



NEWS

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SUMMARY OF CASES ACCEPTED DURING THE WEEK OF JANUARY 26, 2004

[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 description or descriptions set out below do not necessarily reflect the view of the court, or define the specific issues that will be addressed by the court.]

#04-08 *People ex rel. Lockyer v. R.J. Reynolds Tobacco Company*, S121009. (B160571; 112 Cal.App.4th 1377; Los Angeles County Superior Court; KC036109.) Petition for review after the Court of Appeal affirmed the judgment in a civil action. This case includes the following issue: Does the Federal Cigarette Labeling and Advertising Act (15 U.S.C. § 1331 et seq.), by preempting any state requirement or prohibition “based on smoking and health . . . with respect to the advertising or promotion of any cigarettes” (15 U.S.C. § 1334(b)), thereby preempt Health and Safety Code section 118950, which prohibits the distribution of free cigarettes on public property except in specified, limited circumstances?

#04-09 *People v. Rabaduex*, S121159. (C041818; 112 Cal.App.4th 1611; San Joaquin County Superior Court; TF030882A.) Petition for review after the Court of Appeal affirmed a judgment of conviction of criminal offenses. This case presents the following issue: Can a resident who was not present when police execute a search warrant bring a motion to suppress for a violation of the knock-notice rule if another resident was present at the time of the search?

#04-10 *Regents of University of California v. SSW, Inc.*, S120791. (A096947, A097298; unpublished opinion; San Francisco County Superior Court; 304352.) Petition

(over)

for review after the Court of Appeal affirmed an order denying a petition to compel arbitration. The court ordered briefing deferred pending decision in *Cronus Investments, Inc. v. Concierge Services, LLC*, S116288 (#03-92), which includes the following issue: Was the trial court authorized, pursuant to California Code of Civil Procedure section 1281.2, subdivision (c), to stay arbitration in this matter pending the outcome of related litigation, or does the Federal Arbitration Act (9 U.S.C. § 1 et seq.) preempt and preclude the application of this state statute?

DISPOSITIONS

#02-165 *In re Ofir M.*, S109398, was dismissed and remanded to the Court of Appeal in light of the 2002 amendment to Penal Code section 466. (Stats. 2002, ch. 335, § 1.)

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