



Supreme Court of California
350 McAllister Street, San Francisco, CA 94102-4797
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NEWS RELEASE

Contact: [Cathal Conneely](mailto:Cathal.Conneely@courts.ca.gov), 415-865-7740

FOR IMMEDIATE RELEASE

July 11, 2014

Summary of Cases Accepted and Related Actions for Week of July 7, 2014

[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.]

#14-69 *Center for Biological Diversity v. Department of Fish & Wildlife, S217763.* (B245131; 224 Cal.App.4th 1105; Los Angeles County Superior Court; BS131347.) Petition for review after the Court of Appeal reversed the judgment in an action for writ of administrative mandate. This case presents the following issues: (1) Does the California Endangered Species Act (Fish & Game Code, § 2050 et seq.) supersede other California statutes that prohibit the taking of “fully protected” species, and allow such a taking if it is incidental to a mitigation plan under the California Environmental Quality Act (Pub. Resources Code, § 21000 et seq.)? (2) Does the California Environmental Quality Act restrict judicial review to the claims presented to an agency before the close of the public comment period on a draft environmental impact report? (3) May an agency deviate from the Act’s existing conditions baseline and instead determine the significance of a project’s greenhouse gas emissions by reference to a hypothetical higher “business as usual” baseline?

14-70 *People v. Garcia, S218233.* (D062659; 224 Cal.App.4th 1310; San Diego County Superior Court; SCN291820.) Petition for review after the Court of Appeal modified and affirmed a judgment of conviction of criminal offenses. The court limited review to the following issue: Did defendant commit two burglaries, or only one burglary, when he entered the business with the intent to commit a robbery, then took the robbery victim to the bathroom in the back of the business with the intent to rape her?

#14-71 *Ramos v. Brenntag Specialties, Inc., S218176.* (B248038; 224 Cal.App.4th 1239; Los Angeles County Superior Court; BC449958.) Petition for review after the Court of Appeal reversed the judgment in a civil action. This case presents the following issue: Are negligence and strict liability claims by an employee of a processing company against a supplier of raw

materials for injuries allegedly suffered in the course of processing those materials barred by the component parts doctrine?

#14-72 *Citizens for Environmental Responsibility v. State ex rel. 14th Dist. Ag. Assn., S218240.* (C070836; 224 Cal.App.4th 1542; Sacramento County Superior Court; 34201180000902CUWMGDS.) Petition for review after the Court of Appeal affirmed the judgment in a civil action. The court ordered briefing deferred pending decision in *Berkeley Hillside Preservation v. City of Berkeley*, S201116 (#12-58), which presents the following issue: Did the City of Berkeley properly conclude that a proposed project was exempt from the California Environmental Quality Act (Pub. Resources Code, § 21000 et seq.) under the categorical exemptions set forth in California Code of Regulations, title 14, sections 15303, subdivision (a), and 15332, and that the “Significant Effects Exception” set forth in section 15300.2, subdivision (c), of the regulations did not operate to remove the project from the scope of those categorical exemptions?

#14-73 *Gillespie v. Svale Del Grande, Inc., S218704.* (H039428; nonpublished opinion; Santa Clara County Superior Court; CV233338.) Petition for review after the Court of Appeal reversed an order denying a petition to compel arbitration in a civil action. The court ordered briefing deferred pending decision in *Sanchez v. Valencia Holding Co. LLC*, S199119 (#12-33), which includes the following issue: Does the Federal Arbitration Act (9 U.S.C. § 2), as interpreted in *AT&T Mobility LLC v. Concepcion* (2011) 563 U. S. __ [131 S.Ct. 1740], preempt state law rules invalidating mandatory arbitration provisions in a consumer contract as procedurally and substantively unconscionable?

#14-74 *Gray1 CPB, LLC v. SCC Acquisitions, Inc., S218699.* (G047429; 225 Cal.App.4th 410; Orange County Superior Court; 30-2008-00112660.) Petition for review after the Court of Appeal affirmed orders in a civil action. The court ordered briefing deferred pending decision in *Conservatorship of McQueen*, S209376 (#13-43), which presents the following issue: Is a trial court award of statutorily-mandated fees and costs incurred on appeal subject to the Enforcement of Judgments Statutes (Code Civ. Proc., § 685.040 et seq.) if the statutory authority underlying the award is the Elder Abuse Act (Welf. & Inst. Code, § 15600 et seq.)?

#14-75 *People v. Haynes, S218982.* (F067275; 225 Cal.App.4th 997; Tulare County Superior Court; VCF037228-98.) Review on the court’s own motion after the Court of Appeal affirmed a judgment of conviction of criminal offenses. The court ordered briefing deferred pending decision in *Teal v. Superior Court*, S211708 (#13-63), which presents the following issue: Did defendant have the right to appeal the trial court’s denial of his petition to recall his sentence under Penal Code section 1170.126, part of the Three Strikes Reform Act of 2012, when the trial court held he did not meet the threshold eligibility requirements for resentencing?

DISPOSITIONS

Review in the following case was dismissed in light of *Loeffler v. Target Corp.* (2014) 58 Cal.4th 1081:

#09-75 *Yabsley v. Cingular Wireless, LLC, S176146.*

Review in the following cases was dismissed in light of *People v. Gutierrez* (2014) 58 Cal.4th 1354:

#13-32 *People v. Siackasorn, S207973.*

#13-41 *People v. Meraz, S208967.*

#13-85 *People v. Blackwell, S212074.*

The following cases were transferred for reconsideration in light of *People v. Gutierrez* (2014) 58 Cal.4th 1354:

#13-35 *People v. Silva, S208313.*

#13-73 *People v. Mauricio, S211933.*

#13-90 *People v. Adderley, S212517.*

#13-91 *In re Pulido, S212759.*

#13-115 *People v. Ramirez, S214133.*

#14-31 *In re Murray, S216198.*

#14-46 *People v. Uy, S216253.*

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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.