



NEWS RELEASE

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Summary of Cases Accepted During the Week of July 11, 2011

[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.]

#11-81 *People v. Anzalone, S192536.* (H035123; nonpublished opinion; Santa Clara County Superior Court; CC935164.) Petition for review after the Court of Appeal reversed a judgment of conviction of criminal offenses. This case presents the following issues: (1) Did the trial court err by failing to obtain the jury's oral assent to the verdicts, and if so, was the error structural and thus reversible per se, or subject to harmless error analysis? (2) If the latter, was the error prejudicial? (3) If the former, does double jeopardy bar retrial?

#11-82 *City of Los Angeles v. Superior Court, S192828.* (B228732; 193 Cal.App.4th 1159; Los Angeles County Superior Court; BS126192.) Petition for review after the Court of Appeal reversed an order granting a petition to compel arbitration. This case presents the following issue: Could grievances challenging the imposition of furloughs on employees covered by a ratified Memorandum of Understanding be referred to arbitration in accordance with the agreement, or was arbitration barred as an improper delegation of the city's discretionary salary-setting and budget-making powers?

#11-83 *Iverson v. California Village Homeowners Assn., S192763.* (B220863; 194 Cal.App.4th 107; Los Angeles County Superior Court; LC080387.) Petition for review after the Court of Appeal affirmed the judgment in a civil action.

#11-84 *Tverberg v. Fillner Construction, Inc.*, S192804. (A120050; 193 Cal.App.4th 1121; Solano County Superior Court; FCS028210.) Petition for review after the Court of Appeal reversed the judgment in a civil action.

The court ordered briefing in *Iverson* and *Tverberg* deferred pending decision in *Seabright Ins. Co. v. U.S. Airways, Inc.*, S182508 (#10-69), which includes the following issue: When an employee of an independent contractor sustains an on-the-job injury, can the hirer of the contractor be liable on the theory that the hirer's breach of a non-delegable duty contained in a statute or regulation constituted an "affirmative contribution" to the injury within the meaning of *Hooker v. Dept. of Transp.* (2002) 27 Cal.4th 198, 212, footnote 3?

#11-85 *People v. Robinson*, S193289. (B223191; 194 Cal.App.4th 672; Los Angeles County Superior Court; NA083496.) Petition for review after the Court of Appeal affirmed a judgment of conviction of criminal offenses. The court ordered briefing deferred pending decision in *People v. Ahmed*, S191020 (#11-39), which presents the following issue: Does Penal Code section 654 apply to enhancements and thereby preclude imposition of enhancements for both personal use of a firearm and personal infliction of great bodily injury under circumstances involving domestic violence?

STATUS

The court requested the parties in the following appeals to file supplemental briefs addressing the significance, if any, of the recent decision of the United States Supreme Court in *Bullcoming v. New Mexico* (June 23, 2011, No. 09-10876) 564 U.S. ___, 2011 WL 2472799:

#09-77 *People v. Dungo*, S176886.

#09-78 *People v. Gutierrez*, S176620.

#09-79 *People v. Lopez*, S177046.

#09-80 *People v. Rutterschmidt*, S176213.

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