



Supreme Court of California
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NEWS RELEASE

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FOR IMMEDIATE RELEASE

June 16, 2023

Summary of Cases Accepted and Related Actions During Week of June 12, 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.]

#23-117 *People v. Bui*, S279880. (H049109; nonpublished opinion; Santa Clara County Superior Court; C1489386.) 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. McCune*, S276303 (#22-280), which presents the following issue: Did the trial court exceed its jurisdiction by setting the amount of victim restitution after terminating defendant’s probation pursuant to Assembly Bill No. 1950 (Stats. 2020, ch. 328)?

#23-118 *Gregg v. Uber Technologies, Inc.*, S279722. (B302925; 89 Cal.App.5th 786; Los Angeles County Superior Court; BC719085.) Petition for review after the Court of Appeal affirmed in part and reversed in part an order denying a petition to compel arbitration.

#23-119 *Piplack v. In-N-Out Burgers*, S279546. (G061098; 88 Cal.App.5th 1281; Orange County Superior Court; 30-2019-01114510.) Petition for review after the Court of Appeal reversed in part and remanded in part an order denying a petition to compel arbitration.

#23-120 *Seifu v. Lyft, Inc.*, S279932. (B301774; 89 Cal.App.5th 1129; Los Angeles County Superior Court; BC712959.) 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 in *Gregg*, *Piplack*, and *Seifu* 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.

#23-121 *People v. Johnson*, S279871. (B314999; nonpublished opinion; Los Angeles County Superior Court; BA450691.) 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)? and pending decision in *People v. Salazar*, S275788 (#22-264), which presents the following issue: Did the Court of Appeal err by finding the record clearly indicates the trial court would not have imposed a low term sentence if it had been fully aware of its discretion under newly-added subdivision (b)(6) of Penal Code section 1170? (See *People v. Gutierrez* (2014) 58 Cal.4th 1354, 1391.)

#23-122 *In re Kerins*, S279933. (A165304; 89 Cal.App.5th 1084; San Francisco County Superior Court; 167206.) Petition for review after the Court of Appeal denied a petition for writ of habeas corpus. The court ordered briefing deferred pending decision in *Camacho v. Superior Court*, S273391 (#22-118), which presents the following issue: Does a 15-year delay in bringing a defendant to trial under the Sexually Violent Predator Act (Welf. & Inst. Code, § 6600 et. seq) constitute a due process violation?

#23-123 *People v. Martinez*, S279680. (F079274; nonpublished opinion; Kings County Superior Court; 16CMS2699.) Petition for review after the Court of Appeal reversed a judgment of conviction of criminal offenses and remanded for further proceedings. The court ordered briefing deferred pending decisions in *People v. Bankston*, S044739, and *People v. Hin*, S141519, both automatic appeals, which include an issue involving the retroactivity of the provision in Assembly Bill No. 2799 (Stats. 2022, ch. 973) limiting the admissibility of creative expressions (Pen. Code, § 352.2).

#23-124 *People v. Montes*, S279843. (F083319; nonpublished opinion; Madera County Superior Court; MCR069258N.) 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. Mitchell*, S277314 (#22-305), which presents the following issue: Does Senate Bill No. 567 (Stats. 2021, ch. 731), which limits a trial court’s discretion to impose upper term sentences, apply retroactively to defendants sentenced pursuant to stipulated plea agreements?

#23-125 Premier Capital, LLC v. Yakovi, S279898. (B311833; nonpublished opinion; Los Angeles County Superior Court; BC271003.) Petition for review after the Court of Appeal affirmed an order in a civil action. The court ordered briefing deferred pending decision in *California Capital Ins. Co. v. Hoehn*, S277510 (#23-16), which 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?

DISPOSITIONS

Review in the following case, which had been granted and held for *People v. Salazar*, S275788 (#22-264), was dismissed at the request of the petitioner:

#22-315 People v. Cooper, S277431	(C095245; nonpublished opinion; Sacramento County Superior Court; 18FE012454)
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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.