

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, July 24, 2026.]

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?

Attorney General of the State of California v. Bianco, S295901. (E088096; nonpublished order; Riverside County Superior Court; RI031920261.) Petition for review after the Court of Appeal denied a petition for writ of mandate. 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) What is the scope of the Attorney General’s constitutional and statutory authority to supervise and direct the activities of a county sheriff? (See Cal. Const., art. V, § 13; Gov. Code, § 12560.) (2) Is the Attorney General entitled to a writ of mandate directing the Riverside County Sheriff to comply with the Attorney General’s directives, including the Attorney General’s directive to cease the Sheriff’s investigation into the November 2025 special election? (3) Is the Attorney General entitled to a writ of mandate directing the superior court to quash or stay execution of a search warrant if the warrant was issued in contravention of the Attorney General’s directives or deficient on its face? (4) What effect, if any, does Senate Bill No. 73 (2025–2026 Reg. Sess.) have on the issues pending in this matter

Barbosa v. Sierra Pacific Orthopaedic Center Medical Group, Inc., S294710. (F088971; nonpublished opinion; Fresno County Superior Court; 23CECG04847.) Petition for review after the Court of Appeal affirmed an order denying a motion to compel arbitration in a civil action. This case presents the following issue: If an arbitration agreement provides that disputes will be resolved under the Federal Arbitration Act (9 U.S.C. § 1 et seq.; the FAA), do the FAA’s substantive provisions apply and preempt inconsistent state laws regardless of whether interstate commerce is involved?

In re Marriage of Bowman, S296637. (B331924; 119 Cal.App.5th 922; San Luis Obispo County Superior Court; FL108245.) Petition for review after the Court of Appeal affirmed an order awarding attorney fees in a civil action. This case presents the following issue: In awarding contractual attorney fees to the prevailing party in a marital dissolution action, may the court reduce the award in light of the losing party's financial status? (See Civ. Code, § 1717; Fam. Code, §§ 2030, 2032.)

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?

California Fair Plan Assn. v. Lara, S294806. (B336043; 116 Cal.App.5th 869; Los Angeles County Superior Court; 21STCV38060.) Petition for review after the Court of Appeal reversed the judgment in a civil action and remanded with directions. This case presents the following issue: Under Insurance Code section 10091, subdivision (c)(1), may the Insurance Commissioner require the California FAIR Plan Association to offer an expanded homeowners' insurance policy that includes liability coverage with respect to the insured property?

Camarillo Sanitary Dist. v. State Water Resources Control Bd., S292989. (F087362; 113 Cal.App.5th 407; Fresno County Superior Court; 22CECG02195.) Petition for review after the Court of Appeal affirmed in part and reversed in part the judgment in a civil action and remanded for further proceedings. The court limited review to the following issues: (1) Whether the adoption by the State Water Resources Control Board (State Board) of a statistical approach for measuring water toxicity — called the Test of Significant Toxicity or "TST" — recommended in guidance issued by the U.S. Environmental Protection Agency (EPA) violates federal regulations implementing the Clean Water Act. (See 40 C.F.R. §§ 122.44, 136.3(a).) (2) Whether the interpretations of those regulations provided by the EPA and the State Board are entitled to deference under *Auer v. Robbins* (1997) 519 U.S. 452 and *Yamaha Corporation of America v. State Board of Equalization* (1998) 19 Cal.4th 1, respectively.

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?

Cervantes v. Bianco, S295866. 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 issues: (1) Are petitioners entitled to writ relief directing that cast ballots be returned to the county registrar of voters, on the ground that their seizure by law enforcement pursuant to search warrants violated the Elections Code? (2) What effect, if any, does Senate Bill No. 73 (2025–2026 Reg. Sess.) have on the issues pending in this matter

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?

Creditors Adjustment Bureau, Inc. v. Schofield, S294428. (B342783; nonpublished opinion; Los Angeles County Superior Court; 23VECV05661.) 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 issue: Must a motion under Code of Civil Procedure section 473, subdivision (b) that seeks the same relief from a default judgment as a previously denied motion under Code of Civil Procedure section 473, subdivision (d) comply with Code of Civil Procedure section 1008?

Doe v. Coronado Unified School District, S295043. (D084342; nonpublished opinion; San Diego County Superior Court; 37-2021-00006011-CU-PO-CTL.) Petition for review after the Court of Appeal affirmed in part and reversed in part the judgment in a civil action and remanded for further proceedings. This case presents the following issue: What, if any, information must the parents of a minor have regarding the threat of sexual misconduct posed by a school district employee to support a finding of negligence against the parents for failing to protect the minor from that person?

Dreher v. Los Angeles Dept. of Water & Power, S294899. (B329610; 116 Cal.App.5th 977; Los Angeles County Superior Court; 19STCV07272.) Petition for review after the Court of Appeal affirmed the judgment in a civil action. The court limited review to the following issue: Do the methods adopted by the City of Los Angeles to set water budgets and allocate water supply costs result in tiered water rates that violate the proportionality requirement of article XIII D, section 6, subdivision (b)(3) of the California Constitution?

Environmental Democracy Project v. Rael, Inc., S294668. (A170385; 116 Cal.App.5th 1272; Alameda County Superior Court; 22CV019973.) Petition for review after the Court of Appeal reversed the judgment in a civil action. This case presents the following issue: Does the California Organic Food and Farming Act (COFFA) (Health & Saf. Code, § 110810 et seq.; Food & Agr. Code, § 46000 et seq.) apply to personal care products marketed as organic?

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?

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?

Gilliland v. City of Pleasanton, S294539. (A170666; 116 Cal.App.5th 138; Alameda County Superior Court; RG18924833.) Petition for review after the Court of Appeal reversed the judgment in a civil action and remanded with directions. This case presents the following issue: Does the definition of "pursuit" within a public agency's vehicle pursuit policy determine whether a driver believes they are being "pursued" by a peace officer employed by that entity for purposes of determining immunity under Vehicle Code section 17004.7, subdivision (b)(1)?

Gogal v. Deng, S292779. (D084158; 112 Cal.App.5th 1193; San Diego County Superior Court; 37-2022-00017670-CU-NP-NC.) Petition for review after the Court of Appeal reversed a post-judgment order in a civil action and remanded with directions. The court directed the parties to brief the following issues: (1) Are parties to a pre-litigation contract prohibited from waiving their rights to recover costs as prevailing parties in litigation? (See Code Civ. Proc., § 1032; Civ. Code, § 3513.) (2) Does Civil Code section 1953 void an agreement by a lessee to waive or modify the right to recover such costs?

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?

Honchariw v. PMF CA REIT, LLC, S295127. (B337927; 117 Cal.App.5th 827; Los Angeles County Superior Court; 21STCV25191.) Petition for review after the Court of Appeal affirmed in part and reversed in part the judgment in a civil action and remanded with directions. This case presents the following issues: (1) Under what circumstances, if any, can a litigant recover attorney fees as a prevailing party for work performed by their attorney-spouse on a joint claim or defense? (2) Do Code of Civil Procedure sections 1021 and 1033.5 authorize self-represented attorneys to recover fees under a contractual attorney's fees clause? (See *Musaelian v. Adams* (2009) 45 Cal.4th 512; *Trope v. Katz* (1995) 11 Cal.4th 274.)

Illinois Midwest Ins. Agency LLC v. Workers' Comp. Appeals Bd., S294463. (B344044; 115 Cal.App.5th 1168; Workers' Compensation Appeals Board; ADJ11532204.) Petition for review after the Court of Appeal annulled and remanded the decision in a Workers' Compensation Appeals Board proceeding. This case presents the following issues: (1) Is there an exception to the exclusivity of utilization review and independent medical review when an employer seeks to deny a form of ongoing, continual treatment that the employer has previously authorized? (2) If an employer has submitted a request for such treatment to utilization review, does the Workers' Compensation Appeals Board have jurisdiction to hear an employee's appeal from an adverse decision denying such treatment?

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?

Lencioni v. Cutrer, S296461. (A173829; nonpublished opinion; Sonoma County Superior Court; 25CV01328.) Petition for review after the Court of Appeal dismissed an appeal in a civil action. This case presents the following issue: Is the denial of permanent injunctive relief appealable under Code of Civil Procedure section 904.1, subdivision (a)(6)?

Li v. Arcsoft, Inc., S294190. (9th Cir. Nos. 24-2531, 24-2964; 160 F.4th 1063; Northern District of California; D.C. No. 4:19-cv-05836-JSW.) 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: Do the appraisal requirements of California Corporations Code section 1312, subdivision (a) and *Steinberg v. Amplica, Inc.* (1986) 42 Cal.3d 1198 preclude a shareholder from seeking buyout-related damages when the facts leading to the shareholder's cause of action were not known until after the buyout was consummated?

Lorenzo v. San Francisco Zen Center, S294565. (A171659; 116 Cal.App.5th 258; San Francisco County Superior Court; CGC22602047.) Petition for review after the Court of Appeal reversed the judgment in a civil action. The court limited review to the following issue: Does the ministerial exception arising under the Religion Clauses of the First Amendment to the United States Constitution categorically preclude wage and hour claims by a minister against a religious organization without any inquiry into whether the claim touches upon any ecclesiastical concern?

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?

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?

Montrose Chemical Corp. of California v. Superior Court, S293914. (B335073; 114 Cal.App.5th 889; Los Angeles County Superior Court; BC005158.) Petition for review after the Court of Appeal denied a petition for writ of mandate. The court limited review to the following issues: (1) May a court conclude that contract language is not reasonably susceptible of a construction advanced by a party without first giving preliminary consideration to the extrinsic evidence proffered by the party? (2) Under what circumstances, if any, does prior judicial construction of contract language render that language not reasonably susceptible to a construction advanced by a party and preclude preliminary consideration of extrinsic evidence proffered by that party to support that construction?

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?

Sanchez v. Rojas, S294671. (B338298; nonpublished opinion; Los Angeles County Superior Court; 21STCV41948.) Petition for review after the Court of Appeal affirmed the judgment in a civil action. This case presents the following issue: Should this court overrule or limit its holding in *Elden v. Sheldon* (1988) 46 Cal.3d 267 insofar as that decision declined to recognize claims for negligent infliction of emotional distress or loss of consortium for witnessing a tortious injury inflicted on a cohabitant to whom the plaintiff is neither married nor otherwise closely related?

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?

Yeh v. Twitter, Inc., S295210. (A170843; nonpublished opinion; San Francisco County Superior Court; CGC23605100.) Petition for review after the Court of Appeal affirmed the dismissal of a civil action. This case presents the following issue: Does a defendant's nonconsensual use of a plaintiff's personally identifying information for marketing purposes constitute an economic injury sufficient to show standing under the Unfair Competition Law (Bus. & Prof. Code, § 17200 et seq.) in the absence of allegations regarding the plaintiff's ability to monetize such information?