



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 December 14, 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.]

#15-231 *Cardenas v. Fanaian, S230533.* (F069305; 240 Cal.App.4th 1167; Fresno County Superior Court; 11CECG03853.) Petition for review after the Court of Appeal affirmed the judgment in a civil action. This case presents the following issue: Does Labor Code section 1102.5, subdivision (b), prohibit an employer from retaliating against an employee for reporting any alleged violation of law or only for reporting alleged violations that involve the conduct of the employer's business activities?

#15-232 *Facebook, Inc. v. Superior Court, S230051.* (A144315; 240 Cal.App.4th 203; San Francisco County Superior Court; 13035657.) Petition for review after the Court of Appeal granted a petition for peremptory writ of mandate. This case presents the following issues: (1) Did the Court of Appeal properly conclude that defendants are not entitled to *pretrial* access to records in the possession of Facebook, Instagram, and Twitter under the federal Stored Communications Act (18 U.S.C. § 2701, et seq.) and *People v. Hammon* (1997) 15 Cal.4th 117? (2) Does an order barring pretrial access to the requested records violate defendants' right to compulsory process and confrontation under the Sixth Amendment or their due process right to a fair trial? (3) Should this court limit or overrule *People v. Hammon* (1997) 15 Cal.4th 117?

#15-233 *J.M. v. Huntington Beach Union High School Dist., S230510.* (G049773; 240 Cal.App.4th 1019; Orange County Superior Court; 30-2013-00684104.) Petition for review after the Court of Appeal affirmed an order denying a petition for relief under the Government Claims Act (Gov. Code, § 810, et seq.). This case includes the following issue: Must a claimant under the Government Claims Act file a petition for relief from Government Code section 945.4's claim requirement, as set forth in Government Code section 946.6, if he has submitted a timely application for leave to present a late claim

under Government Code section 911.6, subdivision (b)(2), and was a minor at all relevant times?

#15-234 *Park v. Board of Trustees of California State University, S229728.* (B260047; 239 Cal.App.4th 1258; Los Angeles County Superior Court; BC546792.) Petition for review after the Court of Appeal reversed an order denying a special motion to strike in a civil action. This case presents the following issue: Does Code of Civil Procedure section 425.16 authorize a court to strike a cause of action in which the plaintiff challenges only *the validity of an action* taken by a public entity in an “official proceeding authorized by law” (subd. (e)) but does not seek relief against any participant in that proceeding based on his or her protected communications?

#15-235 *Robinson v. Lewis, S228137.* (9th Cir. No. 14-15125; 795 F.3d 926; Eastern District of California; 2:13-cv-00604-WBS-AC.) Request under California Rules of Court, rule 8.548, that this court decide a question of California law presented in a matter pending in the United States Court of Appeals for the Ninth Circuit. The question presented, as phrased in the request, is: “When a state habeas petitioner has no good cause for delay, at what point in time is that state prisoner’s petition, filed in a California court of review to challenge a lower state court’s disposition of the prisoner’s claims, untimely under California law; specifically, is a habeas petition untimely filed after an unexplained 66-day delay between the time a California trial court denies the petition and the time the petition is filed in the California Court of Appeal?” The court ordered further action in the matter deferred pending a determination whether to restate the question of California law to be decided.

#15-236 *People v. Prado, S229938.* (H039931; nonpublished opinion; Santa Clara County Superior Court; C1245319.) 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. Sanchez*, S216681 (#14-47), which presents the following issue: Was defendant’s Sixth Amendment right to confrontation violated by the gang expert’s reliance on testimonial hearsay (*Crawford v. Washington* (2004) 541 U.S. 36)?

#15-237 *People v. Reza, S230463.* (B260930; nonpublished opinion; Ventura County Superior Court; 2009044921.) Petition for review after the Court of Appeal affirmed a resentencing order. The court ordered briefing deferred pending decision in *People v. Morales*, S228030 (#15-156), which presents the following issue: Can excess custody credits be used to reduce or eliminate the one-year parole period required by Penal Code section 1170.18, subdivision (d), upon resentencing under Proposition 47?

DISPOSITIONS

Review in the following case, which was granted and held for *Cordova v. City of Los Angeles* (2015) 61 Cal.4th 1099, was dismissed:

#13-94 Curtis v. County of Los Angeles, S213275.

Review in the following case was dismissed:

#14-54 People v. Hood, S217462.

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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.