SUPREME COURT MINUTES WEDNESDAY, AUGUST 30, 2023 SAN FRANCISCO, CALIFORNIA

S280598 C090463 Third Appellate District

MADRIGAL (OSCAR J.) v. HYUNDAI MOTOR AMERICA

Petition for review granted

The request for judicial notice is denied.

The petition for review is granted.

The issue to be briefed and argued is limited to the following: Do Code of Civil Procedure section 998's cost-shifting provisions apply if the parties ultimately negotiate a pre-trial settlement? Pending review, the opinion of the Court of Appeal, which is currently published at 90 Cal.App.5th 385, may be cited, not only for its persuasive value, but also for the limited purpose of establishing the existence of a conflict in authority that would in turn allow trial courts to exercise discretion under *Auto Equity Sales, Inc. v. Superior Court* (1962) 57 Cal.2d 450, 456, to choose between sides of any such conflict. (See *Standing Order Exercising Authority Under California Rules of Court, Rule 8.1115(e)(3), Upon Grant of Review or Transfer of a Matter with an Underlying Published Court of Appeal Opinion, Administrative Order 2021-04-21; Cal. Rules of Court, rule 8.1115(e)(3) and corresponding Comment, par. 2.)*

The request for an order directing depublication of the opinion is denied.

Votes: Guerrero, C. J., Corrigan, Liu, Kruger, Groban, Jenkins, and Evans, JJ.

S280752 F084913 Fifth Appellate District

NORTH AMERICAN TITLE COMPANY v. S.C. (CORTINA)

Petition for review granted

The petition for review is granted.

Pending review, the opinion of the Court of Appeal, which is currently published at 91 Cal.App.5th 948, may be cited, not only for its persuasive value, but also for the limited purpose of establishing the existence of a conflict in authority that would in turn allow trial courts to exercise discretion under *Auto Equity Sales, Inc. v. Superior Court* (1962) 57 Cal.2d 450, 456, to choose between sides of any such conflict. (See *Standing Order Exercising Authority Under California Rules of Court, Rule 8.1115(e)(3), Upon Grant of Review or Transfer of a Matter with an Underlying Published Court of Appeal Opinion, Administrative Order 2021-04-21; Cal. Rules of Court, rule 8.1115(e)(3) and corresponding Comment, par. 2.)*

Votes: Guerrero, C. J., Corrigan, Liu, Kruger, Groban, Jenkins, and Evans, JJ.

S158112

PEOPLE v. HAMILTON (ALEXANDER RASHAD)

Supplemental briefing ordered

The court is in receipt of appellant's letter dated August 17, 2023, stating an intent to file a supplemental opening brief before oral argument raising claims under the California Racial Justice Act of 2020 (Pen. Code, § 745). Appellant may serve and file any supplemental brief no later than October 31, 2023. The People may serve and file a response no later than November 30, 2023, and appellant may serve and file a reply no later than December 15, 2023.

S281020 A163864 First Appellate District, Div. 5 PEOPLE v. TIMMS (JOVAUGHN)

Petition for review granted; briefing deferred

The People's petition for review is granted. Further action in this matter is deferred pending consideration and disposition of a related issue in *People v. Reynoza*, S273797 (see Cal. Rules of Court, rule 8.512(d)(2)), or pending further order of the court. Submission of additional briefing, pursuant to California Rules of Court, rule 8.520, is deferred pending further order of the court. Defendant's petition for review is denied.

Votes: Guerrero, C. J., Corrigan, Liu, Kruger, Groban, Jenkins, and Evans, JJ.

S281078 H050368 Sixth Appellate District

PEOPLE v. PEDRISCO (PEDRO MORALES)

Petition for review granted; briefing deferred

The petition for review is granted. Further action in this matter is deferred pending consideration and disposition of a related issue in *People v. Burgos*, S274743 (see Cal. Rules of Court, rule 8.512(d)(2)), or pending further order of the court. Submission of additional briefing, pursuant to California Rules of Court, rule 8.520, is deferred pending further order of the court.

Votes: Guerrero, C. J., Corrigan, Liu, Kruger, Groban, Jenkins, and Evans, JJ.

S275942 A161691 First Appellate District, Div. 2 PEOPLE v. WANDREY (NATHAN CHRISTIAN)

Dismissed and remanded to Court of Appeal, First Appellate District, Division Two

Review in the above-captioned matter, which was granted and held for *People v. Catarino* (2023) 14 Cal.5th 748, is hereby dismissed. (Cal. Rules of Court, rule 8.528(b)(1).)

Votes: Guerrero, C. J., Corrigan, Liu, Kruger, Groban, Jenkins, and Evans, JJ.

S279198 A162599 First Appellate District, Div. 4 PEOPLE v. JOHNSON (CHRISTOPHER M.)

Transferred to Court of Appeal, First Appellate District, Division Four, after hold

The above-captioned matter is transferred to the Court of Appeal, First Appellate District, Division Four, with directions to vacate its decision and reconsider the cause in light of *People v. Catarino* (2023) 14 Cal.5th 748. (Cal. Rules of Court, rule 8.528(d).) As explained in *Standing Order Exercising Authority Under California Rules of Court, Rule 8.1115(e)(3), Upon Grant of Review or Transfer of a Matter with an Underlying Published Court of Appeal Opinion, Administrative Order 2021-04-21, and California Rules of Court, rule 8.1115(e)(3), corresponding comment, par. 3, the opinion is hereby rendered either "depublished" or "not citable."*

Votes: Guerrero, C. J., Corrigan, Liu, Kruger, Groban, Jenkins, and Evans, JJ.

S279380

TAYLOR (BEVERLY) ON CLEMENCY

Letter sent to Governor with the recommendation required by article V, section 8 of the California Constitution for the Governor to grant clemency

The Honorable Gavin Newsom Governor, State of California State Capitol Building Sacramento, CA 95814

Re: Beverly Taylor

Legal Affairs File No.: GO No. CR-17811-13

Case Number: S279380

Executive Clemency Number: 1246

Dear Governor Newsom:

On the application of Beverly Taylor for pardon, the court, with at least 4 judges concurring, hereby makes the recommendation required by Article V, section 8 of the California Constitution for the Governor to grant a pardon.

Sincerely,

Patricia Guerrero Chief Justice of California

B319995 Second Appellate District, Div. 2 IN RE D.L. S280393

The request for judicial notice is granted.

The petition for review is denied.

The request for an order directing publication of the opinion is denied.

S280417 B316576 Second Appellate District, Div. 5 **IRWIN L. GREEN & DOROTHY L. GREEN**

REVOCABLE 1998 TRUST

Petition for review denied

S280431 D079506 Fourth Appellate District, Div. 1 A. (A.) v. A. (K.)

Petition for review denied

S280522 E077938 Fourth Appellate District, Div. 2 PATKINS (DAVID C.) v.

PIANTINI (REBECA)

Petition for review denied

S280554 B317091 Second Appellate District, Div. 3 PEOPLE v. MISH, JR., (JOAQUIN ANTONIO)

Petition for review denied

S280653 **NEWELL (ROBERT HARDY)**

v. GARLAND (MERRICK

BRIAN)

Petition for review denied

S280683 B327106 Second Appellate District, Div. 2 AFRIDI (MUHAMMAD) v.

AMAZON.COM, INC.

Petition for review denied

S280729 B313888 Second Appellate District, Div. 7 BERNEY LAW CORP. v. **CLUBCORP PORTER**

VALLEY COUNTRY CLUB,

INC.

S280740 A165823 First Appellate District, Div. 3 LAZARO (MARTHA VALENCIA) v. YADAV ENTERPRISES, INC.

Petition for review denied

S280757 B329636 Second Appellate District, Div. 7 URIOSTEQUI (LIZBET) v. S.C. (HOT CAKES NO. 7, INC.)

Petition for review denied

S280767 D079955 Fourth Appellate District, Div. 1 EMERT (ANDREA L. & ROBERT), MARRIAGE OF

Petition for review & application for stay denied

S280786 G060596 Fourth Appellate District, Div. 3 FELIZ (LESLEY) v. THE COUNTY OF ORANGE

Petition for review denied

S280822 A168072 First Appellate District, Div. 4 DiGIACOMO, JR.,

(RAYMOND VINCENT) v. S.C. (RECOLOGY, INC.)

Petition for review denied

S280836 H051061 Sixth Appellate District DAVIS (GLENN D.) v. S.C. (POSSON)

Petitioner's request for judicial notice filed on July 28, 2023, is granted. The petition for review is denied.

S280837 C098741 Third Appellate District HERSHIPS (HOWARD R.) v.

S.C. (VALLEY STAR PARTNERS LLC)

Petition for review denied

S280883 B319712 Second Appellate District, Div. 4 CEDARS-SINAI MEDICAL

CENTER v. HEALTH NET OF

CALIFORNIA, INC.

S280887 A168144 First Appellate District, Div. 2 CHODNIEWICZ (JOSHUA) v. S.C. (ART.COM, INC.)

The applications to appear as counsel pro hac vice are granted. (Cal. Rules of Court, rule 9.40(a).) The petition for review is denied.

S280900 B312129 Second Appellate District, Div. 5 KANTER (RHODA A.) v. REED (DEBRA L.)

The request for judicial notice is denied.

The petition for review is denied.

S280905 C080984 Third Appellate District PACIFIC GAS & ELECTRIC

COMPANY v. McCOLM

1058

(PATRICIA A.)

Petition for review denied

S280912 F083828/F084205 Fifth Appellate District FORD (MATTHEW) v. STANISLAUS COUNTY

Petition for review denied

S280995 C095117 Third Appellate District PEOPLE v. GUDIS (MARION

ELIZABETH)

Petition for review denied

S281005 B322230 Second Appellate District, Div. 6 HOUSLEY (ARIK) v.

COUNTY OF VENTURA (LOS

ANGELES TIMES

COMMUNICATIONS, LLC)

The application to appear as counsel pro hac vice is granted. (Cal. Rules of Court, rule 9.40(a).)

The petition for review is denied.

S281013 A164650 First Appellate District, Div. 3 PEOPLE v. SEWELL

(DARREN)

Petition for review denied

S281022 A162994 First Appellate District, Div. 4 DHILLON (PREET) v.

MANGAT (JASJIT)

S281050 F084419 Fifth Appellate District

PEOPLE v. AMBRIZ (JUAN PABLO GONZALEZ)

Petition for review denied

S281066 A167129 First Appellate District, Div. 1

Petition for review denied

IN RE P.P.

S281069 DUNIGAN (KEVIN WAYNE)

v. S.C. (PEOPLE)

Petitioner's "motion to vacate all banishments" is denied. The petition for writ of error coram vobis is denied.

S281071 E077924 Fourth Appellate District, Div. 2 PEOPLE v. ALVAREZ, JR., (RUBEN DIAZ)

Petition for review denied

S281072 B317518 Second Appellate District, Div. 7 CHANG (WILD) v. FARMERS INSURANCE COMPANY, INC.

Petition for review denied

S281084 B321411 Second Appellate District, Div. 7 CHANG (WILD) v. FARMERS INSURANCE COMPANY,

INC.

Petition for review denied

S281090 B330032 Second Appellate District, Div. 7 RIVERA (MICHAEL ALEXANDER) ON H.C.

Petition for review denied

S281099 H050415 Sixth Appellate District PEOPLE v. CASE (SHAUN

MICHAEL)

S281101 A163609 First Appellate District, Div. 1 PEOPLE v. SMITH (SPENCER FREEMAN)

Petition for review denied

S281104 TOM (CASEY) v. CITY OF

BEVERLY HILLS

Petition for review denied

S281105 E078375 Fourth Appellate District, Div. 2 HUDSON (ARCHER) v.

DEBOW (D'ARTAGNAN

NATHAN)

Petition for review denied

S281108 B330123 Second Appellate District, Div. 4 PAYNE (MYRON PATRICE)

ON H.C.

Petition for review denied

S281109 F083273 Fifth Appellate District PEOPLE v. GREEN

(WILLIAM MATTHEW)

Petition for review denied

S281122 B317725 Second Appellate District, Div. 2 EHM PRODUCTIONS, INC. v.

STARLINE TOURS OF HOLLYWOOD, INC.

Petition for review denied

S281123 PEOPLE v. SALGUERO

(FRANDER)

The request for judicial notice of the court documents in case numbers B323872, B325061, and B325333, the briefs and objection in case number S278394, and the court documents in case number MA066642 is granted. The remainder of the request for judicial notice is denied. The petition for review is denied.

S281125 H050129 Sixth Appellate District RADILLO (OSCAR) v. S.C. (PEOPLE)

S281128 B330187 Second Appellate District, Div. 8 SPEEDY FUEL INC. v. S.C. (PEOPLE)

Petition for review denied

S281129 B322174 Second Appellate District, Div. 7 PEOPLE v. VARGAS (KEVIN)

Petition for review denied

S281136 C096330 Third Appellate District IN RE H.Z.

Petition for review denied

S281150 B319052 Second Appellate District, Div. 3 PEOPLE v. UBIARCO, JR.,

(EDUARDO)

Petition for review denied

S281154 F084907 Fifth Appellate District PEOPLE v. GARNICA (RUBEN)

Petition for review denied

S281158 H049893 Sixth Appellate District HUDSON (KENNON) v. HUDSON (DANIEL)

Petition for review denied

S281161 F083379 Fifth Appellate District PEOPLE v. SUTTON (VANNOY ZEON)

Petition for review denied

S281170 B320579 Second Appellate District, Div. 2 PEOPLE v. McGIRT (LAWRENCE JAMAAL)

Petition for review denied

S281180 F085191 Fifth Appellate District PEOPLE v. JACKSON III

(DOUGLAS VARNELL)

S281190 A168244 First Appellate District, Div. 4

WOODS II (EARNEST CASSELL) ON H.C.

Petition for review denied

S281193 A165569 First Appellate District, Div. 2

PEOPLE v. ROBERTS (ZACHARY JAY)

Petition for review denied

S281293 A168211 First Appellate District, Div. 2

FLETCHER (JASON) v. S.C. (PEOPLE)

Petition for review & application for stay denied

S281375 A168355 First Appellate District, Div. 3

SWEENEY (JOHN) v. S.C. (CALIFORNIA REGIONAL

WATER QUALITY
CONTROL BOARD SAN

FRANCISCO)

Petition for review & application for stay denied

S281571 B330224 Second Appellate District, Div. 6

ARELLANES (RICHARD ERIC) v. S.C. (PEOPLE)

Petition for review & application for stay denied

S281586 E081810 Fourth Appellate District, Div. 2

FAZZINO (LISA MARIE) v.

S.C. (PEOPLE)

Petition for review & application for stay denied

S278952

SMITH (ROBERT E.) ON H.C.

Petition for writ of habeas corpus denied

S279087 SINGH (RAGHVENDRA) ON

H.C.

Petition for writ of habeas corpus denied

S279255 KELLUM (LAMONT AARON) ON H.C.

Petition for writ of habeas corpus denied

S279810 SANTANA (ANDRES) ON

H.C.

Petition for writ of habeas corpus denied

S279877 FEGAN (STEPHEN) ON H.C. S280026 FEGAN (STEPHEN) ON H.C.

The motion to consolidate the petitions filed in case numbers S279877 and S280026 is granted. The petition for writ of habeas corpus is denied. (See *In re Robbins* (1998) 18 Cal.4th 770, 780 [courts will not entertain habeas corpus claims that are untimely]; *In re Clark* (1993) 5 Cal.4th 750, 767-769 [courts will not entertain habeas corpus claims that are successive].)

S279986 KALAAUKAHI (JAMES KEONI) ON H.C.

Petition for writ of habeas corpus denied

S280014 MILLER (DAMEON LEWIS)

ON H.C.

Petition for writ of habeas corpus denied

S280165 GALLEGOS (FELICIANO)

ON H.C.

Petition for writ of habeas corpus denied

S280213 LEYVA (ONRE EMMET) ON H.C.

The petition for writ of habeas corpus is denied. Individual claims are denied, as applicable. (See *People v. Duvall* (1995) 9 Cal.4th 464, 474 [a petition for writ of habeas corpus must include copies of reasonably available documentary evidence]; *In re Lessard* (1965) 62 Cal.2d 497, 503 [courts will not entertain habeas corpus claims that raise Fourth Amendment violations]; *In re Waltreus* (1965) 62 Cal.2d 218, 225 [courts will not entertain habeas corpus claims that were rejected on appeal]; *In re Dixon* (1953) 41 Cal.2d 756, 759 [courts will not entertain habeas corpus claims that could have been, but were not, raised on appeal]; *In re Swain* (1949) 34 Cal.2d 300, 304 [a petition for writ of habeas corpus must allege sufficient facts with particularity]; *In re Lindley* (1947) 29 Cal.2d 709, 723 [courts will not entertain habeas corpus claims that attack the

sufficiency of the evidence].)

S280223

BELTRAN (JAIME) ON H.C.

Petition for writ of habeas corpus denied

S280236

SHOLES (TYRONE A.) ON

The petition for writ of habeas corpus is denied. (See *In re Robbins* (1998) 18 Cal.4th 770, 780 [courts will not entertain habeas corpus claims that are untimely]; *In re Clark* (1993) 5 Cal.4th 750, 767-769 [courts will not entertain habeas corpus claims that are successive]; *In re Dixon* (1953) 41 Cal.2d 756, 759 [courts will not entertain habeas corpus claims that could have been, but were not, raised on appeal].)

S280239 RODRIGUEZ (PETER) ON

H.C.

Petition for writ of habeas corpus denied

S280248 KLINEFELTER (JEFFREY

SCOTT) ON H.C.

Petition for writ of habeas corpus denied

S280249 HURD (DALE RAY) ON H.C.

The petition for writ of habeas corpus is denied. (See Pen. Code, § 745, subd. (j)(3).)

S280263 BROWN (BERNARD) ON H.C.

Petition for writ of habeas corpus denied

S280299 BELYEW (LISA) ON H.C.

The petition for writ of habeas corpus is denied. (See *In re Waltreus* (1965) 62 Cal.2d 218, 225 [courts will not entertain habeas corpus claims that were rejected on appeal].)

S280302 WHITE (LAMAR LARUE) ON

The petition for writ of habeas corpus is denied. (See Pen. Code, § 745, subd. (j)(3).)

S280306

WILLIAMS (KENNETH J.) ON H.C.

The petition for writ of habeas corpus is denied. (See *In re Robbins* (1998) 18 Cal.4th 770, 780 [courts will not entertain habeas corpus claims that are untimely]; *In re Clark* (1993) 5 Cal.4th 750, 767-769 [courts will not entertain habeas corpus claims that are successive].)

S280330

BURRIS (ARMOND) ON H.C.

The petition for writ of habeas corpus is denied. (See Pen. Code, § 745, subd. (j)(3).)

S280350

SERRANO, SR., (GILBERT I.)

ON H.C.

Petition for writ of habeas corpus denied

S280395

KELLUM (LAMONT AARON) ON H.C.

The petition for writ of habeas corpus is denied. (See *In re Barnett* (2003) 31 Cal.4th 466, 471 ["As a general rule, parties who are represented in court by counsel of record are required to proceed in court through their counsel."].)

S280447

BAPTISTE (KENNETH EMANUEL) ON H.C.

Petition for writ of habeas corpus denied

S280466

STUART (ANTHONY D.) ON

The petition for writ of habeas corpus is denied. (See *People v. Duvall* (1995) 9 Cal.4th 464, 474 [a petition for writ of habeas corpus must include copies of reasonably available documentary evidence]; *In re Swain* (1949) 34 Cal.2d 300, 304 [a petition for writ of habeas corpus must allege sufficient facts with particularity].)

S280536

PENNYMAN (ANTONIO D.)

ON H.C.

Petition for writ of habeas corpus denied

S280540

LOCKHART (DARRYL WAYNE) ON H.C.

Petition for writ of habeas corpus denied

S280558 NGO (MY) ON H.C.

Petition for writ of habeas corpus denied

S280736 BAPTISTE (KENNETH

EMANUEL) ON H.C.

Petition for writ of habeas corpus denied

S280922 FEGAN (STEPHEN) ON H.C.

Petition for writ of habeas corpus denied

S281194 JACOBS (JAMES) ON H.C.

Petition for writ of habeas corpus & application for stay denied

S281215 BELYEW (LISA) ON H.C.

Petition for writ of habeas corpus denied

S281235 NGO (MY) ON H.C.

Petition for writ of habeas corpus denied

S281289 ROLLEN (VAN KEYSHONE)

ON H.C.

Petition for writ of habeas corpus denied

S280194 A166164 First Appellate District, Div. 5 BERKELEY CITIZENS FOR

A BETTER PLAN v. THE

REGENTS OF THE UNIVERSITY OF

CALIFORNIA (RESOURCES

FOR COMMUNITY DEVELOPMENT)

Publication requests denied (case closed)

S280484 A165226 First Appellate District, Div. 1 B. (MARIA & MICHAEL),

MARRIAGE OF

Publication request denied (case closed)

S280526 B322210 Second Appellate District, Div. 3 IN RE I.B.

Publication request denied (case closed)

S280660 D080300 Fourth Appellate District, Div. 1 D'ARCY (CAROLINE) v.

ANDREWS (JOY)

Publication request denied (case closed)

S280666 B309007 Second Appellate District, Div. 8 KOUROUNIAN (RAFI A.) v.

CALIFORNIA DEPARTMENT

OF TAX & FEE ADMINISTRATION

Depublication request denied (case closed)

The request for an order directing depublication of the opinion in the above-entitled appeal is denied. The court declines to review this matter on its own motion. The matter is now final.

S280982 F084849 Fifth Appellate District RANDY'S TRUCKING, INC. v. S.C. (BUTTRAM)

Depublication request denied (case closed)

The motion to strike the response of plaintiffs Angela Buttram and Devon Robbins to the request by the American Academy of Clinical Neuropsychology for an order directing depublication of the opinion in the above-entitled proceeding is denied.

The requests for an order directing depublication of the opinion in the above-entitled proceeding are denied. The court declines to review this matter on its own motion. The matter is now final.

S281080 A163858 First Appellate District, Div. 5 SPAGHETTINI, LP v. FIREMAN'S FUND

INSURANCE COMPANY

Publication request denied (case closed)

S281517 D077931/D078511 Fourth Appellate District, Div. 1 ROJAS (DALIA) v. HSBC CARD SERVICES INC.

Time for ordering review extended on the court's own motion

The time for ordering review on the court's own motion is hereby extended to November 17, 2023. (Cal. Rules of Court, rule 8.512(c).)

S172432

PEOPLE v. CHEATHAM (STEVEN DEWAYNE)

Extension of time granted

Based upon Supervising Deputy State Public Defender Elias Batchelder's representation that the supplemental appellant's reply brief is anticipated to be filed by November 2, 2023, an extension of time in which to serve and file that brief is granted to November 2, 2023.

An application to file an overlength brief must be served and filed no later than 60 days before the anticipated filing date. (See Cal. Rules of Court, rule 8.631(d)(1)(A)(ii) & (B)(ii).)

S280326

RAMSEY (RAVON LOVOWE) ON H.C.

Extension of time granted

On application of respondent and good cause appearing, it is ordered that the time to serve and file the informal response is extended to October 13, 2023.

S128402

PEOPLE v. DONALDSON (JASARI LATIFUL)

Record augmentation denied

Appellant's "Supplemental Motion to Augment the Record on Appeal," filed on July 11, 2023, is denied.

S279146

GALIK (KEVIN) ON H.C.

Motion to file document under seal granted

Petitioner's "Notice of Motion and Motion to Seal Portions of Certain Exhibits and Documents in Connection with Petitioner's Writ of Habeas Corpus" filed on March 22, 2023, is granted. (Cal. Rules of Court, rules 2.550(d).) In ordering the sealing, this court makes the findings required by California Rules of Court, rules 2.550(d) and 8.46(d)(6). The clerk of this court is directed to file under seal Volume 24 of the exhibits in support of the petition for writ of habeas corpus, received on March 22, 2023, which contains exhibits 60, 61, 65, 66, and 68. The clerk is also directed to file under seal the documents, received on March 22, 2023, entitled "Petition for Writ of Habeas Corpus" and "Memorandum of Points and Authorities In Support of Kevin Galik's Petition for Writ of Habeas Corpus."

S281079

ACCUSATION OF WASHINGTON

Petition denied

(accusation)

S281153 ACCUSATION OF KIGER

Petition denied (accusation)

S281189 ACCUSATION OF HUTCHINSON

Petition denied (accusation)