SUPREME COURT OF CALIFORNIA
ORAL ARGUMENT CALENDAR
SAN FRANCISCO SESSION
JANUARY 5, 6 and 7, 2010

SECOND AMENDED

The following cases are placed upon the calendar of the Supreme Court for hearing at its courtroom in the Earl Warren Building, 350 McAllister Street, Fourth Floor, San Francisco, California, on January 5, 6 and 7, 2010.

TUESDAY, JANUARY 5, 2010—1:30 P.M.

(1)	S166221	In re Marriage of Sonne
(2)	S167716	In re David V.
(3)	S060500	People v. D'Arcy (Jonathan) [Automatic Appeal]

WEDNESDAY, JANUARY 6, 2010—9:00 A.M.

(4)	S164272	International Society for Krishna Consciousness of California, Inc., et al. v. City of Los Angeles et al.
(5)	S161190	Communities for a Better Environment et al. v. South Coast Air Quality Management Dist. et al. (ConocoPhillips Co., Real Party in Interest) *(Kennard and Corrigan, JJ., not participating; Pollak and Premo, JJ., assigned justices pro tempore)*
(6)	S154242	People v. Feyrer (Jesse)

THURSDAY, JANUARY 7, 2010—9:00 A.M.

(7)	S167169	Pearson Dental Supplies, Inc. v. Superior Court of Los Angeles County (Luis Turcios, Real Party in Interest)
(8)	S162435	McCann et al. v. Foster Wheeler
(9)	S160953	People v. Noriega (Daniel Loreto) et al.

1:30 P.M.

(10)	S157151	Conservatorship of John L.
(11)	S165680	People v. Picklesimer (Andrew Nelson)
(12)	S052808	People v. Gamache (Richard) [Automatic Appeal]

GEORGE
Chief Justice

If exhibits are to be transmitted to this court, counsel must apply to the court for permission. (See Cal. Rules of Court, rule 8.224(c).)

SUPREME COURT OF CALIFORNIA
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SAN FRANCISCO SESSION
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The following case summaries are issued to inform the public and the press of cases that the Supreme Court has scheduled for oral argument and of their general subject matter. Generally, the descriptions set out below are reproduced from the original news release issued when review in each of these matters was granted and are provided for the convenience of the public and the press. The descriptions do not necessarily reflect the view of the court or define the specific issues that will be addressed by the court.

TUESDAY, JANUARY 5, 2010—1:30 P.M.

(1) ***In re Marriage of Sonne, S166221***

#08-153 In re Marriage of Sonne, S166221. (H030110; 164 Cal.App.4th 1331; Superior Court of Monterey County; DR41290.) Petition for review after the Court of Appeal reversed the judgment in a marital dissolution action. This case presents the following issue: When a married public employee covered by the California Public Employees' Retirement System redeposits contributions withdrawn by a former spouse pursuant to an earlier dissolution so as to regain employer-subsidized retirement service credits, how is the marital community's interest, if any, in those premarital service credits determined?

(2) ***In re David V., S167716***

#08-175 In re David V., S167716. (B203840; 166 Cal.App.4th 801; Superior Court of Los Angeles County; PJ41304.) Petition for review after the Court of Appeal affirmed orders in a wardship proceeding. This case includes the following issues: (1) Was there sufficient evidence to support the juvenile court's finding that the minor possessed metal knuckles within the meaning of Penal Code section 12020, subdivision (c)(7)? (2) Did the juvenile court fail to declare the offense a felony or a misdemeanor, as required by Welfare and Institutions Code section 702?

(3) ***People v. D'Arcy (Jonathan), S060500 [Automatic Appeal]***

This matter is an automatic appeal from a judgment of death.

(4) ***International Society for Krishna Consciousness of California, Inc., et al. v. City of Los Angeles et al., S164272***

#08-130 International Society for Krishna Consciousness of California, Inc., et al. v. City of Los Angeles et al., S164272. (9th Cir. No. 01-56579; 530 F.3d 768; Central District of California; CV 97-03616-CBM.) Request under California Rules of Court, rule 8.548, that this court decide questions of California law presented in a matter pending in the United States Court of Appeals for the Ninth Circuit. The questions presented, as restated by this court, are: "(1) Is Los Angeles International Airport a public forum under the Liberty of Speech Clause of the California Constitution? (2) If so, does the ordinance at issue violate the California Constitution?" (Cal. Rules of Court, rule 8.548(f)(5).)

(5) ***Communities for a Better Environment et al. v. South Coast Air Quality Management Dist. et al. (ConocoPhillips Co., Real Party in Interest) (Kennard and Corrigan, JJ., not participating; Pollak and Premo, JJ., assigned justices pro tempore), S161190***

#08-72 Communities for a Better Environment et al. v. South Coast Air Quality Management Dist. et al. (ConocoPhillips Co., Real Party in Interest), S161190. (B193500; 158 Cal.App.4th 1336; Superior Court of Los Angeles County; BS091276.) Petition for review after the Court of Appeal affirmed in part and reversed in part the judgment in an action for writ of administrative mandate. This case presents the following issue: In determining whether a project requires the preparation of an environmental impact report under the California Environmental Quality Act (Pub. Resources Code, § 21000 et seq.), is the maximum amount of emissions allowed a facility under an existing permit part of the baseline against which future environmental impacts should be assessed, even though (a) the facility's current operations did not reach that level of emissions and (b) the level of emissions allowed by the permit had not been subjected to CEQA review?

(6) ***People v. Feyrer (Jesse), S154242***

#07-396 People v. Feyrer (Jesse), S154242. (B192752; 151 Cal.App.4th 506; Superior Court of Los Angeles County; KA056346.) Petition for review after the Court of Appeal vacated an order in a criminal case. This case presents the following issue: When, pursuant to a court-approved plea agreement with the prosecutor, a defendant pleads no contest to assault by means of force likely to produce great bodily injury (a "wobbler" offense) and admits a sentence enhancement that he personally inflicted great bodily injury in the commission of a felony, and the trial court grants defendant probation by suspending the imposition of a sentence, may the trial court

subsequently reduce defendant's wobbler offense to a misdemeanor (Pen. Code § 17, subd. (b)(3)), in addition to terminating probation early, vacating the charges, and dismissing the case based upon defendant's good conduct on probation?

THURSDAY, JANUARY 7, 2010—9:00 A.M.

(7) ***Pearson Dental Supplies, Inc. v. Superior Court of Los Angeles County (Luis Turcios, Real Party in Interest), S167169***

#08-168 Pearson Dental Supplies, Inc. v. Superior Court of Los Angeles County (Luis Turcios, Real Party in Interest), S167169. (B206740; 166 Cal.App.4th 71; Superior Court of Los Angeles County; BC359605.) Petition for review after the Court of Appeal granted a petition for peremptory writ of mandate. This case presents the following issues: (1) What standard of judicial review applies to an arbitrator's decision on an employee's antidiscrimination claim under the Fair Employment and Housing Act (Gov. Code, § 12900 et seq.) that is arbitrated pursuant to a mandatory employment arbitration agreement? (2) Can such a mandatory arbitration agreement restrict an employee from seeking administrative remedies for violations of the act?

(8) ***McCann et al. v. Foster Wheeler*, S162435**

#08-88 McCann et al. v. Foster Wheeler, S162435. (B189898; 160 Cal.App.4th 689; Superior Court of Los Angeles County; BC336869.) Petition for review after the Court of Appeal reversed the judgment in a civil action. This case presents the following issue: Where plaintiff's exposure to asbestos in Oklahoma in 1957 (when plaintiff was a resident of Oklahoma) assertedly led to plaintiff's developing mesothelioma in 2005 (when plaintiff was a resident of California), is the timeliness of plaintiff's action against defendant (a company that designed and manufactured the boiler upon which the asbestos was being installed in Oklahoma) properly governed by Oklahoma or California law?

(9) ***People v. Noriega (Daniel Loreto) et al., S160953***

#08-76 People v. Noriega (Daniel Loreto) et al., S160953. (E040123; 158 Cal.App.4th 1516; Superior Court of Riverside County; RIF100398.) Petition for review after the Court of Appeal reversed a judgment of conviction of a criminal offense. This case presents the following issue: Is the erroneous removal of appointed counsel reversible per se as structural error or is the ensuing conviction reversible only on a showing of prejudice?

1:30 P.M.

(10) ***Conservatorship of John L.*, S157151**

#07-456 Conservatorship of John L., S157151. (D048654; 154 Cal.App.4th 1090; Superior Court of San Diego County; MH99550.) Petition for review after the Court of Appeal affirmed the judgment in a conservatorship proceeding. This case presents the following issue: May a proposed conservatee's attorney, by making an unsworn statement to the court that the person did not wish to be present and did not object to the appointment of a conservator, waive the person's right to be present at the hearing on a conservatorship under the Lanterman-Petris-Short Act, although the report of the "officer providing conservatorship investigation" appointed by the county states that the person did not want a conservator?

(11) ***People v. Picklesimer (Andrew Nelson), S165680***

#08-154 People v. Picklesimer (Andrew Nelson), S165680. (C056385; 164 Cal.App.4th 723; Superior Court of Trinity County; 92CR065.) Petition for review after the Court of Appeal dismissed the appeal in a criminal proceeding. This case presents the following issue: Did the trial court have jurisdiction to entertain a motion, in light of the decision in *People v. Hofsheier* (2006) 37 Cal.4th 1185, to vacate an order requiring defendant to register as a sex offender due to a final conviction affirmed on appeal years earlier?

(12) ***People v. Gamache (Richard), S052808 [Automatic Appeal]***

This matter is an automatic appeal from a judgment of death.