



Supreme Court of California  
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**NEWS RELEASE**

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**FOR IMMEDIATE RELEASE**

September 20, 2024

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## Summary of Cases Accepted and Related Actions During Week of September 16, 2024

*[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.]*

**#24-173 *Cohen v. Superior Court*, S285484.** (B330202; 102 Cal.App.5th 706; Los Angeles County Superior Court; 22SMCV00736.) Petition for review after the Court of Appeal granted a petition for peremptory writ of mandate. The court limited review to the following issue: Does Government Code section 36900, subdivision (a) confer upon private citizens a right to redress violations of municipal ordinances?

**#24-174 *Snap, Inc. v. Superior Court*, S286267.** (D083475, D083446; 103 Cal.App.5th 1031; San Diego County Superior Court; CN429787.) Petitions for review after the Court of Appeal granted in part and denied in part petitions for peremptory writ of mandate. This case presents the following issues: (1) Does the federal Stored Communications Act (18 U.S.C. § 2701 et seq.) bar a social media company from disclosing an individual's account information in response to a criminal defendant's subpoena? (2) Did the trial court abuse its discretion by finding that good cause supported the subpoena for third-party discovery?

**#24-175 *People v. Clayton*, S286455.** (H051277; nonpublished opinion; Santa Clara County Superior Court; CC512072.) Petition for review after the Court of Appeal reversed an order denying a post-judgment motion in a criminal matter and remanded for resentencing.

**#24-176 *People v. Perez*, S286369.** (H051260; nonpublished opinion; Santa Clara County Superior Court; CC942929.) Petition for review after the Court of Appeal reversed an order denying a post-judgment motion in a criminal matter and remanded for resentencing.

The court ordered briefing in *Clayton* and *Perez* deferred pending decision in *People v. Rhodius*, S283169 (#24-34), which presents the following issue: Does Senate Bill No. 483 (Stats. 2021, ch. 728) entitle a defendant to a full resentencing hearing under Penal Code section 1172.75 if the defendant's prior prison term enhancements (Pen. Code, § 667.5, subd. (b)) were imposed and stayed, rather than imposed and executed?

**#24-177 *People v. Nazareta-Albano*, S286184.** (A161814, A161633; nonpublished opinion; Contra Costa County Superior Court; 51600964.) Petitions for review after the Court of Appeal modified and affirmed judgments of conviction of criminal offenses and remanded for resentencing. 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 (Evid. Code, § 352.2).

**#24-178 *People v. Seidel*, S286301.** (E080232; nonpublished opinion; San Bernardino County Superior Court; VCR6694.) 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. Morris*, S284751 (#24-132), which presents the following issue: Did the trial court correctly deny defendant's Penal Code section 1172.6 resentencing petition at the prima facie stage on the ground that the actus reus of first degree felony murder requires that a defendant who is not the actual killer need only aid in the underlying felony and not in the killing itself (Pen. Code, § 189, subd. (e)(2))?

### DISPOSITIONS

The following case was transferred for reconsideration in light of *John's Grill, Inc. v. The Hartford Financial Services Group, Inc.* (2024) 16 Cal.5th 1003:

<b>#24-100 <i>Brooklyn Restaurants, Inc. v. Sentinel Ins. Co., Ltd.</i>, S284887</b>	(D081132; 100 Cal.App.5th 1036 [non-citable]; San Diego County Superior Court; 37-2020-00024865-CU-IC-CTL)
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Review in the following cases, which were granted and held for *John's Grill, Inc. v. The Hartford Financial Services Group, Inc.* (2024) 16 Cal.5th 1003, was dismissed:

<b>#23-63 <i>French Laundry Partners, LP v. Hartford Fire Ins. Co.</i>, S278492</b>	(9th Circ. No. 21-15927; 58 F.4th 1305; Northern District of California; D.C. No. 3:20-cv-04540-JSC)
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<b>#23-167 Showa Hospitality, LLC v. Sentinel Ins. Co., Ltd., S280846</b>	(D080008; nonpublished opinion; San Diego County Superior Court; 37-2020-00018311-CU-IC-CTL)
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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.*