



**SUPREME COURT OF CALIFORNIA
ORAL ARGUMENT CALENDAR
SAN FRANCISCO SESSION
MARCH 8, 2023**

Pursuant to Administrative Order No. [2022-10-05 \(October 5, 2022\)](#), in November 2022 the Supreme Court resumed in-person oral argument in its San Francisco courtroom. Under this order, which supersedes Administrative Orders Nos. [2020-03-13 \(March 16, 2020\)](#), [2020-03-27 \(March 27, 2020\)](#), and [2020-08-19 \(August 19, 2020\)](#), counsel have the option to appear in person, or remotely via video. The public will continue to have access to argument via live-streaming on the judicial branch website: <https://supreme.courts.ca.gov/>.

The following cases are placed upon the calendar of the Supreme Court for hearing at its courtroom in the Ronald M. George State Office Complex, Earl Warren Building, 350 McAllister Street, Fourth Floor, San Francisco, California, on March 8, 2023.

WEDNESDAY, MARCH 8, 2023 — 9:00 A.M.

- (1) People v. Braden (Cory Juan, Jr.), S268925
- (2) People v. Cooper (Robert), S273134
- (3) Los Angeles Unified School District v. Superior Court of Los Angeles County (Jane Doe, Real Party in Interest), S269608

1:30 P.M.

- (4) People ex rel. Garcia-Brower (Lilia) v. Kolla's Inc., S269456
- (5) Leon (Dora) v. County of Riverside, S269672

GUERRERO

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.

WEDNESDAY, MARCH 8, 2023 — 9:00 A.M.

(1) *People v. Braden (Cory Juan, Jr.), S268925*

#21-345 *People v. Braden*, S268925. (E073204; 63 Cal.App.5th 330; San Bernardino County Superior Court; FVII8001116.) Petition for review after the Court of Appeal affirmed a judgment of conviction of criminal offenses. The court limited review to the following issue: What is the latest point at which a defendant may request mental health diversion under Penal Code section 1001.36?

(2) *People v. Cooper (Robert), S273134*

#22-119 *People v. Cooper*, S273134. (B304490; nonpublished opinion; Los Angeles County Superior Court; TA140718.) Petition for review after the Court of Appeal affirmed a judgment of conviction of criminal offenses. The court limited review to the following issue: Must any of defendant’s sentencing enhancements be vacated due to recent statutory changes requiring that the offenses necessary to establish a “ ‘pattern of criminal gang activity’ . . . commonly benefited a criminal street gang, and the common benefit from the offense is more than reputational” (Pen. Code, § 186.22, subd. (e)(1), as amended by Stats. 2021, ch. 699, § 3)?

(3) *Los Angeles Unified School District v. Superior Court of Los Angeles County (Jane Doe, Real Party in Interest), S269608*

#21-437 *Los Angeles Unified School Dist. v. Superior Court*, S269608. (B307389; 64 Cal.App.5th 549; Los Angeles County Superior Court; BC659059.) Petition for review

Summary of Cases Accepted and Related Actions During Week of August 30, 2021 Page 2 after the Court of Appeal granted a petition for writ of mandate. This case presents the following issue: Does Government Code section 818, which bars punitive damages against government defendants, preclude recovery under Code of Civil Procedure section 340.1, subdivision (b), which permits an award of up to treble damages after a child is sexually abused as a result of a cover up?

1:30 P.M.

(4) *People ex rel. Garcia-Brower (Lilia) v. Kolla's Inc., S269456*

#21-435 *People ex rel. Garcia-Brower v. Kolla's Inc., S269456.* (G057831; nonpublished opinion; Orange County Superior Court; 30-2017-00950004.) Petition for review after the Court of Appeal affirmed in part and reversed in part the judgment in a civil action. This case presents the following issue: Does Labor Code section 1102.5, subdivision (b), which protects an employee from retaliation for disclosing unlawful activity, apply when the information is already known to that person or agency?

(5) *Leon (Dora) v. County of Riverside, S269672*

#21-409 *Leon v. County of Riverside, S269672.* (E073781; 64 Cal.App.5th 837; Riverside County Superior Court; RIC1722990.) Petition for review after the Court of Appeal affirmed the judgment in a civil action. This case presents the following issue: Is immunity under Government Code section 821.6 limited to actions for malicious prosecution? (See *Sullivan v. County of Los Angeles* (1974) 12 Cal.3d 710.)