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NEWS RELEASE

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Summary of Cases Accepted During the Week of August 30, 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.]

#10-102 *In re C.H.*, S183737. (B214707; nonpublished opinion; Ventura County Superior Court; 2005040811.) Petition for review after the Court of Appeal affirmed orders in a juvenile wardship proceeding. This case presents the following issues: (1) Was minor ineligible for commitment to the California Department of Corrections and Rehabilitation, Division of Juvenile Justice, because he was not found to have committed an offense enumerated in Welfare and Institutions Code section 707, subdivision (b), although his offense was enumerated in Penal Code section 290.008, subdivision (c)? (2) Assuming the juvenile court had the statutory authority to order such a commitment, did the court abuse its discretion in doing so on the ground there was no showing that minor would benefit from that commitment and because the court failed to adequately consider alternative placements?

#10-103 *Parks v. MBNA America Bank, N.A.*, S183703. (G040798; 184 Cal.App.4th 652; Orange County Superior Court; 04CC00598.) Petition for review after the Court of Appeal reversed the judgment in a civil action. This case presents the following issues: (1) Is Civil Code section 1748.9, which requires credit card issuers to make certain disclosures on checks issued to cardholders for cash advances from the cardholders' credit card accounts, preempted by the National Bank Act (12 U.S.C. § 21 et seq.)? (2) Is 12 Code of Federal Regulations section 7.4008, which was promulgated under the National Bank Act by the Office of the Comptroller of the Currency and which provides that state

laws that impair a nationally chartered bank's non real-estate banking powers are not applicable to nationally chartered banks, a valid

regulation?

#10-104 *People v. Sonnier*, S183604. (D057293; nonpublished opinion; San Diego County Superior Court; SCD204332.) Petition for review after the Court of Appeal dismissed an appeal from a judgment of conviction of criminal offenses. The court ordered briefing deferred pending decision in *People v. Brown*, S181963 (#10-64), which presents the following issue: Does Penal Code section 4019, as amended to increase presentence custody credits for certain offenders, apply retroactively?

#10-105 *Yanez v. SOMA Environmental Engineering, Inc.*, S184846. (A123893; 185 Cal.App.4th 1313, mod. 186 Cal.App.4th 497g; Alameda County Superior Court; VG06288107.) Petition for review after the Court of Appeal reversed the judgment in a civil action. The court ordered briefing deferred pending decision in *Howell v. Hamilton Meats & Provisions, Inc.*, S179115 (#10-25), which presents the following issues: (1) Is the “negotiated rate differential” — the difference between the full billed rate for medical care and the actual amount paid as negotiated between a medical provider and an insurer — a collateral source benefit under the collateral source rule, which allows plaintiff to collect that amount as economic damages, or is the plaintiff limited in economic damages to the amount the medical provider accepts as payment? (2) Did the trial court err in this case when it permitted plaintiff to present the full billed amount of medical charges to the jury but then reduced the jury’s award of damages by the negotiated rate differential?

DISPOSITION

Review in the following case was dismissed in light of the 2010 amendments to Penal Code section 12370 (Stats. 2010, ch. 21):

#10-31 *People v. Saleem*, S179660.

STATUS

#09-46 *State Building & Construction Trades Council of California v. City of Vista*, S173586. The court ordered the issues to be briefed and argued limited to the question whether the Prevailing Wage Law (Lab. Code, § 1720 et seq.) applies to charter cities and excluded the question whether application of the Prevailing Wage Law to charter cities would constitute an unfunded state mandate within the meaning of article XIII B, section 6 of the California Constitution.