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NEWS RELEASE

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Summary of Cases Accepted During the Week of September 29, 2008

[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.]

#08-149 *Sunset Skyranch Pilots Assn. v. County of Sacramento, S165861.* (C055224; 164 Cal.App.4th 671; Sacramento County Superior Court; 06CS00265.) Petition for review after the Court of Appeal affirmed in part and reversed in part the judgment in a civil action. This case presents the following issues: (1) Is a county's denial of an application to renew a conditional use permit a "project" subject to the California Environmental Quality Act (Pub. Resources Code, § 21000 et seq.)? (2) If the denial of such an application is a project, is it nonetheless exempt from the Act?

#08-150 *People v. Boyle, S166167.* (A117860; 164 Cal.App.4th 1266; Del Norte County Superior Court; CRF049956.) Petition for review after the Court of Appeal affirmed an order of commitment as a sexually violent predator. The court ordered briefing deferred pending decision in *People v. McKee*, S162823 (#08-107), which presents the following issues: Does the amended Sexually Violent Predator Act violate appellant's constitutional rights to due process of law, is it an illegal ex post facto law, and does it violate equal protection?

#08-151 *Cohen v. NuVasive, Inc., S166020.* (B194078, B196905; 164 Cal.App.4th 868; Los Angeles County Superior Court; BC311805, BC311865, BC312189, BC318149, BC331656, BC348376.) Petition for review after the Court of Appeal reversed the judgment in a civil action. The court ordered briefing deferred pending decision in *Conroy v. Regents of University of California*, S153002 (#07-391), which presents the following issue: Could the surviving spouse of a person who donated

his body for medical research sue in contract or in tort based on claim the university failed to keep track of her husband's body, failed to contact her before disposing of the remains, and allegedly mishandled or treated the remains improperly or in a manner not permitted by the donative contract?

DISPOSITION

The following case was transferred to the Court of Appeal to resolve any remaining issues in light of the United States Supreme Court's decision in *Giles v. California* (2008) __ U.S. __, 128 S.Ct. 2678, 171 L.Ed.2d 488:

#04-159 People v. Giles, S129852.

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