



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

August 11, 2023

Summary of Cases Accepted and Related Actions During Week of August 7, 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.]

#23-160 *Fuentes v. Empire Nissan, Inc.*, S280256. (B314490; 90 Cal.App.5th 919; Los Angeles County Superior Court; 20STCV35350.) Petition for review after the Court of Appeal reversed an order denying a petition to compel arbitration in a civil action. This case presents the following issue: Is the form arbitration agreement that the employer here required prospective employees to sign as a condition of employment unenforceable against an employee due to unconscionability?

#23-161 *People v. Anchondo*, S280692. (F084372; nonpublished opinion; Tulare County Superior Court; VCF109724-03.) Petition for review after the Court of Appeal affirmed an order denying a post-judgment motion in a criminal matter.

#23-162 *People v. Buchanan*, S280745. (B316996; nonpublished opinion; Los Angeles County Superior Court; BA450667.) Petition for review after the Court of Appeal affirmed a judgment of conviction of criminal offenses.

The court ordered briefing in *Anchondo* and *Buchanan* deferred pending decision in *People v. Hardin*, S277487 (#23-1), which presents the following issue: Does Penal Code section 3051, subdivision (h), violate the Equal Protection Clause of the Fourteenth Amendment by excluding young adults sentenced to life without the possibility of parole from youth offender parole consideration, while young adults sentenced to parole-eligible terms are entitled to such consideration?

#23-163 *Basith v. Lithia Motors, Inc.*, S280258. (B316098; 90 Cal.App.5th 951; Los Angeles County Superior Court; 21STCV01725.) Petition for review after the Court of Appeal reversed an order denying a petition to compel arbitration in a civil action. The court ordered briefing deferred pending decision in *Fuentes v. Empire Nissan, Inc.*,

S280256 (#23-160), which presents the following issue: Is the form arbitration agreement that the employer here required prospective employees to sign as a condition of employment unenforceable against an employee due to unconscionability?

#23-164 *People v. Gregg*, S280799. (G060803; nonpublished opinion; Orange County Superior Court; 21CF0388.) 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.)

#23-165 *People v. Perez*, S280797. (C095466; nonpublished opinion; San Joaquin County Superior Court; STKCRFE20090008121.) Petition for review after the Court of Appeal affirmed an order denying a post-judgment motion in a criminal matter. 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).

#23-166 *People v. Pipkins*, S280101. (F083745; nonpublished opinion; Kern County Superior Court; BF186664B.) 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)?

#23-167 *Showa Hospitality, LLC v. Sentinel Insurance Company, Limited*, S280846. (D080008; nonpublished opinion; San Diego County Superior Court; 37-2020-00018311-CU-IC-CTL.) Petition for review after the Court of Appeal affirmed the judgment in a civil action. The court ordered briefing deferred pending decision in *John's Grill, Inc. v. The Hartford Financial Services Group, Inc.*, S278481 (#23-58), which presents the following issues: (1) Is a grant of coverage for property loss or damage to covered property caused by a virus rendered illusory where it is limited by a condition that makes coverage applicable only if the virus is the result of one or more of a number of listed causes? (2) Is a conditional grant of coverage for property loss or damage to covered property caused by a virus, including the cost of removal of the virus, triggered by

cleaning surfaces in the covered property that are contaminated by the virus in the absence of physical alteration of the property?

#23-168 *People v. Werntz*, S280278. (D079771; 90 Cal.App.5th 1093; Riverside County Superior Court; INF066465.) Petition for review after the Court of Appeal affirmed an order denying a post-judgment motion in a criminal matter. The court ordered briefing deferred pending decision in *People v. Collins*, S279737 (#23-146), which presents the following issue: Does sufficient evidence support defendant's conviction for second degree murder based on a failure to protect?

DISPOSITIONS

Review in the following cases, which were granted and held for *Tansavatdi v. City of Rancho Palos Verdes* (2023) 14 Cal.5th 639, was dismissed:

#22-198 <i>Cooper v. County of San Diego</i>, S274414	(D077872; nonpublished opinion; San Diego County Superior Court; 37-2018-00026166-CU-PA-CTL)
#21-570 <i>County of Fresno v. Superior Court</i>, S271230	(F083111; nonpublished opinion; Fresno County Superior Court; 18CECG00954)

The following case was transferred for reconsideration in light of *Tansavatdi v. City of Rancho Palos Verdes* (2023) 14 Cal.5th 639:

#21-539 <i>Rodas v. Department of Transportation</i>, S270762	(D078581, D078583; nonpublished opinion; Santa Clara County Superior Court; CV267867)
--	---

STATUS

In the following cases, in which review was previously granted, the court ordered briefing deferred pending decision in *Capito v. San Jose Healthcare System LP*, S280018 (#23-156), which presents the following issue: Does a hospital have a duty to disclose emergency room fees to patients beyond its statutory duty to make its chargemaster publicly available?

<p>#23-155 <i>Capito v. San Jose Healthcare System LP</i>, S279862</p>	<p>(H049022; nonpublished opinion; Santa Clara County Superior Court; 20CV366981)</p>
<p>#23-154 <i>Naranjo v. Doctors Medical Center of Modesto, Inc.</i>, S280374</p>	<p>(F083197; 90 Cal.App.5th 1193, mod. 91 Cal.App.5th 351b; Stanislaus County Superior Court; CV-21-001363)</p>

###

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.