



**SUPREME COURT OF CALIFORNIA
ORAL ARGUMENT CALENDAR
LOS ANGELES SESSION
APRIL 3, 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 Reagan State Office Building, 300 South Spring Street, Third Floor, North Tower, Los Angeles, California, on April 3, 2024.

WEDNESDAY, APRIL 3, 2024 — 9:00 A.M.

- (1) Make UC a Good Neighbor et al. v. The Regents of the University of California et al. (Resources for Community Development et al., Real Parties in Interest), S279242
- (2) Truck Insurance Exchange v. Kaiser Cement and Gypsum Corp. et al. (London Market Insurers et al.), S273179
- (3) Himes (Michelle) et al. v. Somatics, LLC, et al., S273887

1:30 P.M.

- (4) Needham (Nicholas) v. Superior Court of Orange County (People, Real Party in Interest), S276395
- (5) In re Harris (John, Jr.) on Habeas Corpus, S272632
- (6) People v. Nadey (Giles Albert, Jr.), [Automatic Appeal], S087560

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).)

**SUPREME COURT OF CALIFORNIA
ORAL ARGUMENT CALENDAR
SAN FRANCISCO SESSION
APRIL 3, 2024**

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, APRIL 3, 2024 — 9:00 A.M.

(1) *Make UC a Good Neighbor et al. v. The Regents of the University of California et al. (Resources for Community Development et al., Real Parties in Interest)*, S279242

#23-93 Make UC A Good Neighbor v. Regents of University of California, S279242.

(A165451; 88 Cal.App.5th 656, mod. 88 Cal.App.5th 1293a; Alameda County Superior Court; RG21110142.) Petition for review after the Court of Appeal reversed the judgment in a civil action. This case presents the following issues: (1) Does the California Environmental Quality Act (Pub. Resources Code, § 21000 et seq.) (CEQA) require public agencies to consider as an environmental impact the increased social noise generated by student parties that a student housing project might bring to a community?

(2) Under CEQA, when a lead agency has identified potential sites for future development and redevelopment in a programmatic planning document, is the agency required to revisit alternative locations for a proposed site-specific project within the program?

(2) *Truck Insurance Exchange v. Kaiser Cement and Gypsum Corp. et al. (London Market Insurers et al.)*, S273179

#22-91 Truck Insurance Exchange v. Kaiser Cement, S273179. (B278091; nonpublished opinion; Los Angeles County Superior Court; BC249550.) Petition for review after the Court of Appeal affirmed in part and reversed in part the judgment in a civil action. The court limited review to the following issue: May a primary insurer seek equitable contribution from an excess insurance carrier after the primary policy underlying the

excess policy has been exhausted (vertical exhaustion), or is equitable contribution from an excess insurance carrier available only after all primary policies have been exhausted (horizontal exhaustion)?

(3) *Himes (Michelle) et al. v. Somatics, LLC, et al., S273887*

#22-157 Himes v. Somatics, LLC, S273887. (9th Cir. No. 21-55517; 29 F.4th 1125; Central District of California; D.C. No. 2:17-cv-06686-RGK-JC.) Request under California Rules of Court, rule 8.548, that this court decide questions of California law presented in a matter pending in the United States Court of Appeals for the Ninth Circuit. The questions presented are: “Under California law, in a claim against a manufacturer of a medical product for a failure to warn of a risk, is the plaintiff required to show that a stronger risk warning would have altered the physician’s decision to prescribe the product? Or may the plaintiff establish causation by showing that the physician would have communicated the stronger risk warnings to the plaintiff, either in [] patient consent disclosures or otherwise, and a prudent person in the patient’s position would have declined the treatment after receiving the stronger risk warning?”

1:30 P.M.

(4) *Needham (Nicholas) v. Superior Court of Orange County (People, Real Party in Interest), S276395*

#22-281 Needham v. Superior Court, S276395. (G060670; 82 Cal.App.5th 114; Orange County Superior Court; M-16870.) Petition for review after the Court of Appeal granted a petition for writ of mandate. This case presents the following issue: Does the Sexually Violent Predator Act (Welf. & Inst. Code, § 6600 et seq.) allow the People to retain a private expert to testify at trial as to whether a defendant is a sexually violent predator, or are the expert witnesses limited to those designated by the State Department of State Hospitals (Welf. & Inst. Code, §§ 6601 & 6603)?

(5) *In re Harris (John, Jr.) on Habeas Corpus, S272632*

#22-57 In re Harris, S272632. (A162891; 71 Cal.App.5th 1085; San Mateo County Superior Court; 21NF002568A.) Petition for review after the Court of Appeal conditionally vacated an order denying bail and remanded the matter for further

proceedings. The court limited review to the following issue: What evidence may a trial court consider at a bail hearing when evaluating whether the facts are evident or the presumption great with respect to a qualifying charged offense, and whether there is a substantial likelihood the person's release would result in great bodily harm to others? (Cal. Const., art. I, § 12, subd. (b).)

(6) ***People v. Nadey (Giles Albert, Jr.), [Automatic Appeal], S087560***

This matter is an automatic appeal from a judgment of death.