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NEWS RELEASE

Release Number: **S.C. 39/06**

Release Date: **September 29, 2006**

Summary of Cases Accepted During the Week of September 25, 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.]

#06-111 *Banda v. Richard Bagdasarian, Inc.*, S144949. (E035739; unpublished opinion; Riverside County Superior Court; INC029768.) Petition for review after the Court of Appeal affirmed in part and reversed in part the judgment in a civil action. The court ordered briefing 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)?

#06-112 *People v. German*, S144746. (B182673; unpublished opinion; Los Angeles County Superior Court; BA265029.) Petition for review after the Court of Appeal modified and affirmed judgments of conviction of a criminal offense. The court ordered briefing deferred pending decision in *People v. Palacios*, S132144 (#05-104), which presents the following issue: Does the multiple punishment bar of Penal Code section 654 apply to sentence enhancements generally and, in particular, to the enhancement under Penal Code section 12022.53, subdivision (d), for the personal and intentional discharge of a firearm resulting in death or great bodily injury?

(over)

DISPOSITION

The following case was transferred for reconsideration in light of *Carter v. California Dept. of Veterans Affairs* (2006) 38 Cal.4th 914:

#04-132 *Adams v. Los Angeles Unified School Dist.*, S127961.

STATUS

#05-123 *Oakland Raiders v. National Football League*, S132814. The court requested the parties to file supplemental briefs addressing the following issues: (1) Should the court reconsider *Mercer v. Perez* (1968) 68 Cal.2d 104, to the extent that it bars an appellate court from remanding a case to a trial court to enable the trial court to file a statement of reasons in support of its order granting a new trial? (2) Should the court reconsider *Treber v. Superior Court* (1968) 68 Cal.2d 128, to the extent that it bars an appellate court from issuing a writ of mandate to compel a trial court to file a statement of reasons in support of its order granting a new trial?

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