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# NEWS RELEASE

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## Summary of Cases Accepted During the Week of October 13, 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.]*

**#08-152 *Klein v. United States, S165549.*** (9th Cir. No. 06-55510; 537 F.3d 1027; Central District of California; CV-05-05526-PA.) Request under California Rules of Court, rule 8.548, that this court decide questions of California law presented in a matter pending in the United States Court of Appeals for the Ninth Circuit. The question presented is: “Does Civil Code section 846, California’s recreational land use statute, immunize a landowner from liability for acts of vehicular negligence committed by the landowner’s employee in the course and scope of his employment that cause personal injury to a recreational user of that land?”

**#08-153 *Marriage of Sonne, S166221.*** (H030110; 164 Cal.App.4th 1331; Monterey County Superior Court; DR41290.) Petition for review after the Court of Appeal reversed the judgment in a marital dissolution action. This case presents the following issue: When a married public employee covered by the California Public Employees Retirement System redeposits contributions withdrawn by a former spouse pursuant to an earlier dissolution so as to regain employer-subsidized retirement service credits, how is the marital community’s interest, if any, in those premarital service credits determined?

**#08-154 *People v. Picklesimer, S165680.*** (C056385; 164 Cal.App.4th 723; Trinity County Superior Court; 92CR065.) Petition for review after the Court of Appeal dismissed the appeal in a criminal proceeding. This case presents the following issue: Did the trial court have jurisdiction to entertain a motion, in light of the decision in *People v. Hofsheier* (2006)

37 Cal.4th 1185, to vacate an order requiring defendant to register as a sex offender due to a final conviction affirmed on appeal years earlier?

**#08-155 *People v. Garcia*, S166682.** (F052703; 165 Cal.App.4th 1120; Fresno County Superior Court; F90420081-2.) 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?

**#08-156 *County of Sacramento v. AFSCME Local 146*, S166591.** (C054060, C054233; 165 Cal.App.4th 401; Sacramento County Superior Court; 06AS03704, 06AS03790.) Petition for review after the Court of Appeal reversed the issuance of preliminary injunctions in two civil actions. The court ordered briefing deferred pending decision in *City of San Jose v. Operating Engineers Local Union No. 3*, S162647 (#08-96), which presents the following issue: Does the Public Employment Relations Board have the exclusive initial jurisdiction to determine whether certain "essential" public employees covered by Meyers-Milius-Brown Act (Gov. Code, §§ 3500 3511) have the right to strike, or does that jurisdiction rest with the superior court?

## STATUS

**#06-61 *Prospect Medical Group, Inc. v. Northridge Emergency Medical Group*, S142209.** The court directed the parties to file simultaneous letter briefs addressing the relevance, if any, to this case of the recently effective California Code of Regulations, title 28, section 1300.71.39.