



Supreme Court of California
350 McAllister Street, San Francisco, CA 94102-4797
www.courts.ca.gov/supremecourt

NEWS RELEASE

Contact: [Merrill Balassone](mailto:Merrill.Balassone@courts.ca.gov), 415-865-7740

FOR IMMEDIATE RELEASE

January 24, 2020

Summary of Cases Accepted and Related Actions During Week of January 20, 2020

[This news release is issued to inform the public and the press of cases that the Supreme Court has accepted and of their general subject matter. The statement of the issue or issues in each case set out below does not necessarily reflect the view of the court, or define the specific issues that will be addressed by the court.]

#20-21 *Ferra v. Loews Hollywood Hotel, LLC, S259172.* (B283218; 40 Cal.App.5th 1239; Los Angeles County Superior Court; BC586176.) Petition for review after the Court of Appeal affirmed the judgment in a civil action. The court limited review to the following issue: Did the Legislature intend the term “regular rate of compensation” in Labor Code section 226.7, which requires employers to pay a wage premium if they fail to provide a legally compliant meal period or rest break, to have the same meaning and require the same calculations as the term “regular rate of pay” in Labor Code section 510(a), which requires employers to pay a wage premium for each overtime hour?

#20-22 *Presbyterian Camp & Conference Centers, Inc. v. Superior Court, S259850.* (B297195; 42 Cal.App.5th 148, mod. 42 Cal.App.5th 1173a; Santa Barbara County Superior Court; 18CV02968.) Petition for review after the Court of Appeal denied a petition for peremptory writ of mandate. This case presents the following issue: Can a corporation be held liable under Health and Safety Code sections 13009 and 13009.1 for the costs of suppressing and investigating fires that its agents or employees negligently or illegally set, allowed to be set, or allowed to escape?

#20-23 *People v. Gutierrez, S259467.* (B250333; nonpublished opinion; Los Angeles County Superior Court; BA388274.) Petition for review after the Court of Appeal remanded for resentencing and otherwise affirmed judgments of conviction of criminal offenses. The court ordered briefing deferred pending decision in *People v. Lopez*, S258175 (#19-172), which presents the following issues: (1) Does Senate Bill No. 1437 (Stats. 2018, ch. 1015) apply to attempted murder liability under the natural and probable consequences doctrine? (2) In order to convict an aider and abettor of attempted willful, deliberate and premeditated murder under the natural and probable consequences

doctrine, must a premeditated attempt to murder have been a natural and probable consequence of the target offense? In other words, should *People v. Favor* (2012) 54 Cal.4th 868 be reconsidered in light of *Alleyne v. United States* (2013) 570 U.S. 99 and *People v. Chiu* (2014) 59 Cal.4th 155?

#20-24 *People v. Howard, S259414.* (B293360; nonpublished opinion; Ventura County Superior Court; 2018006735.) Petition for review after the Court of Appeal modified and affirmed a judgment of conviction of criminal offenses. The court ordered briefing deferred pending decision in *People v. Orozco*, S249495 (#18-108), which presents the following issue: Can a felony conviction for receiving a stolen vehicle in violation of Penal Code section 496d be reclassified as a misdemeanor under Proposition 47 in light of Penal Code section 496, subdivision (a), which provides that receiving other stolen property is a misdemeanor when the value of the property does not exceed \$950?

#20-25 *People v. Laun, S259197.* (G055893; nonpublished opinion; Orange County Superior Court; 16HF0902.) Petition for review after the Court of Appeal affirmed a judgment of conviction of criminal offenses. The court ordered briefing deferred pending decision in *People v. Aguayo*, S254554 (#19-47), which presents the following issues: (1) Is assault by means of force likely to produce great bodily injury a lesser included offense of assault with a deadly weapon? (See *People v. Aledamat* (2019) 7 Cal.5th 1, 16, fn. 5.) (2) If so, was defendant's conviction of assault by means of force likely to produce great bodily injury based on the same act or course of conduct as her conviction of assault with a deadly weapon?

#20-26 *People v. Moore, S259087.* (B286405; nonpublished opinion; Los Angeles County Superior Court; GA095941.) Petition for review after the Court of Appeal remanded for resentencing and otherwise affirmed a judgment of conviction of criminal offenses. The court ordered briefing deferred pending decision in *People v. Frahs*, S252220 (#18-175), which presents the following issues: (1) Does Penal Code section 1001.36 apply retroactively to all cases in which the judgment is not yet final? (2) Did the Court of Appeal err by remanding for a determination of defendant's eligibility under Penal Code section 1001.36?

#20-27 *In re Parish, S259382.* (B292582; 42 Cal.App.5th 788; Los Angeles County Superior Court; BA260528.) Petition for review after the Court of Appeal denied a petition for writ of habeas corpus. The court ordered briefing deferred pending decision in *In re Scoggins*, S253155 (#19-37), which presents the following issue: Was the evidence at trial sufficient to support the robbery-murder special circumstance under *People v. Banks* (2015) 61 Cal.4th 788 and *People v. Clark* (2016) 63 Cal.4th 522?

#

The Supreme Court of California is the state's highest court and its decisions are binding on all other California state courts. The court's primary role is to decide matters of statewide importance and to maintain uniformity in the law throughout California by reviewing matters from the six districts of the California Courts of Appeal and the fifty-eight county superior courts (the trial courts). Among its other duties, the court also decides all capital appeals and related matters and reviews both attorney and judicial disciplinary matters.