



**SUPREME COURT OF CALIFORNIA
ORAL ARGUMENT CALENDAR
SAN FRANCISCO SESSION
MAY 21 and 22, 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 May 21 and 22, 2024.

TUESDAY, MAY 21, 2024 — 1:30 P.M.

- (1) Castellanos (Hector) et al. v. State of California et al. (Protect App-Based Drivers and Services et al., Interveners and Appellants), S279622
- (2) John's Grill, Inc., et al. v. The Hartford Financial Services Group, Inc., et al., S278481
- (3) Quach (Peter) v. California Commerce Club, Inc., S275121

WEDNESDAY, MAY 22, 2024 — 9:00 A.M.

- (4) In re Kenneth D., S276649
- (5) Downey (Jayde) v. City of Riverside et al., S280322
- (6) People v. McCune (Scotlane), S276303

1:30 P.M.

- (7) Rosenberg-Wohl (Katherine) v. State Farm Fire and Casualty Company, S281510
- (8) People v. Walker (Maurice), S278309
- (9) Bailey (Twanda) v. San Francisco District Attorney's Office et al., S265223

GUERRERO

Chief Justice

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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. The descriptions set out below are, in most instances, 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, MAY 21, 2024 — 1:30 P.M.

(1) *Castellanos (Hector) et al. v. State of California et al. (Protect App-Based Drivers and Services et al., Interveners and Appellants), S279622*

#23-128 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 ordered the issue to be briefed and argued in this case limited to the following: 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?

(2) *John’s Grill, Inc., et al. v. The Hartford Financial Services Group, Inc., et al., S278481*

#23-58 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?

(3) *Quach (Peter) v. California Commerce Club, Inc., S275121*

#22-234 *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]?

WEDNESDAY, MAY 22, 2024 — 9:00 A.M.

(4) *In re Kenneth D., S276649*

#22-302 *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?

(5) *Downey (Jayde) v. City of Riverside et al., S280322*

#23-147 *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?

(6) ***People v. McCune (Scotlane), S276303***

#22-280 *People v. McCune, S276303.* (A163579; 81 Cal.App.5th 648; Napa County Superior Court; CR183930.) Petition for review after the Court of Appeal affirmed an order for restitution in a criminal action. This case presents the following issue: Did the trial court exceed its jurisdiction by setting the amount of victim restitution after terminating defendant’s probation pursuant to Assembly Bill No. 1950 (Stats. 2020, ch. 328)?

1:30 P.M.

(7) ***Rosenberg-Wohl (Katherine) v. State Farm Fire and Casualty Company, S281510***

#23-204 *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?

(8) ***People v. Walker (Maurice), S278309***

#23-50 *People v. Walker, S278309.* (B319961; 86 Cal.App.5th 386; Los Angeles County Superior Court; BA398731.) Petition for review after the Court of Appeal affirmed in part and reversed in part a post-conviction motion to modify sentence, and remanded with directions. The court limited review to the following issue: Does the amendment to Penal Code section 1385, subdivision (c) that requires trial courts to “afford great weight” to enumerated mitigating circumstances (Stats. 2021, ch. 721) create a rebuttable presumption in favor of dismissing an enhancement unless the trial court finds dismissal would endanger public safety?

(9) ***Bailey (Twanda) v. San Francisco District Attorney's Office et al., S265223***
#20-396 *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?