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# NEWS RELEASE

Release Number: **S.C. 25/05**

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## **Summary of Cases Accepted During the Week of July 20, 2005**

*[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.]*

**#05-140 *Shirk v. Vista Unified School Dist.*, S133687.** (D043697; 128 Cal.App.4th 156; San Diego County Superior Court; GIC818294.) Petition for review after the Court of Appeal reversed a judgment of dismissal of a civil action. This case presents the following issue: Does Code of Civil Procedure section 340.1, which provides that the time for commencement of an action for damages from childhood sexual abuse is within three years of the date the plaintiff discovers or reasonably should have discovered that psychological injury occurring after the age of majority was caused by the sexual abuse, extend the time limit for presenting a claim for damages against a public entity under the Government Tort Claims Act (Gov. Code, § 900 et seq.)?

**#05-141 *Taus v. Loftus*, S133805.** (A104689; unpublished opinion; Solano County Superior Court; FCS021557.) 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 under Code of Civil Procedure section 425.16. This case includes the following issue: In this action against the authors and investigators of articles relating to the alleged recovery of repressed memories of child abuse, did the Court of Appeal properly conclude that plaintiff established a prima facie case supporting some of her claims for invasion of privacy and defamation?

**#05-142 *People v. Castro*, S134220.** (B168064; unpublished opinion; Los Angeles County Superior Court; BA232610.) Petition for review after the Court of Appeal remanded for resentencing and otherwise affirmed a judgment of conviction of criminal offenses.

(over)

**#05-143 *People v. Mackey*, S132978.** (B173677; unpublished opinion; Los Angeles County Superior Court; MA025578.) Petition for review after the Court of Appeal remanded for resentencing and otherwise affirmed a judgment of conviction of criminal offenses.

**#05-144 *People v. Musharbash*, S134064.** (B174478; unpublished opinion; Los Angeles County Superior Court; KA063863.) Petition for review after the Court of Appeal remanded for resentencing and otherwise affirmed a judgment of conviction of criminal offenses.

The court ordered briefing in *Castro*, *Mackey*, and *Musharbash* deferred pending finality of *People v. Black* (June 20, 2005, S126182) \_\_ Cal.4th \_\_, 2005 WL 1421815 <http://www.courtinfo.ca.gov/opinions/documents/S126182.PDF> regarding the effect of *Blakely v. Washington* (2004) 542 U.S. \_\_, 124 S.Ct. 2531, and *United States v. Booker* (2005) 543 U.S. \_\_, 125 S.Ct. 738, on California law.

## STATUS

*People v. Cornwell*, S046176. The court permitted the parties to file supplemental briefs in this automatic appeal addressing the United States Supreme Court's recent decisions in *Johnson v. California* (June 13, 2005, No. 04-6964) \_\_ U.S. \_\_, 2005 WL 1383731, and *Miller-El v. Dretke* (June 13, 2005, No. 03-9659) \_\_ U.S. \_\_, 2005 WL 1383365.

**#04-144 *Balboa Island Village Inn, Inc. v. Lemen*, S127904.** In this case in which briefing was previously deferred pending the decision of the United States Supreme Court in *Tory v. Cochran* (2005) \_\_ U.S. \_\_, 125 S.Ct. 2108, the court ordered briefing to proceed.