



JUDICIAL COUNCIL OF  
CALIFORNIA  
ADMINISTRATIVE OFFICE  
OF THE COURTS  
Public Information Office  
455 Golden Gate Avenue  
San Francisco, CA 94102-3688  
[www.courtinfo.ca.gov](http://www.courtinfo.ca.gov)

415-865-7740

Lynn Holton  
Public Information Officer

# NEWS RELEASE

Release Number: **S.C. 33/06**

Release Date: **August 17, 2006**

## Summary of Cases Accepted During the Week of August 14, 2006

*[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.]*

**#06-88 *Chambers v. Superior Court, S143491.*** (D047661; unpublished opinion; San Diego County Superior Court; GIC856399.) Petition for review after the Court of Appeal granted a petition for peremptory writ of mandate. This case includes the following issue: Is information developed as a result of the receipt of information disclosed pursuant to a *Pitchess* motion (*Pitchess v. Superior Court* (1974) 11 Cal.3d 531) subject to the same protective order as the information disclosed pursuant to the motion (Evid. Code, § 1045, subd. (e); see *Alford v. Superior Court* (2003) 29 Cal.4th 1033), or can such derivative information be disclosed to and used by a defendant in a separate criminal proceeding?

**#06-89 *Fashion Valley Mall, LLC v. National Labor Relations Bd., S144753.*** (D.C. Cir. No. 04-1411; 451 F.3d 241.) Request under California Rules of Court, rule 29.8, that this court decide a question of California law presented in a matter pending in the United States Court of Appeals for the District of Columbia Circuit. This case presents the following issue: Under California law, may Fashion Valley maintain and enforce against the Union its Rule 5.6.2, which allows individuals and organizations to engage in expressive activities on its premises with a permit if they agree to abide by its rules and regulations that prohibit urging consumers to boycott any of the mall's tenants?

**#06-90 *Silverbrand v. County of Los Angeles, S143929.*** (B176239; unpublished opinion; Los Angeles County Superior Court; MC014605.) Petition for review after the Court of Appeal dismissed the appeal in a civil action. This case presents the following issue: Does the "prison delivery" rule apply to the filing of a notice of appeal in a civil case, and

(over)

thus make timely a notice of appeal deposited in the prison legal mail system before the expiration of the jurisdictional deadline but not received by the trial court until after that deadline has passed?

**#06-91 *Vasquez v. State of California*, S143710.** (D045592; 138 Cal.App.4th 550; San Diego County Superior Court; GIC740832.) Petition for review after the Court of Appeal affirmed the judgment in a civil action. The court limited review to the following issue: Does the rule that, in order to receive attorney fees under Code of Civil Procedure section 1021.5, the plaintiff must first reasonably attempt to settle the matter short of litigation, apply to this case? (See *Graham v. DaimlerChrysler Corp.* (2004) 34 Cal.4th 553, 557; *Grimsley v. Board of Supervisors* (1985) 169 Cal.App.3d 960, 966-967.)

## **DISPOSITIONS**

Review in the following case was dismissed in light of *People v. Reed* (2006) 38 Cal.4th 1224:

**#06-51 *People v. Vasquez*, S141677.**

Review in the following cases was dismissed in light of *People v. Wilson* (2006) 38 Cal.4th 1237:

**#05-92 *People v. Nawi*, S131126.**

**#06-30 *People v. Prince*, S140277.**

Review in the following case was dismissed in light of *People v. Johnson* (2006) 38 Cal.4th 1096:

**#06-37 *People v. Allen*, S140565.**

The following cases were transferred for reconsideration in light of *People v. Avila* (2006) 38 Cal.4th 491 and *People v. Johnson* (2006) 38 Cal.4th 1096:

**#04-56 *People v. Ibarra*, S124067.**

**#04-59 *People v. Robinson*, S123938.**

The following case was transferred for reconsideration in light of *Johnson v. California* (2005) 545 U.S. 162 and *People v. Johnson* (2006) 38 Cal.4th 1096:

**#06-54 *People v. Kelly*, S141359.**