



Supreme Court of California
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NEWS RELEASE

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FOR IMMEDIATE RELEASE

January 27, 2023

Summary of Cases Accepted and Related Actions During Week of January 23, 2023

[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.]

#23-16 *California Capital Ins. Co. v. Hoehn*, S277510. (C092450; nonpublished opinion; Placer County Superior Court; SCV0026851.) Petition for review after the Court of Appeal affirmed an order in a civil action. This case presents the following issues: (1) Is there a time limitation for filing a motion under Code of Civil Procedure section 473, subdivision (d) to vacate a judgment that is allegedly void based on extrinsic evidence? (2) In the alternative, does an equitable motion to vacate an allegedly void judgment for lack of service require proving intentional bad conduct in order to show extrinsic fraud?

#23-17 *City of Los Angeles v. PricewaterhouseCoopers, LLC*, S277211. (B310118; 84 Cal.App.5th 466; Los Angeles County Superior Court; BC574690.) Petition for review after the Court of Appeal reversed an order in a civil action. This case presents the following issue: Is a court's authority to impose monetary sanctions for misuse of the discovery process limited to circumstances expressly delineated in a method-specific provision of the Civil Discovery Act, or do courts have independent authority to impose monetary sanctions for such discovery misconduct, including under Code of Civil Procedure sections 2023.010 and 2023.030?

#23-18 *Silva v. Dolgen California, LLC*, S277536. (E078185; nonpublished opinion; Riverside County Superior Court; CVRI2102601.) Petition for review after the Court of Appeal affirmed in part and reversed in part an order denying a petition to compel arbitration in a civil action. The court ordered briefing deferred pending decision in *Adolph v. Uber Technologies, Inc.*, S274671 (#22-204), which presents issues regarding the maintenance of representative claims for statutory civil penalties under the Private Attorney General Act (Lab. Code, § 2698 et seq.). (See *Viking River Cruises, Inc. v. Moriana* (2022) ___ U.S. ___ [142 S.Ct. 1906, ___ L.Ed.2d ___].)

#23-19 *People v. Steward*, S277702. (H046931; nonpublished opinion; Santa Clara County Superior Court; C1641635.) 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. Lynch*, S274942 (#22-217), which presents the following issue: What prejudice standard applies on appeal when determining whether a case should be remanded for resentencing in light of newly-enacted Senate Bill No. 567 (Stats. 2021, ch. 731)?

DISPOSITIONS

Review in the following case, which was granted and held for *Zolly v. City of Oakland* (2022) 13 Cal.5th 780, was dismissed:

#20-307 <i>Howard Jarvis Taxpayers Assn. v. Bay Area Toll Authority</i>, S263835	(A157598, A157972; 51 Cal.App.5th 435; San Francisco County Superior Court; CGC18567860, CPF18516276)
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STATUS

#23-10 *In re Tellez*, S277072. The court restated the questions in this case and expanded review as follows: (1) Does constitutionally effective assistance of counsel require defense counsel to advise a defendant that a guilty plea may subject the defendant to commitment proceedings under the Sexually Violent Predator Act (Welf. & Inst. Code, § 6600 et seq.; SVPA)? If so, did petitioner in this case suffer prejudice? (2) In the alternative, should this Court, in the exercise of its supervisory powers (see, e.g., *People v. Howard* (1992) 1 Cal.4th 1132, 1175; *Bunnell v. Superior Court* (1975) 13 Cal.3d 592, 605), require that a defendant be advised that a guilty plea may subject him to SVPA commitment proceedings? If so, is petitioner entitled to relief?

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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.