

**SUPREME COURT MINUTES
MONDAY, JUNE 29, 2020
SAN FRANCISCO, CALIFORNIA**

S248702**WARD (CHARLES E.) v.
UNITED AIRLINES, INC.**

Opinion filed

We answer the Ninth Circuit's questions as follows:

(1) The Railway Labor Act exemption in Wage Order No. 9, section 1(E), does not bar a wage statement claim brought under section 226 by an employee who is covered by a collective bargaining agreement.

(2) Section 226 applies to wage statements provided by an employer if the employee's principal place of work is in California. This test is satisfied if the employee works a majority of the time in California or, for interstate transportation workers whose work is not primarily performed in any single state, if the worker has his or her base of work operations in California.

Majority Opinion by Kruger, J.

-- joined by Cantil-Sakauye, C. J., Chin, Corrigan, Liu, Cuéllar, and Groban, JJ.

S248726**OMAN (DEV ANAND) v.
DELTA AIR LINES, INC.**

Opinion filed

We answer the Ninth Circuit's questions as follows:

(1) Labor Code sections 204 and 226 do not apply to pay periods in which an employee works only episodically and for less than a day at a time in California unless the employee works primarily in this state during the pay period, or does not work primarily in any state but has his or her base of operations in California.

(2) State law limits on wage borrowing permit compensation schemes that promise to compensate all hours worked at a level at or above the minimum wage, even if particular components of those schemes fail to attribute to each and every compensable hour a specific amount equal to or greater than the minimum wage.

(3) In light of the answer to the question about the substantive application of the state's minimum wage laws, we do not address the separate question concerning the geographic scope of that law's application.

Majority Opinion by Kruger, J.

-- joined by Cantil-Sakauye, C. J., Chin, Corrigan, Liu, Cuéllar, and Groban, JJ.

Concurring Opinion by Liu, J.

-- joined by Cuéllar, J.

S249132 A150545 First Appellate District, Div. 1**SAINT FRANCIS MEMORIAL
HOSPITAL v. STATE
DEPARTMENT OF PUBLIC
HEALTH**

Opinion filed

Statutes of limitations serve important purposes: They motivate plaintiffs to act diligently and protect defendants from having to defend against stale claims. But equitable tolling plays a vital role in our judicial system, too: It allows courts to exercise their inherent equitable powers to excuse parties' failure to comply with technical deadlines when justice so requires. To appropriately balance these two competing ends, we recognize the Legislature's ability to forbid equitable tolling in certain statutes, and we require plaintiffs to establish timely notice, lack of prejudice to the defendant, and reasonable and good faith conduct by the plaintiffs before they are entitled equitable tolling. For the doctrine to fulfill its purpose, however, we continue to presume that tolling is available in the absence of evidence to the contrary, and allow courts to determine on a case-by-case basis whether tolling is warranted under the facts presented, with careful consideration of the policies underlying the doctrine. (See generally *Elkins, supra*, 12 Cal.3d at pp. 417-420.)

As to whether equitable tolling may apply when agency adjudicatory decisions are at issue, the text and context of section 11523 persuade us: The Legislature did not prohibit the statute's 30-day limitations period from being tolled. And the facts of this case demonstrate that Saint Francis satisfied the doctrine's first and second elements. Although the hospital's belated filing arose from a mistake about the filing deadline under section 11523 - a mistake that appears to have been shared by the Department - it provided timely notice to the Department of its intent to file a petition for a writ of administrative mandate. And nothing in the record demonstrates that the Department was prejudiced by Saint Francis's late filing. Because the Court of Appeal didn't address equitable tolling's third element, we vacate the judgment and remand the case to the Court of Appeal for further proceedings consistent with this opinion.

Majority Opinion by Cuéllar, J.

-- joined by Cantil-Sakauye, C. J., Chin, Corrigan, Liu, Kruger, and Groban, JJ.

S259011 B295555 Second Appellate District, Div. 6**G. (O.) v. S.C. (PEOPLE)**

Extension of time granted

On application of Equal Justice Initiative, amicus curiae, and good cause appearing, it is ordered that the time to serve and file the amicus curiae brief is extended to August 6, 2020. No further extensions are contemplated.

S241359**PEOPLE v. RHOADES
(CHERIE LOUISE)**

Counsel appointment order filed

On the court's own motion, Karen A. Kelly is hereby appointed to represent appellant, Cherie Louise Rhoades, for the direct appeal in the above automatic appeal now pending in this court.

S261634

H046069 Sixth Appellate District

**PEOPLE v. MERRITT
(RAYMOND D.)**

Counsel appointment order filed

Upon request of appellant for appointment of counsel, Alissa Bjerkhoel is hereby appointed to represent appellant on the appeal now pending in this court.

S261684

F075807 Fifth Appellate District

**PEOPLE v. QUINTERO
(MIGUEL ANGEL)**

Counsel appointment order filed

Upon request of appellant for appointment of counsel, Patricia L. Brisbois is hereby appointed to represent appellant on the appeal now pending in this court.

S261768

F076838 Fifth Appellate District

**PEOPLE v. SANCHEZ
(MARTIN)**

Counsel appointment order filed

Upon request of appellant for appointment of counsel, Cynthia L. Barnes is hereby appointed to represent appellant on the appeal now pending in this court.

S262000

E071886 Fourth Appellate District, Div. 2

**PEOPLE v. TUIONO
(SAMUEL)**

Counsel appointment order filed

Upon request of appellant for appointment of counsel, Steven A. Torres is hereby appointed to represent appellant on the appeal now pending in this court.