



**SUPREME COURT OF CALIFORNIA
ORAL ARGUMENT CALENDAR
SACRAMENTO SESSION
FEBRUARY 5, 2025**

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 Stanley Mosk Library and Courts Building, 914 Capitol Mall, Sacramento, California, on February 5, 2025.

WEDNESDAY, FEBRUARY 5, 2025 — 9:00 A.M.

- (1) Whitehead (Ty) v. City of Oakland, S284303
- (2) New England Country Foods, LLC v. VanLaw Food Products, Inc., S282968
- (3) People v. Antonelli (Timothy Patric), S281599

1:30 P.M.

- (4) People v. Oyler (Raymond Lee), [Automatic Appeal], S173784

GUERRERO

Chief Justice

**SUPREME COURT OF CALIFORNIA
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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, FEBRUARY 5, 2025 — 9:00 A.M.

(1) ***Whitehead (Ty) v. City of Oakland, S284303***

#24-81 *Whitehead (Ty) v. City of Oakland, S284303.* (A164483; 99 Cal.App.5th 775; Alameda County Superior Court; RG18896233.) Petition for review after the Court of Appeal affirmed the judgment in a civil action. This case presents the following issues:

(1) Does a liability release agreement between a bicyclist and the organizer of a recreational bicycle ride extend to the alleged negligent maintenance of a public road by a municipality named in the agreement but not a party to it? (2) Does the release in this case extend to a claim that the City of Oakland violated Government Code section 835 et seq., in light of Civil Code section 1668, which provides in relevant part that “[a]ll contracts which have for their object, directly or indirectly, to exempt anyone from responsibility for his own . . . violation of law, whether willful or negligent, are against the policy of the law”? (Cf. *City of Santa Barbara v. Superior Court* (2007) 41 Cal.4th 747, 763 [*Tunkl v. Regents of University of California* (1963) 60 Cal.2d 92 “found a release of liability for future ordinary negligence void on public policy grounds other than those set forth in section 1668”].)

(2) ***New England Country Foods, LLC v. VanLaw Food Products, Inc., S282968***
#24-23 *New England Country Foods, LLC v. Vanlaw Food Products, Inc., S282968.*
(9th Cir. No. 22-55432; 87 F.3d 1016; Central District of California; D.C. No. 8:21-cv01060-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?”

(3) ***People v. Antonelli (Timothy Patric), S281599***
#23-203 *People v. Antonelli (Timothy Patric), S281599.* (B321947; 93 Cal.App.5th 712; Ventura County Superior Court; CR27515-2.) Petition for review after the Court of Appeal affirmed an order denying a post-judgment motion in a criminal matter. This case presents the following issues: (1) Is defendant entitled to resentencing pursuant to Penal Code section 1172.6 on the ground that malice could be imputed to the defendant under the provocative act theory of murder for convictions occurring before 2009 (see Sen. Bill No. 775 (2021-2022 Reg. Sess.); *People v. Concha* (2009) 47 Cal.4th 653)? (2) Did the trial court err by not considering the jury instructions in determining defendant was ineligible for resentencing as a matter of law for a provocative act murder?

1:30 P.M.

(4) ***People v. Oyler (Raymond Lee), [Automatic Appeal], S173784***

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