



**SUPREME COURT OF CALIFORNIA
ORAL ARGUMENT CALENDAR
SAN FRANCISCO SESSION
MARCH 5, 2024**

In accordance with [Administrative Order 2023-05-11](#), the Supreme Court has resumed in-person oral argument sessions. Counsel have the option to appear in person at these sessions, or remotely via video. The public may attend in person and will also 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 5, 2024.

TUESDAY, MARCH 5, 2024 — 9:00 A.M.

- (1) Another Planet Entertainment, LLC v. Vigilant Insurance Company, S277893
- (2) Prang (Jeffrey) v. Amen (Luis A.) et al., S266590
- (3) Wheeler (Emily) v. Appellate Division of the Superior Court of Los Angeles County (People, Real Party in Interest), S272850

1:30 P.M.

- (4) People v. Burgos (Francisco) et al., S274743
- (5) People v. Carter (Ishmael Michael), S278262
- (6) Naranjo (Gustavo) et al. v. Spectrum Security Services, Inc., S279397
(*Guerrero, C. J., not participating; Rodriguez, J., assigned justice pro tempore*)

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.

TUESDAY, MARCH 5, 2024 — 9:00 A.M.

(1) *Another Planet Entertainment, LLC v. Vigilant Insurance Company, S277893*

#23-36 *Another Planet Entertainment, LLC v. Vigilant Insurance Company, S277893.*

(9th Cir. No. 21-16093; 56 F.4th 730; Northern District of California; D.C. No. 3:20-cv-07476-VC.) Request under California Rules of Court, rule 8.548, that this court decide a question of California law presented in a matter pending in the United States Court of Appeals for the Ninth Circuit. The question presented is: “Can the actual or potential presence of the COVID-19 virus on an insured’s premises constitute ‘direct physical loss or damage to property’ for purposes of coverage under a commercial property insurance policy?”

(2) *Prang (Jeffrey) v. Amen (Luis A.) et al., S266590*

#21-130 *Prang v. Amen, S266590.* (B298794; 58 Cal.App.5th 246; Los Angeles County Superior Court; BS173698.) Petition for review after the Court of Appeal affirmed the judgment in a civil action. This case presents the following issue: Does the term “stock” in Revenue and Taxation Code section 62, subdivision (a)(2), which defines when certain transactions transferring real property will or will not result in a change of ownership calling for reassessment of the property, refer to all types of stock shares, or only voting shares?

(3) *Wheeler (Emily) v. Appellate Division of the Superior Court of Los Angeles County (People, Real Party in Interest), S272850*

#22-69 Wheeler v. Appellate Division of Superior Court, S272850. (B310024; 72 Cal.App.5th 824; Los Angeles County Superior Court; 9CJ00315-02, 9CJ00315, BR054851.) Petition for review after the Court of Appeal denied a petition for writ of mandate and remanded for further proceedings. This case presents the following issues: (1) Can a trial court dismiss a strict liability offense pursuant to Penal Code section 1385 based in part on a defendant's lack of knowledge concerning the offense? (2) Does state law preempt a local ordinance when both prohibit the same conduct and the state law has a mens rea component that the local ordinance does not?

1:30 P.M.

(4) *People v. Burgos (Francisco) et al., S274743*

#22-194 People v. Burgos, S274743. (H045212; 77 Cal.App.5th 550; Santa Clara County Superior Court; C1518795, C1756994.) Petition for review after the Court of Appeal reversed a judgment of conviction of criminal offenses and remanded for further proceedings; briefing previously deferred pending decision in *People v. Tran* (2022) 13 Cal.5th 1169. The court limited review to the following issue: Does the provision of Penal Code section 1109 governing the bifurcation at trial of gang enhancements from the substantive offense or offenses apply retroactively to cases that are not yet final?

(5) *People v. Carter (Ishmael Michael), S278262*

#23-37 People v. Carter, S278262. (C094949; 86 Cal.App.5th 739; Yolo County Superior Court; CRF19987081.) Petition for review after the Court of Appeal affirmed a civil commitment order. This case presents the following issue: Did the trial court deprive defendant of effective assistance of counsel by failing to appoint substitute counsel to evaluate and potentially argue defendant's pro. per. motion to dismiss after appointed counsel refused to consider the motion based on an asserted conflict in arguing her own ineffective assistance of counsel?

(6) *Naranjo (Gustavo) et al. v. Spectrum Security Services, Inc., S279397*
(*Guerrero, C. J., not participating; Rodriguez, J., assigned justice pro tempore*)
#23-110 Naranjo v. Spectrum Security Services, Inc., S279397. (B256232; 88
Cal.App.5th 937; Los Angeles County Superior Court; BC372146.) 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 an employer’s good faith belief that
it complied with Labor Code section 226, subdivision (a) preclude a finding that its
failure to report wages earned was “knowing and intentional” as is necessary to recover
penalties under Labor Code section 226, subdivision (e)(1)?