



Supreme Court of California
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NEWS RELEASE

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FOR IMMEDIATE RELEASE

June 3, 2022

Summary of Cases Accepted and Related Actions During Week of May 30, 2022

[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.]

#22-140 *Ganter v. PG&E Corporation, S273340.* (9th Cir. No. 21-15571; 26 F.4th 1085; Northern District of California; D.C. No. 4:20-cv-02584-HSG.) Request under California Rules of Court, rule 8.548, that this court decide questions of California law presented in a matter pending in the United States Court of Appeals for the Ninth Circuit. The questions presented are: “(1) Does California Public Utilities Code section 1759 preempt a plaintiff’s claim of negligence brought against a utility if the alleged negligent acts were not approved by the California Public Utilities Commission (“CPUC”), but those acts foreseeably resulted in the utility having to take subsequent action (here, a Public Safety Power Shutoff), pursuant to CPUC guidelines, and that subsequent action caused the plaintiff’s alleged injury? (2) Does PG&E’s Electric Rule Number 14 shield PG&E from liability for an interruption in its services that PG&E determines is necessary for the safety of the public at large, even if the need for that interruption arises from PG&E’s own negligence?”

#22-141 *Ramirez v. Charter Communications, Inc., S273802.* (B309408; 75 Cal.App.5th 365; Los Angeles County Superior Court; 20STCV25987.) Petition for review after the Court of Appeal affirmed an order denying a petition to compel arbitration in a civil action. This case includes the following issues: Did the Court of Appeal err in holding that a provision of an arbitration agreement allowing for recovery of interim attorney’s fees after a successful motion to compel arbitration, was so substantively unconscionable that it rendered the arbitration agreement unenforceable?

#22-142 *People v. Allen, S274029.* (C093465; nonpublished opinion; Sacramento County Superior Court; 05F03498.) Petition for review after the Court of Appeal affirmed an order denying a post-judgment motion in a criminal matter.

#22-143 *People v. Carstarphen, S274186.* (B309405; nonpublished opinion; Los Angeles County Superior Court; NA040726, NA040726-01, NA040726-04.) Petition for review after the Court of Appeal reversed orders denying post-judgment motions in a criminal matter.

#22-144 *People v. DelCambre, S274159.* (B308999; nonpublished opinion; Los Angeles County Superior Court; BA227612.) Petition for review after the Court of Appeal reversed an order denying a post-judgment motion in a criminal matter.

#22-145 *People v. Drummer, S274156.* (H048576; nonpublished opinion; Santa Clara County Superior Court; C1477595.) Petition for review after the Court of Appeal reversed an order denying a post-judgment motion in a criminal matter.

#22-146 *People v. Garcia, S274308.* (C093543; nonpublished opinion; Sacramento County Superior Court; 10F06795.) Petition for review after the Court of Appeal affirmed an order denying a post-judgment motion in a criminal matter.

#22-147 *People v. Smith, S274250.* (D078320; nonpublished opinion; San Diego County Superior Court; SCD137023.) Petition for review after the Court of Appeal affirmed an order denying a post-judgment motion in a criminal matter.

The court ordered briefing in *Allen, Carstarphen, DelCambre, Drummer, Garcia, and Smith* deferred pending decision in *People v. Strong, S266606* (#21-101), which presents the following issue: Does a felony-murder special circumstance finding (Pen. Code, § 190.2, subd. (a)(17)) made before *People v. Banks* (2015) 61 Cal.4th 788 and *People v. Clark* (2016) 63 Cal.4th 522 preclude a defendant from making a prima facie showing of eligibility for relief under Penal Code section 1170.95?

#22-148 *People v. Ayala, S274079.* (G059900; nonpublished opinion; Orange County Superior Court; 09CF2225.) Petition for review after the Court of Appeal affirmed an order denying a post-judgment motion in a criminal matter.

#22-149 *People v. Reaza, S274110.* (E074012; nonpublished opinion; Riverside County Superior Court; RIF113648.) Petition for review after the Court of Appeal reversed an order denying a post-judgment motion in a criminal matter.

The court ordered briefing in *Ayala* and *Reaza* deferred pending decision in *People v. Curiel, S272238* (#21-23), which presents the following issue: Does a jury's true finding on a gang-murder special circumstance (Pen. Code, § 190.2, subd. (a)(22)) preclude a defendant from making a prima facie showing of eligibility for resentencing under Penal Code section 1170.95?

#22-150 *People v. Butler*, S273773. (B313121; 75 Cal.App.5th 216; Los Angeles County Superior Court; MA071773.) Petition for review after the Court of Appeal modified a judgment of conviction of a criminal offense and remanded for resentencing. The court ordered briefing deferred pending decision in *People v. Prudholme*, S271057 (#21-531), which presents the following issues: (1) Does Assembly Bill No. 1950 (Stats. 2020, ch. 328) apply retroactively under *In re Estrada* (1965) 63 Cal.2d 740? (2) If so, does the remand procedure of *People v. Stamps* (2020) 9 Cal.5th 685 apply? and pending decision in *People v. Faial*, S273840 (#22-133), which presents the following issue: Does Assembly Bill No. 1950 (Stats. 2020, ch. 328) apply retroactively to a defendant, serving a suspended-execution sentence, whose probation was revoked before the law went into effect?

#22-151 *People v. Guajardo*, S274260. (C093286; nonpublished opinion; Sacramento County Superior Court; 14F00683.) Petition for review after the Court of Appeal dismissed an appeal from an order denying a post-judgment motion in a criminal matter.

#22-152 *People v. Hernandez*, S274118. (E077943; nonpublished opinion; San Bernardino County Superior Court; FSB053198.) Petition for review after the Court of Appeal dismissed an appeal from an order denying a post-judgment motion in a criminal matter.

#22-153 *People v. Leite*, S273813. (C094428; nonpublished opinion; Sacramento County Superior Court; 04F09696.) Petition for review after the Court of Appeal dismissed an appeal from an order denying a post-judgment motion in a criminal matter.

The court ordered briefing in *Guajardo*, *Hernandez*, and *Leite* deferred pending decision in *People v. Delgadillo*, S266305 (#21-72), which presents the following issues: (1) What procedures must appointed counsel and the Courts of Appeal follow when counsel determines that an appeal from an order denying postconviction relief lacks arguable merit? (2) Are defendants entitled to notice of these procedures?

#22-154 *Kuhnel v. Superior Court*, S274000. (A163307; 75 Cal.App.5th 726; Contra Costa County Superior Court; 11754951, 52106011.) Petition for review after the Court of Appeal denied a petition for writ of mandate. The court ordered briefing deferred pending decision in *People v. Faial*, S273840 (#22-133), which presents the following issue: Does Assembly Bill No. 1950 (Stats. 2020, ch. 328) apply retroactively to a defendant, serving a suspended-execution sentence, whose probation was revoked before the law went into effect?

#22-155 *People v. Rios*, S274132. (F080424; nonpublished opinion; Kern County Superior Court; BF172063A.) Petition for review after the Court of Appeal affirmed a judgment of conviction of criminal offenses. The court ordered briefing deferred pending

decision in *In re Vaquera*, S258376 (#19-195), which presents the following issues: (1) Did the Court of Appeal err by disagreeing with *People v. Jimenez* (2019) 35 Cal.App.5th 373 and endorsing as mandatory the sentencing practice prohibited in that case? (2) Is the Court of Appeal's decision incorrect under *People v. Mancebo* (2002) 27 Cal.4th 735? (3) Did the Court of Appeal err by failing to address petitioner's claims as to the issues of waiver and estoppel?

#22-156 *People v. Scarano*, S273830. (C092538; 74 Cal.App.5th 993; Sacramento County Superior Court; 19FE023236.) Review ordered on the court's own motion after the Court of Appeal affirmed a judgment of conviction of a criminal offense and remanded for further proceedings. The court ordered briefing deferred pending decision in *People v. Prudholme*, S271057 (#21-531), which presents the following issues: (1) Does Assembly Bill No. 1950 (Stats. 2020, ch. 328) apply retroactively under *In re Estrada* (1965) 63 Cal.2d 740? (2) If so, does the remand procedure of *People v. Stamps* (2020) 9 Cal.5th 685 apply?

STATUS

The court ordered the following cases consolidated for briefing, argument, and decision:

#22-132 *California-American Water Co. v. Public Utilities Commission*, S271493.
#22-134 *Golden State Water Co. v. Public Utilities Commission*, S269099.

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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.