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# NEWS RELEASE

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## Summary of Cases Accepted During the Week of May 10, 2010

*[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.]*

**#10-56 *Diaz v. Carcamo*, S181627.** (B211127; 182 Cal.App.4th 339, mod. 182 Cal.App.4th 1674a; Ventura County Superior Court; 241085.) Petition for review after the Court of Appeal affirmed the judgment in a civil action. This case presents the following issue: When a plaintiff alleges negligent driving against an employee and negligent hiring against the employer, does the employer's admission of vicarious liability for the employee's negligence eliminate the negligent hiring cause of action and preclude evidence of the employee's poor driving record?

**#10-57 *Jankey v. Lee*, S180890.** (A123006; 181 Cal.App.4th 1173; San Francisco County Superior Court; 463040.) Petition for review after the Court of Appeal affirmed an award of attorney fees in a civil action. This case presents the following issue: Is an award of fees to a prevailing defendant under the California Disabled Persons Act (Civ. Code, § 54 et seq.) inconsistent with, and therefore preempted by, the federal Americans with Disabilities Act (42 U.S.C. § 12101 et seq.)?

**#10-58 *In re W.B.*, S181638.** (E047368; 182 Cal.App.4th 126; Riverside County Superior Court; RIJ114127.) Petition for review after the Court of Appeal affirmed an order in a juvenile wardship proceeding. This case presents the following issue: Is Welfare and Institutions Code section 224.3, which requires tribal notification under the Indian Child Welfare Act (25 U.S.C. § 1901 et seq.) of a juvenile delinquency proceeding (Welf. & Inst. Code, § 602) when a juvenile is charged with an act that would be a crime if committed by an adult, preempted because it expands jurisdiction to proceedings expressly excluded from the Act?

**#10-59 *People v. Benitez*, S181137.** (G041201; 182 Cal.App.4th 194; San Bernardino County Superior Court; FWV034195.) Petition for review after the Court of Appeal affirmed in part and reversed in part a judgment of conviction of criminal offenses. The court ordered briefing deferred pending decision in *People v. Dungo*, S176886 (#09-77), *People v. Gutierrez*, S176620 (#09-78), *People v. Lopez*, S177046 (#09-79), and *People v. Rutterschmidt*, S176213 (#09-80), which present issues concerning the right of confrontation under the Sixth Amendment when the results of forensic tests performed by a criminalist who does not testify at trial are admitted into evidence and how the decision of the United States Supreme Court in *Melendez-Diaz v. Massachusetts* (2009) 557 U.S. \_\_\_, 129 S.Ct. 2527, 174 L.Ed.2d 314, affects this court's decision in *People v. Geier* (2007) 41 Cal.4th 555.

**#10-60 *Hall v. Warren Pumps LLC*, S181357.** (B208275; nonpublished opinion; Los Angeles County Superior Court; BC373038.) Petition for review after the Court of Appeal affirmed the judgment in a civil action. The court ordered briefing deferred pending decision in *O'Neil v. Crane Co.*, S177401 (#09-85), which presents the following issue: Can the manufacturer of valves and fittings installed on Navy ships, and designed to be used with asbestos packing, gaskets, and insulation, rely on the "component parts" defense or related theories to preclude strict liability for asbestosis injuries years later suffered by seamen on those ships?

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