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, October 24, 2025.]

11640 Woodbridge Condominium Homeowners' Assn. v. Farmers Ins. Exchange, S290750. (B333848; 110 Cal.App.5th 211; Los Angeles County Superior Court; 22STCV00778.) Petition for review after the Court of Appeal reversed the judgment in a civil action. This case presents the following issue: Does a provision within an "all-risk" property insurance policy providing that the insurer will pay for "[w]ater damage to the interior of any building or structure caused by or resulting from rain" if the "building or structure first sustains damages" to the "roof or walls through which the rain . . . enters" operate to exclude coverage for damage caused by rain that entered a building while its roof was being replaced?

In re A.G., S289441. (E084563; nonpublished order; San Bernardino County Superior Court; J286808.) Petition for review after the Court of Appeal denied a petition for writ of habeas corpus in a juvenile dependency proceeding. The court issued an order to show cause why the relief sought in the petition should not be granted. This case presents issues relating to claims of ineffective assistance of counsel in connection with juvenile dependency proceedings resulting in the termination of petitioner's parental rights.

Bring Back the Kern v. City of Bakersfield, S290840. (F087503, F087549, F087558, F087560, F087702, F087487; 110 Cal.App.5th 322; Kern County Superior Court; BCV-22-103220.) Petition for review after the Court of Appeal reversed orders in a civil action and remanded for further proceedings. This case presents the following issue: Does Article X, section 2 of the California Constitution require a court to consider whether a proposed water use is both "reasonable" and "beneficial" whenever it would direct or adjudicate a particular use of water, including when applying a water use statute that does not expressly incorporate the reasonable and beneficial determination?

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?

Cash v. County of Los Angeles, S291827. (B336980; 111 Cal.App.5th 741; Los Angeles County Superior Court; BC718190.) Petition for review after the Court of Appeal affirmed post-judgment orders in a civil action. This case presents the following issues: (1) Did the trial court's across-the-board reduction of the fees requested by plaintiff's counsel trigger heightened scrutiny of its fee order on appeal? (2) Did the trial court commit reversible error in reducing the fee request on an across-the-board basis?

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 San José v. Howard Jarvis Taxpayers Association, S285426. (H050889; 101 Cal.App.5th 777; Santa Clara County Superior Court; 21CV391517.) Petition for review after the Court of Appeal affirmed the judgment in a civil action. The court limited review to the following issue: Is the issuance of pension obligation bonds to finance unfunded pension liability subject to the voter-approval requirement of article XVI, section 18, subdivision (a) of the California Constitution?

Cohen v. Superior Court, S285484. (B330202; 102 Cal.App.5th 706; Los Angeles County Superior Court; 22SMCV00736.) Petition for review after the Court of Appeal granted a petition for peremptory writ of mandate. The court limited review to the following issue: Does Government Code section 36900, subdivision (a) confer upon private citizens a right to redress violations of municipal ordinances?

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?

Conservatorship of E.A., S287241. (A169299; nonpublished opinion; Contra Costa County Superior Court; P2000896.) Petition for review after the Court of Appeal affirmed the judgment in a conservatorship proceeding. This case presents the following issue: Must a conservatee demonstrate prejudice to establish that a 362-day delay in initiating a trial in a Lanterman-Petris-Short Act conservatorship proceeding violates due process and equal protection?

Family Violence Appellate Project v. Superior Court, S288176. 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 issue: Does the prohibition on electronic recording of certain proceedings in Government Code section 69957, subdivision (a) violate the California Constitution when an official court reporter is unavailable and a litigant cannot afford to pay a private court reporter?

Fox Paine & Co., LLC v. Twin City Fire Ins. Co., S287404. (A168803; 104 Cal.App.5th 1034; San Francisco County Superior Court; CGC17557275.) Petition for review after the Court of Appeal affirmed judgments in a civil action. This case presents the following issues: (1) Where an insurance policyholder alleges loss sufficient to reach an excess policy, but that insurer's obligation to pay is not yet triggered because underlying layers are not yet exhausted, may the policyholder nevertheless seek declaratory relief against the insurer? (2) Can a policyholder ever state a claim against an excess insurer for "bad faith" conduct if the underlying policy layers are not yet exhausted?

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?

Gilead Tenofovir Cases, S283862. (A165558; 98 Cal.App.5th 911, mod. 99 Cal.App.5th 196a; San Francisco County Superior Court; CJC19005043.) Petition for review after the Court of Appeal granted in part and denied in part a petition for writ of mandate. This case presents the following issue: Does a drug manufacturer have a duty of reasonable care to users of a drug it is currently selling, which is not alleged to be defective, when making decisions about the commercialization of an allegedly safer, and at least equally effective, alternative drug?

Gorobets v. Jaguar Land Rover North America, LLC, S287946. (B327745; 105 Cal.App.5th 913; Los Angeles County Superior Court; 19STCV11540.) Petition for review after the Court of Appeal affirmed the judgment in a civil action. This case presents the following issue: Is a settlement offer under Code of Civil Procedure section 998 that contains two options inherently invalid, presumptively invalid, or invalid or partially or entirely valid depending on a separate and independent evaluation of each option?

Hearn v. Pacific Gas & Electric Co., S289581. (A167742, A167991; 108 Cal.App.5th 301; Napa County Superior Court; 20CV000391.) 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 terminated employee bring a defamation claim against a former employer when the defamation allegedly contributed to the reasons for the termination of that employment or must such a claim be pursued under a wrongful discharge theory?

J.M. v. Illuminate Education, Inc., S286699. (B327683; 103 Cal.App.5th 1125; Ventura County Superior Court; 56-2022-00567324-CU-MC-VTA.) Petition for review after the Court of Appeal reversed the judgment in a civil action and remanded for further proceedings. This case presents the following issue: Is a company that stores students' confidential personal and medical information through its work providing software to school districts subject to liability to these students under the Confidentiality of Medical Information Act (Civ. Code, § 56 et seq.) and the Customer Records Act (Civ. Code, § 1798.80 et seq.) following disclosure of such information through a data breach?

J.O. v. Superior Court, S287285. (C102071; nonpublished order; San Joaquin County Superior Court; STKMHLPSC20160000110.) Petition for review after the Court of Appeal denied a petition for writ of mandate in a conservatorship 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) Should this court's decision in *Solberg v. Superior Court* (1977) 19 Cal.3d 182 be overruled or limited insofar as it allowed a public agency to bring "blanket challenges" against particular judges under Code of Civil Procedure section 170.6? (2) Assuming *arguendo* that "blanket challenges" to a particular judge under Code of Civil Procedure section 170.6 implicate separation of powers concerns, do those concerns apply to actions taken only by executive branch offices such as a county counsel or a district attorney's office, or does the concern apply more broadly to non-executive branch entities such as a public defender's office or a private law firm? (See, e.g., *People v. Superior Court (Tejeda)* (2016) 1 Cal.App.5th 892, 896; *id.* at p. 912, fn. 2 (conc. opn. of Aronson, J.); *id.* at p. 930 (dis. opn. of Thompson, J.).)

K.C. v. County of Merced, S290435. (F087088; 109 Cal.App.5th 606; Merced County Superior Court; 22CV-02896.) Petition for review after the Court of Appeal affirmed the dismissal of a civil action. This case presents the following issue: Was plaintiff's complaint alleging that a social worker failed to investigate or act in response to claims of sexual abuse subject to demurrer on the ground that discretionary act immunity under Government Code section 820.2 precluded liability?

Lathrop v. Thor Motor Coach, Inc., S287893. (B331970; 105 Cal.App.5th 808; Los Angeles County Superior Court; 22NWCV01494.) Petition for review after the Court of Appeal reversed an order in a civil action and remanded for further proceedings. This case presents the following issues: (1) Where a party alleges that enforcement of a forum selection clause would result in a waiver of the party's unwaivable statutory rights, what is the showing necessary to enforce (or avoid enforcement) of such a clause, and which party bears the burden of proof on the issue? (2) Under what circumstances, if any, does a stipulation to apply California law in the selected forum rebut an allegation that enforcement of a forum selection clause would result in a waiver of a party's unwaivable statutory rights? (3) If enforcement of a choice of law clause would result in a waiver of a party's unwaivable statutory rights, is the choice of law clause severable from the remainder of the agreement?

Leeper v. Shipt, Inc., S289305. (B339670; 107 Cal.App.5th 1001; Los Angeles County Superior Court; 24STCV06485.) Review ordered on the court's own motion after the Court of Appeal reversed an order denying a motion to compel arbitration in a civil action and remanded with directions. The court limited review to the following issues: (1) Does every Private Attorneys General Act (Lab. Code, § 2698 et seq.) (PAGA) action necessarily include both individual and non-individual PAGA claims, regardless of whether the complaint specifically alleges individual claims? (2) Can a plaintiff choose to bring only a non-individual PAGA action?

Los Angeles County Employees Retirement Assn. v. County of Los Angeles, S286264. (B326977; 102 Cal.App.5th 1167; Los Angeles County Superior Court; 21STCP03475.) Petition for review after the Court of Appeal reversed the judgment in a civil action. This case presents the following issues: (1) Does the board of a county public employee retirement system established under the County Employees Retirement Law of 1937 (CERL) (Gov. Code, § 31450 et seq.) have authority under the California Constitution and relevant statutes to create employment classifications and set salaries for employees of the retirement system? (2) Does Government Code section 31522.1 impose a ministerial duty on a county board of supervisors to include in the county's employment classifications and salary ordinance the classifications and salaries adopted by the board of a county public employee retirement system for employees of that system? (3) Do Proposition 162 (Cal. Const., art. XVI, § 17) and CERL override a county board of supervisors' constitutional authority to establish civil service classifications, set salaries, and maintain a civil service system for county employees under article XI of the California Constitution?

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. This case presents 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? (4) What impact, if any, does the United States Supreme Court decision in *Free Speech Coalition, Inc. v. Paxton* (June 27, 2025, No. 23-1122) 606 U.S. ___ [2025 WL 1773625], have on the issues presented in this case?

Maniago v. Desert Cardiology Consultants' Medical Group, Inc., S290188. (D085025; 109 Cal.App.5th 621; Riverside County Superior Court; CVRI2303683.) Petition for review after the Court of Appeal dismissed an appeal in a civil action. The court limited review to the following issue: Is a voluntary dismissal with prejudice an appealable order if it was entered after an adverse ruling by the trial court in order to expedite an appeal of the ruling?

Mayor v. Workers' Comp. Appeals Bd., S287261. (A169465; 104 Cal.App.5th 713, mod. 104 Cal.App.5th 1297; Workers' Compensation Appeals Board; ADJ10036954.) Petition for review after the Court of Appeal granted a petition for peremptory writ of mandate in a Workers' Compensation Appeals Board proceeding. This case presents the following issues: (1) May the Workers' Compensation Appeals Board apply equitable tolling to act upon a petition for reconsideration beyond the 60-day period provided in Labor Code section 5909, when the Appeals Board did not receive the petition for reconsideration until after the 60-day period has elapsed? (2) Did the Court of Appeal act in excess of its jurisdiction in granting relief under traditional mandate (Code Civ. Proc., § 1085), where petitioner did not file a timely petition for writ of review pursuant to Labor Code section 5909?

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?

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?

Romane v. Department of Motor Vehicles, S291093. (D083569; 110 Cal.App.5th 1002; San Diego County Superior Court; 37-2023-00017624-CU-WM-CTL.) Petition for review after the Court of Appeal reversed the judgment in an action for writ of administrative mandate and remanded for further proceedings. The court limited review to the following issue: Under what circumstances does an administrative per se hearing officer's relationship with the Department of Motor Vehicles (DMV) violate a driver's due process right to an impartial adjudicator by creating an unacceptable risk of bias during a DMV driver's license suspension hearing?

Shear Development Co., LLC v. California Coastal Commission, S284378. (B319895; nonpublished opinion; San Luis Obispo County Superior Court; 20CV-0431.) Petition for review after the Court of Appeal affirmed the judgment in an action for writ of administrative mandate. This case presents the following issue: What standard of review applies to a decision by the California Coastal Commission asserting appellate jurisdiction under Public Resources Code section 30603, where such jurisdiction depends on the Coastal Commission's disagreement with a local government's interpretation of its local coastal program?

In re Spielbauer on Discipline, S283172. (__State Bar Court __; State Bar Ct. No. 19-O-30700.) Petitions for review after a State Bar Court recommendation of discipline of an attorney. This case presents the following issue: If a victim of attorney misconduct suffers damages recoverable in tort and incurs attorney fees as a result of the misconduct, under what circumstances may the State Bar Court order restitution based on such damages and fees as a condition of the attorney's probation? (See *Sorensen v. State Bar* (1991) 52 Cal.3d 1036.)

In re S.R., S285759. (B326812; nonpublished order; Los Angeles County Superior Court; 22CCJP03750A, 22CCJP03750B.) Petition for review after the Court of Appeal dismissed appeal as moot in a juvenile dependency proceeding. This case presents the following issues: (1) When a juvenile court's jurisdictional findings establish that a parent committed an offense that the law requires be reported to the statewide Child Abuse Centralized Index (CACI), should an appellate court presume, on an otherwise silent record, the offense has been or will be reported to CACI? (2) If unrebutted, is this presumption sufficient to avoid dismissal for mootness?

Sunflower Alliance v. Department of Conservation, S287414. (A167698; 104 Cal.App.5th 1135, mod. 105 Cal.App.5th 771; Contra Costa County Superior Court; N221503.) Petition for review after the Court of Appeal reversed the judgment in a civil action and remanded for further proceedings. The court limited review to the following issues: (1) May an agency claim a categorical exemption from environmental review under CEQA while also adopting conditions of approval relating to potential environmental effects? (2) Does the term "negligible" in the California Environmental Quality Act's Class 1 existing facilities exemption (Cal. Code Regs., tit. 14, § 15301) pertain to a negligible change in use or to a change that presents a negligible risk of environmental harm?

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 issues: (1) 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? (2) Whether California recognizes a common law taxpayer standing doctrine to bring actions against state officials? (3) If the common law provides taxpayer plaintiffs with standing to sue state officials, whether the plaintiff in this case has established any such standing? (4) What impact, if any, does the United States Supreme Court decision in *Free Speech Coalition, Inc. v. Paxton* (June 27, 2025, No. 23-1122) 606 U.S. ___ [2025 WL 1773625], have on the issues presented in this case?

Tesoro Refining & Marketing Co. LLC v. City of Carson, S289952. (B335686; nonpublished opinion; Los Angeles County Superior Court; 23STCV14351.) Petition for review after the Court of Appeal affirmed the judgment in a civil action. This case presents the following issue: Must a claimant for a local government tax refund comply with a local administrative review procedure prior to pursuing its remedies under the Government Claims Act (Gov. Code, § 810 et seq.), or does the Act preempt such a requirement under the doctrine of field preemption?

Town of Apple Valley v. Apple Valley Ranchos Water, S289391. (E078348; 108 Cal.App.5th 62, mod. 108 Cal.App.5th 666c; San Bernardino County Superior Court; CIVDS1600180.) Petition for review after the Court of Appeal reversed the judgment in a civil action and remanded for further proceedings. The court limited review to the following issue: When a public entity files an eminent domain action seeking to take privately held public utility property, and the owner objects to the right to take, what is the proper standard of judicial review for the trial court to apply to determine whether the property owner has rebutted the presumptions under Code of Civil Procedure sections 1245.250, subdivision (b) and 1240.650, subdivision (c)?

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?

In re Z.G., S289430. (E083710; nonpublished opinion; San Bernardino County Superior Court; J286808.) Petition for review after the Court of Appeal affirmed orders in a juvenile dependency proceeding. The court limited review to the following issue: Can parental rights properly be terminated pursuant to Welfare and Institutions Code section 366.26, subdivision (c)(1) when a parent did not receive reunification services and was not bypassed for such services?

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?