



NEWS RELEASE

Release Number: **S.C. 39/11**

Release Date: **September 30, 2011**

JUDICIAL COUNCIL OF
CALIFORNIA
ADMINISTRATIVE OFFICE
OF THE COURTS
Public Information Office
455 Golden Gate Avenue
San Francisco, CA 94102-3688
www.courts.ca.gov

415-865-7740

Lynn Holton
Public Information Officer

Summary of Cases Accepted During the Week of September 26, 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.]

#11-117 *People v. Superior Court (Gilbert)*, S195336. (B230886; 196 Cal.App.4th 1355; Los Angeles County Superior Court; ZM015186.) Petition for review after the Court of Appeal granted a petition for peremptory writ of mandate. The court ordered briefing deferred pending decision in *In re Lucas*, S181788 (#10-74), and *People v. Superior Court (Sharkey)*, S182355 (#10-75), which present the following issues: (1) What constitutes “good cause” for the imposition of a 45-day hold and extension of a scheduled parole date under Welfare and Institutions Code section 6601.3 to permit evaluation of the defendant under the Sexually Violent Predator Act? (2) Is California Code of Regulations, title 15, section 2600.1, subdivision (d), which defines the term “good cause” as used in section 6601.3 as “some evidence” that the inmate has a prior qualifying conviction and is likely to engage in predatory criminal behavior, a valid regulation? (3) Does the “good faith mistake of law or fact” exception apply in these cases?

#11-118 *Hughes v. Progressive Direct Ins. Co.*, S195069. (B224990; 196 Cal.App.4th 754; Los Angeles County Superior Court; BC426745.) Petition for review after the Court of Appeal reversed an order dismissing a civil action. The court ordered briefing deferred pending decision in *Zhang v. Superior Court*, S178542 (#10-16), which presents the following issues: (1) Can an insured bring a cause of action against its insurer under the unfair competition law (Bus. & Prof. Code, § 17200) based on allegations that the insurer misrepresents and falsely advertises that it will promptly and properly pay covered claims when it has no

intention of doing so? (2) Does *Moradi-Shalal v. Fireman's Fund Ins. Companies* (1988) 46 Cal.3d 287 bar such an action?

#11-119 *Santos v. Vitas Healthcare Corp. of California, S195866.* (B222645; nonpublished opinion; Los Angeles County Superior Court; BC359356.) Petition for review after the Court of Appeal affirmed in part and reversed in part an order denying class certification in a civil action. The court ordered briefing deferred pending decision in *Brinker Restaurant Corp. v. Superior Court, S166350* (#08-157), which presents issues concerning the proper interpretation of California's statutes and regulations governing an employer's duty to provide meal and rest breaks to hourly workers.

#11-120 *People v. Verni, S195717.* (C065429; 197 Cal.App.4th 124; Tehama County Superior Court; NCR77091.) 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. Runyan, S187804* (#11-02), which presents the following issue: Did the trial court err in awarding restitution to a manslaughter victim's estate as a "direct victim" of the crime within the meaning of Penal Code section 1202.4, subdivision (k)(2)?

#