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, November 20, 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?

Apartment Assn. of Los Angeles County, Inc. v. City of Los Angeles, S297183. (B336071; 120 Cal.App.5th 640; Los Angeles County Superior Court; 23STCP00720.) 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. The court limited review to the following issue: Does the Unlawful Detainer Act (Code Civ. Proc., § 1159 et seq.) preempt a local ordinance setting a monetary threshold requirement for unpaid rent before a landlord may commence unlawful detainer proceedings?

Ari Law, P.C. v. Autonation.com, Inc., S298951. (A173620; 122 Cal.App.5th 898; San Mateo County Superior Court; 23CIV03497.) Petition for review after the Court of Appeal affirmed an order in a civil action. This case presents the following issues: (1) If a party serves an opposing party with a motion for sanctions under Code of Civil Procedure sections 128.5 or 128.7 that identifies a hearing date different from the date identified in the motion subsequently filed with the court, is the motion for sanctions still effective? (2) If not, can the defect be waived or found harmless?

Askins v. CRST Expedited, Inc., S297573. (A172921; 120 Cal.App.5th 1190; San Mateo County Superior Court; 19CIV00644.) Petition for review after the Court of Appeal reversed an order granting class decertification in a civil action. This case presents the following issue: Is an allegation that defendant violated the Fair Credit Reporting Act (FCRA; 15 U.S.C. § 1681 et seq.) sufficient to allege an injury and bring an FCRA claim in California courts?

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?

Conservatorship of C.O., S298401. (A174646; 122 Cal.App.5th 317; Sonoma County Superior Court; 25PR00728.) Petition for review after the Court of Appeal affirmed the judgment in a conservatorship proceeding. This case presents the following issue: Must a proposed conservatee under the Lanterman-Petris-Short Act (Welf. & Inst. Code, § 5000 et seq.) personally waive the right to a jury trial?

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?

Coleman v. United Services Automobile Assn., S298496. (9th Cir. No. 25-793; 191 F.4th 953; Southern District of California; No. 3:21-cv-00217-RSH-KSC.) Request under California Rules of Court, rule 8.548, that this court decide questions of California law presented in a matter pending in the United States Court of Appeals for the Ninth Circuit. The questions presented are: (1) Does Insurance Code section 1861.16, subdivision (b) prohibit insurers that provide insurance under section 11628, subdivision (f)(1) from offering lower rates to servicemembers of higher rank, but higher rates to those of lower rank? If not, does Insurance Code section 11628, subdivision (f)(1) nevertheless constitute an invalid legislative amendment under *Amwest Surety Insurance Co. v. Wilson* (1995) 11 Cal.4th 1243, or other California law? (2) Do Insurance Code sections 1860.1 and 1860.2 establish a filed-rate doctrine that impliedly limits the ability of plaintiffs to recover under the business laws identified by section 1861.03? If so, is the standard distinct from the one articulated for public utilities regulation in *Waters v. Pacific Telephone Co.* (1974) 12 Cal.3d 1, and does it preclude liability even where a challenge does not center on the appropriateness of the rates themselves?

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 directed the parties to brief the following issues: (1) 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? (2) What effect, if any, does Assembly Bill No. 2180 (2025–2026 Reg. Sess.) have on the resolution of the issue presented in this case?

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?

Garcia-Rojas v. Franchise Tax Bd., S297035. (A172054; 120 Cal.App.5th 347; San Francisco County Superior Court; CGC23606654.) 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: Can a nonresident's business qualify as a "unitary business" for the purpose of calculating state income taxes (Cal. Code Regs, tit. 18, § 17951-4, subd. (c)) if the business is conducted as a single sole proprietorship?

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?

Harland v. City of West Hollywood, S297247. (B343375; 120 Cal.App.5th 1166; Los Angeles County Superior Court; 24SMCV00872.) Petition for review after the Court of Appeal affirmed the judgment in a civil action. This case presents the following issue: If a plaintiff prematurely files a lawsuit against a public entity while a Government Claims Act (Gov. Code, § 810 et seq.) claim remains pending, and subsequently voluntarily dismisses the lawsuit without prejudice, is the plaintiff barred from filing a second lawsuit based on the same claim?

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?

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?

Nguyen v. City of Los Angeles, S297797. (B340105; 121 Cal.App.5th 272; Los Angeles County Superior Court; 22STCV39518.) Petition for review after the Court of Appeal affirmed the judgment in a civil action. The court limited review to the following issue: To satisfy the exception in California Constitution, article XIII C, section 1, subdivision (e)(4), must a local government prove that "a charge imposed for entrance to or use of local government property" bears a "reasonable relationship to the payor's burdens on, or benefits received from, the governmental activity"?

NNN Capital Fund I, LLC v. Mikles, S296822. (G064487; 119 Cal.App.5th 1200; Orange County Superior Court; 30-2017-00910991.) Petition for review after the Court of Appeal reversed the judgment in a civil action and remanded with directions. The court limited review to the following issue: When the question of whether a party has standing to arbitrate a dispute has been submitted to an arbitrator for decision, what deference, if any, must a court give to the arbitrator's resolution of this issue?

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?

Victor Valley Union High School Dist. v. Superior Court, S298193. (E086569; 121 Cal.App.5th 901; San Bernardino County Superior Court; CIVSB2220718.) Petition for review after the Court of Appeal denied a petition for writ of mandate in a civil action. This case presents the following issue: Under Education Code section 44808, can a school district be held liable for injuries to a student that occurred off school property based solely on the fact that the injuries were proximately caused by the school district's negligent act that occurred on school property?

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?