



**SUPREME COURT OF CALIFORNIA
ORAL ARGUMENT CALENDAR
SPECIAL SESSION — SAN DIEGO
THURSDAY, SEPTEMBER 29, 2016**

The following cases are placed upon the calendar of the Supreme Court for hearing at its Special Session at the Court of Appeal, Fourth Appellate District, Division One, 750 B Street, Suite 300, San Diego, California, on September 29, 2016.

SAN DIEGO SPECIAL SESSION

THURSDAY, SEPTEMBER 29, 2016 — 10:45 A.M.

Opening Remarks: Historic Special Session

- (1) Augustus (Jennifer) et al. v. ABM Security Services, Inc., S224853

1:45 P.M.

- (2) Orange Citizens For Parks and Recreation et al. v. Superior Court of Orange County (Milan REI IV LLC et al., Real Parties in Interest), S212800
- (3) In re Transient Occupancy Tax Cases, S218400
- (4) People v. Miami Nation Enterprises et al., S216878

CANTIL-SAKAUYE

Chief Justice

If exhibits are to be transmitted to this court, counsel must apply to the court for permission. (See Cal. Rules of Court, rule 8.224(c).)

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The following case summaries are issued to inform the public about cases that the California Supreme Court has scheduled for oral argument and of their general subject matter. In most instances, the descriptions set out below are reproduced from the original news release issued when review in each of these matters was granted and are provided for the convenience of the public. The descriptions do not necessarily reflect the view of the court or define the specific issues that will be addressed by the court.

THURSDAY, SEPTEMBER 29, 2016—10:45 A.M.
Opening Remarks: Historic Special Session

(1) *Augustus (Jennifer) et al. v. ABM Security Services, Inc., S224853*

#15-50 Augustus (Jennifer) et al. v. ABM Security Services, Inc., S224853. (B243788; 233 Cal.App.4th 1065; Superior Court of Los Angeles County; BC336416, BC345918, CG5444421.) Petition for review after the Court of Appeal reversed the judgment in a civil action. This case presents the following issues: (1) Do Labor Code, section 226.7, and Industrial Welfare Commission wage order No. 4-2001 require that employees be relieved of all duties during rest breaks? (2) Are security guards who remain on call during rest breaks performing work during that time under the analysis of *Mendiola v. CPS Security Solutions, Inc.* (2015) 60 Cal.4th 833?

1:45 P.M.

(2) *Orange Citizens For Parks and Recreation et al. v. Superior Court of Orange County (Milan REI IV LLC et al., Real Parties in Interest), S212800*

#13-96 Orange Citizens for Parks and Recreation et al. v. Superior Court of Orange County (Milan REI IV LLC et al., Real Parties in Interest) S212800. (G047013, G047219; 217 Cal.App.4th 1005; Superior Court of Orange County; 30-2011-00494437.) Petition for review after the Court of Appeal affirmed in part and reversed in part the judgment in an action for writ of administrative mandate. This case presents the

following issue: Is the proposed development project of low density housing at issue in this case consistent with the city's general plan?

(3) *In re Transient Occupancy Tax Cases, S218400*

#14-90 *In re Transient Occupancy Tax Cases, S218400.* (B243800; 225 Cal.App.4th 56; Superior Court of Los Angeles County; JCCP 4472.) Petition for review after the Court of Appeal affirmed the judgment in action for writ of administrative mandate. This case includes the following issue: When a customer books a hotel room through an online travel company, should the occupancy tax levied on the rent charged by the hotel be calculated based on the retail rate paid by the customer to obtain the right to use the room or on the wholesale amount that the hotel receives from the online travel company after that company has deducted its markup and fees?

(4) *People v. Miami Nation Enterprises et al., S216878*

#14-51 *People v. Miami National Enterprises et al., S216878.* (B242644; 223 Cal.App.4th 21; Superior Court of Los Angeles County; BC373536.) Petition for review after the Court of Appeal affirmed the judgment in a civil action. This case presents the following issue: Is a payday loan company owned by a federally recognized Indian tribe entitled to tribal sovereign immunity, and thus exempt from state regulation, if the day-to-day management of the business is handled by a third party management company that is not affiliated with the tribe and pays the tribe a small percentage of the gross revenues?