordered briefing deferred pending decision in *People ex re. Harris v. Pac Anchor Transportation, Inc.*, S194388 (#11-97), which presents the following issue: Is an action under the Unfair Competition Law (Bus. & Prof. Code, § 17200 et seq.) that is based on a trucking company’s alleged violation of state labor and insurance laws

“related to the price, route, or service” of the company and, therefore, preempted by the Federal Aviation Administration Authorization Act of 1994 (49 U.S.C. § 14501)?

**#13-110 *People v. Zapata*, S213877.** (G047277; nonpublished opinion; Orange County Superior Court; 05WF0647.) Petition for review after the Court of Appeal remanded for resentencing and otherwise affirmed a judgment of conviction of a criminal offense. The court ordered briefing deferred pending decision in *People v. Conley*, S211275 (#13-70), which presents the following issue: Does the Three Strikes Reform Act of 2012 (Pen. Code, §§ 667, subd. (e)(2)(C), 1170.12, subd. (c)(2)(C)), which reduces punishment for certain non-violent third-strike offenders, apply retroactively to a defendant who was sentenced before the Act’s effective date but whose judgment was not final until after that date?

# # #

*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.*