



Supreme Court of California
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NEWS RELEASE

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FOR IMMEDIATE RELEASE

August 29, 2014

Summary of Cases Accepted and Related Actions for Week of August 25, 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.]

#14-100 Yvanova v. New Century Mortgage Corp., S218973. (B247188; 226 Cal.App.4th 495; Los Angeles County Superior Court; LC097218.) Petition for review after the Court of Appeal affirmed the judgment in a civil action. The court limited review to the following issue: In an action for wrongful foreclosure on a deed of trust securing a home loan, does the borrower have standing to challenge an assignment of the note and deed of trust on the basis of defects allegedly rendering the assignment void?

#14-101 People v. Trejo, S219448. (G048572; nonpublished opinion; Orange County Superior Court; 12NF3730.) Petition for review after the Court of Appeal remanded in part and otherwise affirmed a judgment of conviction of criminal offenses. The court ordered briefing deferred pending decision in *People v. Fuentes*, S219109 (#14-93), which presents the following issue: Does the trial court have the power under Penal Code section 1385 to dismiss a Penal Code section 186.22 enhancement for gang-related crimes, or is the court limited to striking the punishment for the enhancement in accordance with subdivision (g) of section 186.22?

DISPOSITIONS

The following case was transferred for reconsideration in light of *Salas v. Sierra Chemical Co.* (2014) 59 Cal.4th 407

#14-26 *Horne v. District Council 16 Internat. Union of Painters & Allied Trades, S215870.*

Review in the following case was dismissed in light of *Luis M. v. Superior Court* (2014) 59 Cal.4th 300:

#14-30 *In re Mark R., S216031.*

The following cases were transferred for reconsideration in light of *Iskanian v. CLS Transportation Los Angeles, LLC* (2014) 59 Cal.4th 348:

#13-22 *Franco v. Arakelian Enterprises, Inc., S207760.*

#13-79 *Brown v. Superior Court, S211962.*

#14-68 *Ybarra v. Apartment Investment & Management Co., S217994.*

Review in the following case was dismissed in light of *Iskanian v. CLS Transportation Los Angeles, LLC* (2014) 59 Cal.4th 348:

#12-119 *Reyes v. Liberman Broadcasting, Inc., S205907.*

STATUS

#12-85 *People v. Le, S202921.* The court directed the parties to file supplemental letter briefs addressing whether the People adequately met their pleading burden by generically pleading the Penal Code section 186.22 enhancement under subdivision (b)(1) without greater specificity as to whether the People sought enhancement under subdivision (b)(1)(A), (b)(1)(B), or (b)(1)(C) of that section, and whether, in light of such generic pleading, the People should be estopped from relying or permitted to rely at sentencing on subdivision (b)(1)(B) of section 186.22. (Pen. Code, § 1170.1, subd. (e); *People v. Mancebo* (2002) 27 Cal.4th 735.)

In the following cases in which briefing was previously deferred pending decision in *Iskanian v. CLS Transportation Los Angeles, LLC* (2014) 59 Cal.4th 348, 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?

#12-110 *Caron v. Mercedes-Benz Financial Services USA LLC, S205263.*

#13-34 Flores v. West Covina Auto Group, LLC, S208716.

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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.