

ISSUES PENDING BEFORE THE CALIFORNIA SUPREME COURT IN CIVIL CASES

[These case summaries are made available to inform the public of the general subject matter in cases that the Supreme Court has accepted for review. The statement of the issue or issues in each case set out below does not necessarily reflect the views of the court, or define the specific issues that will be addressed by the court. This compilation is current as of Friday, April 26, 2024.]

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?”

Bailey v. San Francisco District Attorney’s Office, S265223. (A153520; nonpublished opinion; San Francisco County Superior Court; CGC15549675.) Petition for review after the Court of Appeal affirmed the judgment in a civil action. This case presents the following issue: Did the Court of Appeal properly affirm summary judgment in favor of defendants on plaintiff’s claims of hostile work environment based on race, retaliation, and failure to prevent discrimination, harassment and retaliation?

Brown v. City of Inglewood, S280773. (B320658; 92 Cal.App.5th 1256; Los Angeles County Superior Court; 21STCV30604.) Petition for review after the Court of Appeal affirmed in part and reversed in part an order in a civil action. The court limited review to the following issue: Are elected officials employees for purposes of whistleblower protection under Labor Code section 1102.5, subdivision (b)?

California-American Water Co. v. Public Utilities Commission, S271493. Original proceeding. The court issued a writ of review regarding notice and due process requirements in proceedings before the Public Utilities Commission. (See also *Golden State Water Co. v. Public Utilities Commission*, S269099.)

California Capital Ins. Co. v. Hoehn, S277510. (C092450; nonpublished opinion; Placer County Superior Court; SCV0026851.) Petition for review after the Court of Appeal affirmed an order in a civil action. This case presents the following issues: (1) Is there a time limitation for filing a motion under Code of Civil Procedure section 473, subdivision (d) to vacate a judgment that is allegedly void based on extrinsic evidence? (2) In the alternative, does an equitable motion to vacate an allegedly void judgment for lack of service require proving intentional bad conduct in order to show extrinsic fraud?

California Department of Corrections and Rehabilitation v. Workers' Comp. Appeals Bd., S282013. (E079076; 94 Cal.App.5th 464; Workers' Compensation Appeals Board; ADJ1360597.) Petition for review after the Court of Appeal annulled and remanded the decision in a Workers' Compensation Appeals Board proceeding. This case presents the following issue: Should the calculation of enhanced workers' compensation benefits for an employer's serious and willful misconduct under Labor Code section 4553 be based on temporary disability payments available under the Labor Code?

Camp v. Home Depot U.S.A., Inc., S277518. (H049033; 84 Cal.App.5th 638; Santa Clara County Superior Court; 19CV344872.) Petition for review after the Court of Appeal reversed the judgment in a civil action. This case presents the following issue: Under California law, are employers permitted to use neutral time-rounding practices to calculate employees' work time for payroll purposes?

Capito v. San Jose Healthcare System LP, S280018. (H049646; nonpublished opinion; Santa Clara County Superior Court; 20CV366981.) Petition for review after the Court of Appeal affirmed the judgment in a civil action. This case presents the following issue: Does a hospital have a duty to disclose emergency room fees to patients beyond its statutory duty to make its chargemaster publicly available?

Castellanos v. State of California, S279622. (A163655; 89 Cal.App.5th 131, mod. 90 Cal.App.5th 84a; Alameda County Superior Court; RG21088725.) Petition for review after the Court of Appeal affirmed in part and reversed in part the judgment in an action for writ of mandate. The court limited review to the following issue: Does Business and Professions Code section 7451, which was enacted by Proposition 22 (the "Protect App-Based Drivers and Services Act"), conflict with article XIV, section 4 of the California Constitution and therefore require that Proposition 22, by its own terms, be deemed invalid in its entirety?

Center for Biological Diversity, Inc. v. Public Utilities Com., S283614. (A167721; 98 Cal.App.5th 20, mod. 98 Cal.App.5th 659e; Public Utilities Commission; 2212056.) Petition for review after the Court of Appeal affirmed a decision of the Public Utilities Commission. This case presents the following issues: (1) What standard of review applies to judicial review of a Public Utilities Commission decision interpreting provisions of the Public Utilities Code? (2) Did the Public Utilities Commission proceed in the manner required by law, specifically Public Utilities Code section 2827.1, subdivision (b)(1) and (3), when it adopted the successor tariff in *Decision Revising Net Energy Metering Tariff and Subtariffs* (2022) Cal.P.U.C. Dec. No. D.22-12-056?

City of Gilroy v. Superior Court, S282937. (H049552; 96 Cal.App.5th 818, mod. 97 Cal.App.5th 462a; Santa Clara County Superior Court; 20CV362347.) Petition for review after the Court of Appeal granted a petition for peremptory writ of mandate.

Law Foundation of Silicon Valley v. Superior Court, S282950. (H049554; 96 Cal.App.5th 818, mod. 97 Cal.App.5th 462a; Santa Clara County Superior Court; 20CV362347.) Petition for review after the Court of Appeal denied a petition for peremptory writ of mandate.

City of Gilroy and *Law Foundation of Silicon Valley* were consolidated for all purposes. They both present the following issues: (1) May an organization obtain declaratory relief under the Public Records Act (Gov. Code, § 7920.000 et seq.) based on a public entity's failure to preserve records while the organization's requests for those records were pending? (2) Is it a violation of the Public Records Act for a public entity to fail to preserve records it determined were exempt from disclosure before a court has had an opportunity to conduct a review?

City of Los Angeles v. PricewaterhouseCoopers, LLC, S277211. (B310118; 84 Cal.App.5th 466; Los Angeles County Superior Court; BC574690.) Petition for review after the Court of Appeal reversed an order in a civil action. This case presents the following issue: Is a court's authority to impose monetary sanctions for misuse of the discovery process limited to circumstances expressly delineated in a method-specific provision of the Civil Discovery Act, or do courts have independent authority to impose monetary sanctions for such discovery misconduct, including under Code of Civil Procedure sections 2023.010 and 2023.030?

Crescent Trust v. City of Oakland, S280234. (A162465; 90 Cal.App.5th 805, mod. 91 Cal.App.5th 850; Alameda County Superior Court; RG20068131.) Petition for review after the Court of Appeal reversed the judgment in an action for writ of mandate. This case presents the following issue: Is a pre-1972 conveyance by a single deed of a group of fewer than five contiguous lots that are separately described in the deed by reference to lot numbers on a pre-1893 survey map a "division" of land that "creates" an individual lawful lot for each of the separately described lots in the single deed under the conclusive presumption set forth in Government Code section 66412.6, subdivision (a) of the Subdivision Map Act?

In Re Dezi C., S275578. (B317935; 79 Cal.App.5th 769; Los Angeles County Superior Court; 19CCJP08030.) Petition for review after the Court of Appeal affirmed orders in a juvenile dependency proceeding. This case presents the following issue: What constitutes reversible error when a child welfare agency fails to make the statutorily required inquiry concerning a child's potential Indian ancestry?

Doe v. Marysville Joint Unified School District, S283639. (C095446; 98 Cal.App.5th 95; Yuba County Superior Court; CVPO2100697.) Petition for review after the Court of Appeal affirmed the judgment in a civil action. This case presents the following issues: (1) Did the plaintiffs' second voluntary dismissal of their federal court action preclude a subsequent state court action based on the same claims? (2) Did the defendant's assertion of sovereign immunity over plaintiffs' state law claims in federal court divest that court of subject matter jurisdiction over those claims?

Downey v. City of Riverside, S280322. (D080377; 90 Cal.App.5th 1033; Riverside County Superior Court; RIC1905830.) Petition for review after the Court of Appeal reversed the judgment in a civil action. This case presents the following issue: In order to recover damages for negligent infliction of emotional distress as a bystander to an automobile accident allegedly caused by dangerous conditions on nearby properties, must the plaintiff allege that she was contemporaneously aware of the connection between the conditions of the properties and the victim's injuries?

EpicientRx, Inc. v. Superior Court, S282521. (D081670; 95 Cal.App.5th 890, mod. 95 Cal.App.5th 1320a; San Diego County Superior Court; 37-2022-00015228-CU-BT-CTL.) Petition for review after the Court of Appeal denied a petition for writ of mandate in a civil action. This case presents the following issue: Is a forum selection clause enforceable when a party's right under California state law to a jury trial for their civil claims would not apply in the exclusive forum identified by the clause?

Escamilla v. Vannucci, S282866. (A166176; 97 Cal.App.5th 175; Alameda County Superior Court; RG21111193.) Petition for review after the Court of Appeal affirmed an order granting a special motion to strike in a civil action. This case presents the following issue: What statute of limitations applies to a malicious prosecution action brought against an attorney when the claim does not arise from an attorney-client relationship?

Fuentes v. Empire Nissan, Inc., S280256. (B314490; 90 Cal.App.5th 919; Los Angeles County Superior Court; 20STCV35350.) Petition for review after the Court of Appeal reversed an order denying a petition to compel arbitration in a civil action. This case presents the following issue: Is the form arbitration agreement that the employer here required prospective employees to sign as a condition of employment unenforceable against an employee due to unconscionability?

Ford Motor Warranty Cases, S279969. (B312261; 89 Cal.App.5th 1324; Los Angeles County Superior Court; BC596216.) Petition for review after the Court of Appeal affirmed an order denying a motion to compel arbitration. The court limited review to the following issue: Do manufacturers' express or implied warranties that accompany a vehicle at the time of sale constitute obligations arising from the sale contract, permitting manufacturers to enforce an arbitration agreement in the contract pursuant to equitable estoppel?

Golden State Water Co. v. Public Utilities Commission, S269099. Original proceeding. The court issued a writ of review regarding notice and due process requirements in proceedings before the Public Utilities Commission. (See also *California-American Water Co. v. Public Utilities Commission*, S271493.)

Gutierrez v. Tostado, S283128. (H049983; 97 Cal.App.5th 786; Santa Clara County Superior Court; 20CV361400.) Petition for review after the Court of Appeal affirmed the judgment in a civil action. This case presents the following issue: Does the one-year statute of limitations in the Medical Injury Compensation Reform Act (MICRA; Code Civ. Proc., § 340.5) apply to a personal injury claim alleging that the plaintiff's vehicle was struck by a negligently driven ambulance?

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?"

Iloff v. LaPaille, S275848. (A163504; 80 Cal.App.5th 427; Humboldt County Superior Court; CV2000529.) 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 issues: (1) Must an employer demonstrate that it affirmatively took steps to ascertain whether its pay practices comply with the Labor Code and Industrial Welfare Commission Wage Orders to establish a good faith defense to liquidated damages under Labor Code section 1194.2, subdivision (b)? (2) May a wage claimant prosecute a paid sick leave claim under section 248.5, subdivision (b) of the Healthy Workplaces, Healthy Families Act of 2014 (Lab. Code, § 245 et seq.) in a de novo wage claim trial conducted pursuant to Labor Code section 98.2?

In re Ja.O., S280572. (E079651; 91 Cal.App.5th 672; San Bernardino County Superior Court; J291035.) Petition for review after the Court of Appeal affirmed orders in a juvenile dependency proceeding. This case presents the following issue: Does the duty of a child welfare agency to inquire of extended family members and others about a child's potential Indian ancestry apply to children who are taken into custody under a protective custody warrant?

John's Grill, Inc. v. The Hartford Financial Services Group, Inc., S278481. (A162709; 86 Cal.App.5th 1195; San Francisco County Superior Court; CGC20584184.) 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 issues: (1) Is a grant of coverage for property loss or damage to covered property caused by a virus rendered illusory where it is limited by a condition that makes coverage applicable only if the virus is the result of one or more of a number of listed causes? (2) Is a conditional grant of coverage for property loss or damage to covered property caused by a virus, including the cost of removal of the virus, triggered by cleaning surfaces in the covered property that are contaminated by the virus in the absence of physical alteration of the property?

JJD-HOV Elk Grove, LLC v. Jo-Ann Stores, LLC, S275843. (C094190; 80 Cal.App.5th 409; Sacramento County Superior Court; 34201900248163CUBCGDS.) Petition for review after the Court of Appeal affirmed the judgment in a civil action. This case presents the following issues: (1) What analytical framework should be applied in determining the enforceability of co-tenancy provisions in retail lease agreements? (2) Did the Court of Appeal correctly determine that the co-tenancy provision in this case is enforceable?

In re Kenneth D., S276649. (C096051; 82 Cal.App.5th 1027; Placer County Superior Court; 53005180.) Petition for review after the Court of Appeal affirmed an order in a juvenile dependency proceeding. This case presents the following issues: May an appellate court take additional evidence to remedy the failure of the child welfare agency and the trial court to comply with the inquiry, investigation, and notice requirements of the Indian Child Welfare Act (25 U.S.C. § 1901 et seq.; Welf. & Inst. Code, § 224 et seq.), and if so, what procedures must be followed?

Legislature of the State of California v. Weber (Hiltachk), S281977. Original proceeding. The court issued an order to show cause why the relief sought in the petition should not be granted. This case presents the following issues: (1) Does the Taxpayer Protection and Government Accountability Act constitute an impermissible attempted revision of the California Constitution by voter initiative? (2) Is this initiative measure subject to invalidation on the ground that, if adopted, it would impair essential government functions?

Los Angeles Police Protective League v. City of Los Angeles, S275272. (B306321; 78 Cal.App.5th 1081; Los Angeles County Superior Court; BC676283.) Petition for review after the Court of Appeal affirmed the judgment in a civil action. The court limited review to the following issues: (1) Does Penal Code section 148.6, subdivision (a), particularly subdivision (a)(2), constitute improper viewpoint discrimination in violation of the First Amendment? (2) Does Penal Code section 148.6, subdivision (a), particularly subdivision (a)(2), impose an impermissible burden on the ability to file, or on the City to accept, police misconduct complaints? (3) Is it error to compel the City to comply with a statute that has been ruled unconstitutional by the United States Court of Appeals for the Ninth Circuit?

Madrigal v. Hyundai Motor America, S280598. (C090463; 90 Cal.App.5th 385; Placer County Superior Court; SCV0038395.) Petition for review after the Court of Appeal reversed an order in a civil action. This case presents the following issue: Do Code of Civil Procedure section 998’s cost-shifting provisions apply if the parties ultimately negotiate a pre-trial settlement?

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? (3) What is the significance, if any, of Assembly Bill No. 1307 (2023–2024 Reg. Sess.) to the issues presented in this case?

Meinhardt v. City of Sunnyvale, S274147. (D079451; 76 Cal.App.5th 43; Santa Clara County Superior Court; 19CV346911.) Petition for review after the Court of Appeal dismissed an appeal from the judgment in an action for writ of administrative mandate. The court limited review to the following issue: Did the Court of Appeal correctly dismiss the appeal as untimely?

Morgan v. Ygrene Energy Fund, Inc., S277628. (D079364, D079369; 84 Cal.App.5th 1002; San Diego County Superior Court; 37-2019-00059601-CU-OR-CTL.) Petition for review after the Court of Appeal affirmed the judgment in a civil action. This case presents the following issue: Must a homeowner exhaust administrative tax remedies by filing a claim for a refund with an assessment board before filing an action asserting consumer protection claims against private entities involved in the implementation of a loan program in which the loans are repaid through assessments on the property and the local government acquires a tax lien on the property?

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)?

New England Country Foods, LLC v. Vanlaw Food Products, Inc., S282968. (9th Cir. No. 22-55432; 87 F.4th 1016; Central District of California; D.C. No. 8:21-cv-01060-DOC-ADS.) 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: “Is a contractual clause that substantially limits damages for an intentional wrong but does not entirely exempt a party from liability for all possible damages valid under California Civil Code [s]ection 1668?”

North American Title Co., Inc. v. Superior Court, S280752. (F084913; 91 Cal.App.5th 948; Fresno County Superior Court; 07CECG01169.) Petition for review after the Court of Appeal issued a writ of mandate in a civil action. This case presents the following issues: (1) Is the requirement that a party seeking to disqualify a trial judge for alleged lack of impartiality file a verified statement of disqualification “at the earliest practicable opportunity” subject to waiver or forfeiture? (2) Did the Court of Appeal err in concluding that the trial judge’s challenged statements did not qualify as expressions of the court’s views on issues pending before it in the proceeding?

People v. The North River Ins. Co., S282020. (B322752; 94 Cal.App.5th 663; Santa Clara County Superior Court; F1765160.) Petition for review after the Court of Appeal reversed the judgment in a bail forfeiture action and remanded for further proceedings. This case presents the following issues: (1) In a bail bond forfeiture proceeding under Penal Code section 1305, subdivision (g), may the court compel the prosecution to make an extradition decision or toll the appearance period to allow time for the prosecution to make an extradition decision? (2) Is the prosecutor’s decision whether or not to extradite a fugitive defendant detained in a foreign jurisdiction a fact that must be alleged in a motion to vacate bail bond forfeiture?

Olympic & Georgia Partners, LLC v. County of Los Angeles, S280000. (B312862; 90 Cal.App.5th 100; Los Angeles County Superior Court; BC707591.) 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 issues: (1) Is income from a hotel occupancy tax rebate an intangible asset exempt from property taxation? (2) Is a “key money” deposit that a hotel received from its management companies at the onset of their contractual relationship exempt from property taxation? (3) Were certain other hotel enterprise assets properly valued for taxation purposes?

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?

Quach v. California Commerce Club, Inc., S275121. (B310458; 78 Cal.App.5th 470; Los Angeles County Superior Court; 19STCV42445.) Petition for review after the Court of Appeal reversed an order denying a petition to compel arbitration in a civil action. This case presents the following issue: Does California’s test for determining whether a party has waived its right to compel arbitration by engaging in litigation remain valid after the United States Supreme Court decision in *Morgan v. Sundance, Inc.* (2022) ___ U.S. ___ [142 S.Ct. 1708]?

Raju v. Superior Court, S281001. (A164736; 92 Cal.App.5th 438, mod. 92 Cal.App.5th 1222; Contra Costa County Superior Court; MSRA210005.) Petition for review after the Court of Appeal reversed the judgment in a civil action. This case presents the following issues: (1) Does a taxpayer have standing to pursue a civil action against a superior court based on its alleged failure to expedite and prioritize criminal cases? (2) If so, may such an action be based on Penal Code section 1049.5 or 1050?

Ramirez v. Charter Communications, Inc., S273802. (B309408; 75 Cal.App.5th 365; Los Angeles County Superior Court; 20STCV25987.) Petition for review after the Court of Appeal affirmed an order denying a petition to compel arbitration in a civil action. This case includes the following issues: Did the Court of Appeal err in holding that a provision of an arbitration agreement allowing for recovery of interim attorney’s fees after a successful motion to compel arbitration, was so substantively unconscionable that it rendered the arbitration agreement unenforceable?

Ranger v. Alamitos Bay Yacht Club, S282264. (B315302; 95 Cal.App.5th 240; Los Angeles County Superior Court; 19STCV22806.) Petition for review after the Court of Appeal affirmed the judgment in a civil action. This case presents the following issue: May a maritime worker described by 33 United States Code section 902(3)(A)–(F) within the Longshore and Harbor Workers’ Compensation Act (33 U.S.C. § 901 et seq.) bring an action to recover for a workplace injury under the general maritime law or does California’s workers’ compensation scheme provide the worker’s exclusive remedy?

Rattagan v. Uber Technologies, S272113. (9th Circ. No. 20-16796; Northern District of California; No. 3:19-cv-01988-EMC.) 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 question presented is: Under California law, are claims for fraudulent concealment exempted from the economic loss rule?

Rodriguez v. FCA US, LLC, S274625. (E073766; 77 Cal.App.5th 209; Riverside County Superior Court; RIC1807727.) Petition for review after the Court of Appeal affirmed the judgment in a civil action. This case presents the following issue: Is a used vehicle that is still covered by the manufacturer’s express warranty a “new motor vehicle” within the meaning of Civil Code section 1793.22, subdivision (e)(2), which defines “new motor vehicle” as including a “motor vehicle sold with a manufacturer’s new car warranty”?

Rosenberg-Wohl v. State Farm Fire and Casualty Company, S281510. (A163848; 93 Cal.App.5th 436; San Francisco County Superior Court; CGC20587264.) Petition for review after the Court of Appeal affirmed the judgment in a civil action. The court limited review to the following issue: When a plaintiff files an action against the plaintiff's insurer for injunctive relief under the Unfair Competition Law, which limitations period applies, the one-year limitations period authorized by Insurance Code section 2071 or the four-year statute of limitations in Business and Professions Code section 17208?

Stone v. Alameda Health System, S279137. (A164021; 88 Cal.App.5th 84; Alameda County Superior Court; RG21092734.) Petition for review after the Court of Appeal affirmed in part and reversed in part an order in a civil action. This case presents the following issues: (1) Are all public entities exempt from the obligations in the Labor Code regarding meal and rest breaks, overtime, and payroll records, or only those public entities that satisfy the "hallmarks of sovereignty" standard adopted by the Court of Appeal in this case? (2) Does the exemption from the prompt payment statutes in Labor Code section 220, subdivision (b), for "employees directly employed by any county, incorporated city, or town or other municipal corporation" include all public entities that exercise governmental functions? (3) Do the civil penalties available under the Private Attorneys General Act of 2004, codified at Labor Code section 2698 et seq., apply to public entities?

Taking Offense v. State of California, S270535. (C088485; 66 Cal.App.5th 696; Sacramento County Superior Court; 34201780002749CUWMGDS.) 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: Did the Court of Appeal err in declaring the provision of the Lesbian, Gay, Bisexual, and Transgender (LGBT) Long-Term Care Facility Residents' Bill of Rights (Health & Saf. Code, § 1439.51) that criminalizes the willful and repeated failure to use a resident's chosen name and pronouns unconstitutional on its face under the First Amendment?

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)?

Turrieta v. Lyft, Inc., S271721. (B304701; 69 Cal.App.5th 955; Los Angeles County Superior Court; BC714153.) Petition for review after the Court of Appeal affirmed the judgment in a civil action. The court limited review to the following issue: Does a plaintiff in a representative action filed under the Private Attorneys General Act (Lab. Code, § 2698, et seq.) (PAGA) have the right to intervene, or object to, or move to vacate, a judgment in a related action that purports to settle the claims that plaintiff has brought on behalf of the state?

Ventura County Employees' Retirement Assn. v. Criminal Justice Attorneys Assn. of Ventura County, S283978. (B325277; 98 Cal.App.5th 1119; Santa Barbara County Superior Court; VENCI00546574.) Petition for review after the Court of Appeal affirmed the judgment in a civil action. This case presents the following issue: For purposes of calculating retirement benefits for members of County Employees Retirement Law of 1937 (Gov. Code, § 31450 et seq.) retirement systems, does Government Code section 31461, subdivision (b)(2) exclude payments for accrued, but unused hours of annual leave that would exceed the maximum amount of leave that was earnable and payable in a calendar year?

Zhang v. Superior Court, S277736. (B314386; 85 Cal.App.5th 167; Los Angeles County Superior Court; 21STCV19442.) Petition for review after the Court of Appeal denied a petition for writ of mandate in a civil action. This case presents the following issues: (1) If an employer files a motion to compel arbitration in a non-California forum pursuant to a contractual forum-selection clause, and an employee raises as a defense Labor Code section 925, which prohibits an employer from requiring a California employee to agree to a provision requiring the employee to adjudicate outside of California a claim arising in California, is the court in the non-California forum one of "competent jurisdiction" (Code Civ. Proc., § 1281.4) such that the motion to compel requires a mandatory stay of the California proceedings? (2) Does the presence of a delegation clause in an employment contract delegating issues of arbitrability to an arbitrator prohibit a California court from enforcing Labor Code section 925 in opposition to the employer's stay motion?