



Supreme Court of California  
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**NEWS RELEASE**

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**FOR IMMEDIATE RELEASE**

May 24, 2019

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## Summary of Cases Accepted and Related Actions During Week of May 20, 2019

*[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.]*

**#19-57 *Sass v. Cohen*, S255262.** (B283122; 32 Cal.App.5th 1032, mod. 33 Cal.App.5th 942a; Los Angeles County Superior Court; BC554035.) Petition for review after the Court of Appeal reversed the judgment in a civil action. The court limited review to the following issues: (1) In a complaint that seeks an accounting of specified assets, is the plaintiff required to plead a specific amount of damages to support a default judgment, or is it sufficient for purposes of Code of Civil Procedure section 580 to identify the assets that are in defendant's possession and request half of their value? (2) Should the comparison of whether a default judgment exceeds the amount of compensatory damages demanded in the operative pleadings examine the aggregate amount of non-duplicative damages or instead proceed on a claim-by-claim or item-by-item basis?

**#19-58 *People v. Black*, S255261.** (A154237; nonpublished opinion; Humboldt County Superior Court; CR1700669, CR1704676.) Petition for review after the Court of Appeal affirmed a judgment of conviction of a criminal offense. The court ordered briefing deferred pending decision in *People v. Orozco*, S249495 (#18-108), which presents the following issue: Can a felony conviction for receiving a stolen vehicle in violation of Penal Code section 496d be reclassified as a misdemeanor under Proposition 47 in light of Penal Code section 496, subdivision (a), which provides that receiving other stolen property is a misdemeanor when the value of the property does not exceed \$950?

**#19-59 *People v. Case*, S255207.** (H045876; nonpublished opinion; Monterey County Superior Court; SS150065.) Petition for review after the Court of Appeal affirmed a judgment of conviction of a criminal offense. The court ordered briefing deferred pending decision in *People v. McKenzie*, S251333 (#18-161), which presents the following issue: When is the judgment in a criminal case final for purposes of applying a

later change in the law if the defendant was granted probation and imposition of sentence was suspended?

**#19-60 *People v. Smith, S255215.*** (D074901; nonpublished opinion; Riverside County Superior Court; SWF1707369.) Petition for review after the Court of Appeal affirmed a judgment of conviction of a criminal offense.

**#19-61 *People v. Valderrama, S255291.*** (D073930; nonpublished opinion; San Diego County Superior Court; SCD272278.) Petition for review after the Court of Appeal affirmed a judgment of conviction of a criminal offense.

The court ordered briefing in *Smith* and *Valderrama* deferred pending decision in *People v. Aledamat, S248105* (#18-87), which presents the following issue: Is error in instructing the jury on both a legally correct theory of guilt and a legally incorrect one harmless if an examination of the record permits a reviewing court to conclude beyond a reasonable doubt that the jury based its verdict on the valid theory, or is the error harmless only if the record affirmatively demonstrates that the jury actually rested its verdict on the legally correct theory?

#### DISPOSITIONS

The following case was transferred for reconsideration in light of *McClain v. Sav-On-Drugs* (2019) 6 Cal.5th 951:

<b>#18-147 <i>Littlejohn v. Costco Wholesale Corp., S250802.</i></b>	(A144440; 25 Cal.App.5th 251, mod. 25 Cal.App.5th 587b; San Francisco County Superior Court; CGC13531835)
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Consideration of the questions of state law presented in the following case was dismissed in light of the enactment of United States Public Law No. 115-264 [the “Orrin G. Hatch-Bob Goodlatte Music Modernization Act”]:

<b>#17-163 <i>Flo &amp; Eddie, Inc. v. Pandora Media, Inc., S240649.</i></b>	(9th Cir. No. 15-55287; 851 F.3d 950; Central District of California; No. 2:14-cv-07648-PSG-RZ)
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*The Supreme Court of California is the state’s highest court and its decisions are binding on all other California state courts. The court’s primary role is to decide matters of statewide importance and to maintain uniformity in the law throughout California by reviewing matters from the six districts of the California Courts of Appeal and the fifty-eight county superior courts (the trial courts). Among its other duties, the court also decides all capital appeals and related matters and reviews both attorney and judicial disciplinary matters.*