



**SUPREME COURT OF CALIFORNIA
ORAL ARGUMENT CALENDAR
SAN FRANCISCO SESSION
SEPTEMBER 4, 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 September 4, 2024.

WEDNESDAY, SEPTEMBER 4, 2024 — 10:00 A.M.

- (1) California Capital Insurance Company et al. v. Hoehn (Cory Michael), S277510
- (2) Rodriguez (Everardo) et al. v. FCA US LLC, S274625

1:30 P.M.

- (3) North American Title Company et al. v. Superior Court of Fresno County (Carolyn Cortina et al., Real Parties in Interest), S280752

GUERRERO

Chief Justice

Counsel who intend to cite additional authorities not contained in the briefs on file must serve and file a list of such authorities. (See Cal. Rules of Court, rule 8.520(d).) 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. 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.

WEDNESDAY, SEPTEMBER 4, 2024 — 10:00 A.M.

(1) ***California Capital Insurance Company et al. v. Hoehn (Cory Michael), S277510***
#23-16 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?

(2) ***Rodriguez (Everardo) et al. v. FCA US LLC, S274625***
#22-187 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”?

1:30 P.M.

(3) *North American Title Company et al. v. Superior Court of Fresno County (Carolyn Cortina et al., Real Parties in Interest), S280752*

#23-171 North American Title Company et al. 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?