



Supreme Court of California
350 McAllister Street, San Francisco, CA 94102-4797
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NEWS RELEASE

Contact: [Merrill Balassone](mailto:Merrill.Balassone@courts.ca.gov), 415-865-7740

FOR IMMEDIATE RELEASE

September 1, 2023

Summary of Cases Accepted and Related Actions During Week of August 28, 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.]

#23-170 *Madrigal v. Hyundai Motor America, S280598.* (C090463; 90 Cal.App.5th 385; Placer County Superior Court; SCV0038395.) Petition for review after the Court of Appeal reversed an order in a civil action. This case presents the following issue: Do Code of Civil Procedure section 998’s cost-shifting provisions apply if the parties ultimately negotiate a pre-trial settlement?

#23-171 *North American Title Co., Inc. v. Superior Court, S280752.* (F084913; 91 Cal.App.5th 948; Fresno County Superior Court; 07CECG01169.) Petition for review after the Court of Appeal issued a writ of mandate in a civil action. This case presents the following issues: (1) Is the requirement that a party seeking to disqualify a trial judge for alleged lack of impartiality file a verified statement of disqualification “at the earliest practicable opportunity” subject to waiver or forfeiture? (2) Did the Court of Appeal err in concluding that the trial judge’s challenged statements did not qualify as expressions of the court’s views on issues pending before it in the proceeding?

#23-172 *People v. Pedrisco, S281078.* (H050368; nonpublished opinion; Santa Clara County Superior Court; C1354610.) 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 decision in *People v. Burgos*, S274743 (#22-194), which presents the following issue: Does the provision of Penal Code section 1109 governing the bifurcation at trial of gang enhancements from the substantive offense or offenses apply retroactively to cases that are not yet final?

#23-173 *People v. Timms, S281020.* (A163864; nonpublished opinion; San Francisco County Superior Court; CT18010985.) Petition for review after the Court of Appeal affirmed in part and reversed in part a judgment of conviction of criminal offenses and

remanded for further proceedings. The court ordered briefing deferred pending decision in *People v. Reynoza*, S273797 (#22-120), which presents the following issue: Does Penal Code section 136.1, subdivision (b)(2), which prohibits dissuading or attempting to dissuade a victim or witness from causing a charging document “to be sought and prosecuted, and assisting in the prosecution thereof,” encompass attempts to dissuade a victim or witness after a charging document has been filed?

DISPOSITIONS

The following case was transferred for reconsideration in light of *People v. Catarino* (2023) 14 Cal.5th 748:

#23-104 <i>People v. Johnson</i>, S279198	(A162599; 88 Cal.App.5th 487; Napa County Superior Court; 19CR003549)
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Review in the following case, which was granted and held for *People v. Catarino* (2023) 14 Cal.5th 748, was dismissed:

#22-262 <i>People v. Wandrey</i>, S275942	(A161691; 80 Cal.App.5th 962; Sonoma County Superior Court; SCR7209161)
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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.