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NEWS RELEASE

Release Number: **S.C. 15/06**

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Summary of Cases Accepted During the Week of April 10, 2006

#06-38 *City of Santa Barbara v. Superior Court, S141643.* (B176810; 135 Cal.App.4th 1345; Santa Barbara County Superior Court; 1111681.) Petition for review after the Court of Appeal denied a petition for peremptory writ of mandate. The court limited review to the following issue: Can a public agency's release of liability for recreational activities be effective as to ordinary negligence under Civil Code section 1668, as interpreted by *Tunkl v. University of California* (1963) 60 Cal.2d 92, but not be effective as to gross negligence?

#06-39 *Mills v. Superior Court, S141711.* B184760; 135 Cal.App.4th 1547; Los Angeles County Superior Court; BC316825.) Petition for review after the Court of Appeal denied a petition for peremptory writ of mandate.

#06-40 *National Steel and Shipbuilding Co. v. Superior Court, S141278.* (D046692; 135 Cal.App.4th 1072; San Diego County Superior Court; GIC840471.) Petition for review after the Court of Appeal denied a petition for peremptory writ of mandate.

The court ordered briefing in *Mills* and *National Steel* deferred pending decision in *Murphy v. Kenneth Cole Productions, Inc.*, S140308 (#06-21), which includes the following issue: Is a claim under Labor Code section 226.7 for the required payment of "one additional hour of pay at the employee's regular rate of compensation" for each day that an employer fails to provide mandatory meal or rest periods to an employee (see Cal. Code Regs., tit. 8, § 11010, subds. (11)(D), 12(B)) governed by the three-year statute of limitations for a claim for compensation (Code Civ. Proc., § 338) or the one-year statute of limitations for a claim for payment of a penalty (Code Civ. Proc., § 340)?

(over)

DISPOSITIONS

The following cases were transferred to the Court of Appeal for reconsideration in light of *People v. Salas* (2006) 37 Cal.4th 967:

#05-49 People v. Ristau, S130191.

#06-07 People v. Young, S138455.

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