



**SUPREME COURT OF CALIFORNIA
ORAL ARGUMENT CALENDAR
SPECIAL SESSION -- FRESNO
OCTOBER 9, 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 Special Session at the courtroom at 2424 Cesar Chavez Boulevard, Fresno, California, on October 9, 2024.

WEDNESDAY, OCTOBER 9, 2024 — 9:00 A.M.

Opening Remarks: Special Session

- (1) Capito (Taylor) v. San Jose Healthcare System, LP, S280018
- (2) JJD-HOV Elk Grove LLC v. Jo-Ann Stores, LLC, S275843
- (3) People v. Superior Court of Ventura County (Richard Allen Mitchell, Real Party in Interest), S281950

2:00 P.M.

- (4) People v. Collins (Brittney), S279737

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. 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, OCTOBER 9, 2024 — 9:00 A.M.

(1) *Capito (Taylor) v. San Jose Healthcare System, LP, S280018*

#23-156 Capito (Taylor) 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?

(2) *JJD-HOV Elk Grove LLC v. Jo-Ann Stores, LLC, S275843*

#22-263 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?

(3) *People v. Superior Court of Ventura County (Richard Allen Mitchell, Real Party in Interest)*, S281950

#23-233 *People v. Superior Court of Ventura County (Richard Allen Mitchell, Real Party in Interest)*, S281950. (B326653; 94 Cal.App.5th 595; Ventura County Superior Court; 2018009315.) Petition for review after the Court of Appeal granted a petition for peremptory writ of mandate. The court limited review to the following issues: (1) Does Penal Code section 1238 authorize an appeal by the People from a superior court's post-preliminary hearing, prejudgment order reducing a felony "wobbler" offense to a misdemeanor? (2) If not, may the People obtain review of the order by petition for extraordinary writ? (3) In the absence of further order or other direction, when does a Court of Appeal's temporary stay of superior court criminal proceedings against a defendant expire? (4) If the temporary stay issued by the Court of Appeal had not expired at the time of defendant's guilty plea, what was the effect, if any, of the stay on the resolution of defendant's criminal proceedings?

2:00 P.M.

(4) *People v. Collins (Brittney)*, S279737

#23-146 *People v. Collins (Brittney)*, S279737. (B322744; nonpublished opinion; Kern County Superior Court; MF013183.) Petition for review after the Court of Appeal affirmed a judgment of conviction of criminal offenses. The court limited review to the following issue: Does sufficient evidence support defendant's conviction for second degree murder based on a failure to protect?