



Supreme Court of California
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NEWS RELEASE

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FOR IMMEDIATE RELEASE

December 15, 2023

Summary of Cases Accepted and Related Actions During Week of December 11, 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.]

#23-246 *California Department of Corrections and Rehabilitation v. Workers' Comp. Appeals Bd.*, S282013. (E079076; 94 Cal.App.5th 464; Workers' Compensation Appeals Board; ADJ1360597.) Petition for review after the Court of Appeal annulled and remanded the decision in a Workers' Compensation Appeals Board proceeding. This case presents the following issue: Should the calculation of enhanced workers' compensation benefits for an employer's serious and willful misconduct under Labor Code section 4553 be based on temporary disability payments available under the Labor Code?

#23-247 *EpicentRx, Inc. v. Superior Court*, S282521. (D081670; 95 Cal.App.5th 890, mod. 95 Cal.App.5th 1320a; San Diego County Superior Court; 37-2022-00015228-CU-BT-CTL.) Petition for review after the Court of Appeal denied a petition for writ of mandate in a civil action. This case presents the following issue: Is a forum selection clause enforceable when a party's right under California state law to a jury trial for their civil claims would not apply in the exclusive forum identified by the clause?

#23-248 *People v. Alvez*, S282271. (B325218; nonpublished opinion; Ventura County Superior Court; CR38932.) Petition for review after the Court of Appeal affirmed an order denying a post-judgment motion in a criminal matter.

#23-249 *People v. Salgado*, S282495. (E080948; nonpublished opinion; San Bernardino County Superior Court; RCR18862.) 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 *Alvez* and *Salgado* deferred pending decision in *People v. Hardin*, S277487 (#23-1), which presents the following issues: (1) 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? (2) Whether the first step of the two-part inquiry used to evaluate equal protection claims, which asks whether two or more groups are similarly situated for the purposes of the law challenged, should be eliminated in cases concerning disparate treatment of classes or groups of persons, such that the only inquiry is whether the challenged classification is adequately justified under the applicable standard of scrutiny?

#23-250 *People v. Cerpa*, S282574. (F084669; nonpublished opinion; Stanislaus County Superior Court; 1432625.) 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 (Evid. Code, § 352.2).

#23-251 *Endeavor Operating Co., LLC v. HDI Global Ins. Co.*, S282533. (B323865; 96 Cal.App.5th 420; Los Angeles County Superior Court; 21STCV23693.) Petition for review after the Court of Appeal affirmed the judgment in a civil action. The court ordered briefing deferred pending decision in *Another Planet Entertainment, LLC v. Vigilant Insurance Company*, S277893 (#23-36), which presents the following issue: Can the actual or potential presence of the COVID-19 virus on an insured's premises constitute "direct physical loss or damage to property" for purposes of coverage under a commercial property insurance policy?

#23-252 *People v. Evans*, S282261. (B320205; nonpublished opinion; Los Angeles County Superior Court; TA144389.) 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)? and pending finality of the decision in *People v. Salazar* (Nov. 20, 2023, S275788) __ Cal.5th __.

#23-253 *People v. Greer*, S282601. (E076749; nonpublished opinion; San Bernardino County Superior Court; FVI1300018.) Petition for review after the Court of Appeal affirmed a judgment of conviction of criminal offenses.

#23-254 *People v. Samayoa*, S282535. (H047865; nonpublished opinion; Santa Clara County Superior Court; F1554476.) Petition for review after the Court of Appeal affirmed a judgment of conviction of criminal offenses.

The court ordered briefing in *Greer* and *Samayoa* deferred pending finality of the decision in *People v. Salazar* (Nov. 20, 2023, S275788) __ Cal.5th __.

#23-255 *Krug v. Board of Trustees of California State University*, S282131. (B320588; 94 Cal.App.5th 1158; Los Angeles County Superior Court; 21STCV14538.) Petition for review after the Court of Appeal affirmed the judgment in a civil action. The court ordered briefing deferred pending decision in *Stone v. Alameda Health System*, S279137 (#23-94), which presents the following issues: (1) Are all public entities exempt from the obligations in the Labor Code regarding meal and rest breaks, overtime, and payroll records, or only those public entities that satisfy the “hallmarks of sovereignty” standard adopted by the Court of Appeal in this case? (2) Does the exemption from the prompt payment statutes in Labor Code section 220, subdivision (b), for “employees directly employed by any county, incorporated city, or town or other municipal corporation” include all public entities that exercise governmental functions? (3) Do the civil penalties available under the Private Attorneys General Act of 2004, codified at Labor Code section 2698 et seq., apply to public entities?

#23-256 *Lockton Companies v. Superior Court*, S282136. (B328408; nonpublished opinion; Los Angeles County Superior Court; 22STCV39876.) Petition for review after the Court of Appeal denied a petition for writ of mandate. The court ordered briefing deferred pending decision in *EpicentRx, Inc. v. Superior Court*, S282521 (#23-247), which presents the following issue: Is a forum selection clause enforceable when a party’s right under California state law to a jury trial for their civil claims would not apply in the exclusive forum identified by the clause?

#23-257 *People v. Moody*, S282462. (B308495; nonpublished opinion; Los Angeles County Superior Court; BA445427.) Petitions for review after the Court of Appeal affirmed in part and conditionally reversed in part judgments of conviction of criminal offenses and remanded for further proceedings.

#23-258 *People v. Yi*, S282399. (B319845; nonpublished opinion; Los Angeles County Superior Court; KA081781.) 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 *Moody* and *Yi* deferred pending decision in *People v. Emanuel*, S280551 (#23-174), which presents the following issue: Does sufficient evidence support the trial court’s finding that defendant acted with reckless indifference

to human life and therefore was ineligible for resentencing pursuant to Penal Code section 1172.6?

#23-259 *People v. Rhone*, S282507. (C096805; nonpublished opinion; San Joaquin County Superior Court; MANCRFECOD20170005740.) 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. Patton*, S279670 (#23-129), which presents the following issue: Did the trial court engage in impermissible judicial factfinding by relying on the preliminary hearing transcript to deny defendant's Penal Code section 1172.6 petition at the prima facie stage? (See *People v. Lewis* (2021) 11 Cal.5th 952.)

SEPARATE STATEMENT ON DENIAL OF REVIEW

***People v. Manzoor*, S282382.** (A164739; 95 Cal.App.5th 548; Alameda County Superior Court; 21CR014104.) Petition for review after the Court of Appeal affirmed an order denying a post-judgment motion in a criminal matter.

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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.