



Supreme Court of California  
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**NEWS RELEASE**

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**FOR IMMEDIATE RELEASE**

May 5, 2023

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## Summary of Cases Accepted and Related Actions During Week of May 1, 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.]*

**#23-90 *Galarsa v. Dolgen California, LLC*, S279021.** (F082404; 88 Cal.App.5th 639; Kern County Superior Court; BCV-19-102504.) Petition for review after the Court of Appeal affirmed in part and reversed in part an order denying a petition to compel arbitration. The court ordered briefing deferred pending decision in *Adolph v. Uber Technologies, Inc.*, S274671 (#22-204), which presents the following issue: Whether an aggrieved employee who has been compelled to arbitrate claims under the Private Attorneys General Act (PAGA) that are “premised on Labor Code violations actually sustained by” the aggrieved employee (*Viking River Cruises, Inc. v. Moriana* (2022) 596 U.S. \_\_, \_\_ [142 S.Ct. 1906, 1916] (*Viking River Cruises*); see Lab. Code, §§ 2698, 2699, subd. (a)) maintains statutory standing to pursue “PAGA claims arising out of events involving other employees” (*Viking River Cruises*, at p. \_\_ [142 S.Ct. at p. 1916]) in court or in any other forum the parties agree is suitable.

**#23-91 *People v. Rodriguez*, S279263.** (H049398; nonpublished opinion; Monterey County Superior Court; 19CR012872.) 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)?

**#23-92 *Williams v. FCA US LLC*, S279051.** (C091902; 88 Cal.App.5th 765; Butte County Superior Court; 17CV02617.) Petition for review after the Court of Appeal reversed the judgment in a civil action. The court ordered briefing deferred pending decision in *Neidermeier 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? and pending decision in *Rodriguez v. FCA US LLC*, S274625 (#22-187), which presents the following issue: Is a used vehicle that is still covered by the manufacturer’s express warranty a “new motor vehicle” within the meaning of Civil Code section 1793.22, subdivision (e)(2), which defines “new motor vehicle” as including a “motor vehicle sold with a manufacturer’s new car warranty”?

**DISPOSITIONS**

The following case was transferred for reconsideration in light of *People v. Tacardon* (2022) 14 Cal.5th 235 and *People v. McWilliams* (2023) 14 Cal.5th 429:

<p><b>#22-186 <i>People v. Montanez</i>, S274306.</b></p>	<p>(F082023; nonpublished opinion; Tulare County Superior Court; PCF344311.)</p>
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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.*