



Supreme Court of California
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NEWS RELEASE

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FOR IMMEDIATE RELEASE

December 14, 2018

Summary of Cases Accepted and Related Actions During Week of December 10, 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.]

#18-165 *Barefoot v. Jennings*, S251574. (F076395; 27 Cal.App.5th 1; Tuolumne County Superior Court; PR11414.) Petition for review after the Court of Appeal affirmed the judgment in a civil action. This case presents the following issue: Does a former beneficiary of a trust have standing to challenge the validity of amendments to the trust that resulted in the disinheritance of the former beneficiary?

#18-166 *Villanueva v. Fidelity National Title Co.*, S252035. (H041870; 26 Cal.App.5th 1092; Santa Clara County Superior Court; CV173356.) Petition for review after the Court of Appeal reversed the judgment in a civil action. The court limited review to the following issues: (1) Insurance Code section 12414.26 provides: “No act done, action taken, or agreement made pursuant to the authority conferred by Article 5.5 (commencing with Section 12401) or Article 5.7 (commencing with Section 12402) of this chapter shall constitute a violation of or grounds for prosecution or civil proceedings under any other law of this state heretofore or hereafter enacted which does not specifically refer to insurance.” Does this statute provide immunity to an underwritten title company for charging consumers for services for which there have been no rate filings with the Insurance Commissioner? Stated otherwise, by charging unfiled rates, did Fidelity act “pursuant to the authority conferred by Article 5.5?” (2) Does the Insurance Commissioner have exclusive jurisdiction over any action against an underwritten title company for services charged to the consumer, but not disclosed to the Department of Insurance?

#18-167 *In re A.R.*, S252197. (A149625; nonpublished opinion; San Francisco County Superior Court; JW156124.) Petition for review after the Court of Appeal affirmed orders in a juvenile warship proceeding.

#18-168 *People v. Salinas, S251690.* (F074468; nonpublished opinion; Fresno County Superior Court; F16903812.) Petition for review after the Court of Appeal affirmed a judgment of conviction of a criminal offense.

The court ordered briefing in *A.R.* and *Salinas* 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.

#18-169 *People v. Osotonu, S251817.* (A147060; 26 Cal.App.5th 973; Solano County Superior Court; FC44975.) Petition for review after the Court of Appeal reversed an order granting a petition to recall sentence. The court ordered briefing deferred pending decision in *People v. Colbert*, S238954 (#17-50), which presents the following issue: Did defendant’s entry into separate office areas of a commercial establishment that were off-limits to the general public constitute an “exit” from the “commercial” part of the establishment that precluded reducing his conviction for second degree burglary to misdemeanor shoplifting under Penal Code section 459.5?

#18-170 *Serova v. Sony Music Entertainment, S251822.* (B280526; 26 Cal.App.5th 759; Los Angeles County Superior Court; BC548468.) 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 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?

DISPOSITIONS

Review in the following case was dismissed:

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| #17-247 <i>People v. Calavano, S242474</i> | (H042950; nonpublished opinion; Santa Clara County Superior Court; C1496622) |
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Review in the following cases, which were held for *People v. Calavano, S242474* (#17-247), was dismissed:

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| #18-77 <i>People v. Henderson</i>, S247716 | (C083153; 20 Cal.App.5th 467; Placer County Superior Court; 62144154) |
| #18-117 <i>People v. Brooks</i>, S249617 | (A147410; 23 Cal.App.5th 932; Contra Costa County Superior Court; 51513811) |
| #18-121 <i>People v. Azofeifa</i>, S250411 | (C085370; nonpublished opinion; Butte County Superior Court; 17CF00350) |

STATUS

#16-147 *People v. Mateo*, S232674. The court directed the parties to file supplemental letter briefs addressing the following question: What bearing, if any, does Senate Bill No. 1437 (Stats. 2018, ch. 1015) have on the question presented in this case?

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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.