



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

February 3, 2023

Summary of Cases Accepted and Related Actions During Week of January 30, 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.]

#23-20 *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?

#23-21 *People v. Arnold*, S277872. (B311683; nonpublished opinion; Los Angeles County Superior Court; ZM011449.) Petition for review after the Court of Appeal affirmed a civil commitment order. The court ordered briefing deferred pending decision in *Needham v. Superior Court*, S276395 (#22-281), which presents the following issue: Does the Sexually Violent Predator Act (Welf. & Inst. Code, § 6600 et seq.) allow the People to retain a private expert to testify at trial as to whether a defendant is a sexually violent predator, or are the expert witnesses limited to those designated by the State Department of State Hospitals (Welf. & Inst. Code, §§ 6601 & 6603)?

#23-22 *Dhital v. Nissan North America, Inc.*, S277568. (A162817; 84 Cal.App.5th 828; Alameda County Superior Court; RG19009260.) Petition for review after the Court of Appeal reversed judgment in a civil action. The court ordered briefing deferred pending decision in *Rattagan v. Uber Technologies*, S272113 (#22-29) which presents the following issue: Under California law, are claims for fraudulent concealment exempted from the economic loss rule?

#23-23 *People v. Diaz*, S277871. (G059723; nonpublished opinion; Orange County Superior Court; 18NF2130.) 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. 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)?

#23-24 *Figueroa v. FCA USA, LLC*, S277547. (B306275, B308339; 84 Cal.App.5th 708; Ventura County Superior Court; 56-2018-00507038-CU-BC-VTA.) Petition for review after the Court of Appeal affirmed the judgment in a civil action. The court ordered briefing deferred pending decision in *Niedermeier v. FCA US LLC*, S266034 (#21-50) which presents the following issues: (1) Does the statutory restitution remedy under the Song-Beverly Act (Civ. Code, § 1790 et seq.) necessarily include an offset for a trade-in credit? (2) If the amount that a consumer has received in a trade-in transaction must be subtracted from the consumer's recovery, should that amount be subtracted from the statutory restitution remedy or from the consumer's total recovery?

#23-25 *People v. Lopez*, S277304. (E073016; nonpublished opinion; Riverside County Superior Court; INF1601092.) Petitions for review after the Court of Appeal affirmed in part and reversed in part judgments of conviction of criminal offenses and remanded for further proceedings. The court ordered briefing deferred pending decision in *People v. Rojas*, S275835 (#22-276), which presents the following issue: Does Assembly Bill No. 333 (Stats. 2021, ch. 699) unconstitutionally amend Proposition 21, if applied to the gang-murder special circumstance (Pen. Code, § 190.2, subd. (a)(22))?

SEPARATE STATEMENT ON DENIAL OF REVIEW

***In re Gates*, S277281.** (D080949; San Diego County Superior Court; SCD274056.) Petition for review after the Court of Appeal denied a petition for writ of habeas corpus.

###

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.