A Brief Look at SCOCA's October Oral Arguments

On the calendar for hearing on October 6, 2015:

Howard Jarvis Taxpayers Association et al. v. Padilla

The California legislature passed a bill that would have placed an advisory question, in the form of Proposition 49, on the November 2014 ballot for voters to determine whether to call upon the U.S. Congress to overturn *Citizens United v. Federal Election Commission* (2010). The issue is whether the California legislature had the authority to place a nonbinding measure on the ballot seeking the views of the electorate. The court issued an order to show cause for why the relief prayed for in the petition should not be granted.

Gillette Company et al. v. Franchise Tax Board

Taxpayer initiated an action for a refund of corporate taxes asserting that the Multistate Tax Compact allowed her to elect its apportionment formula. The issue is whether Gillette was required to apportion business income according to the formula set forth in Revenue and Taxation Code section 25128, or if Gillette could elect to apportion income according to the formula set forth in former Revenue and Taxation Code section 38006 pursuant to the adoption of the Multistate Tax Compact in 1974. Franchise Tax Board petitions for review after the court of appeal reversed the trial court's dismissal.

Hampton (Randall Keith) et al. v. County of San Diego

After being injured in a car accident, plaintiff-petitioners sued the county alleging inadequate sight distance at the intersection where the accident occurred. The issue is whether a public entity establishes the second element of design immunity under Government Code section 830.6 as a matter of law. That section provides the county with immunity if it can present evidence that its design plans were approved by an employee with the discretion to do so, even if the plaintiff presents evidence that the design at issue violated the county's own standards. Hampton petitions for review

after the court of appeal affirmed the judgment in a civil action.

People v. Mendoza [Automatic Appeal]

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

People v. Cage [Automatic Appeal]

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

On the calendar for hearing on October 7, 2015:

California Building Industry Association v. Bay Area Air Quality Management District

The trial court invalidated thresholds of significance of air pollutants promulgated by the Bay Area Air Quality Management District. The issue is whether, and under what circumstances, the California Environmental Quality Act (Pub. Resources Code §§ 21000–21006) requires an analysis of how existing environmental conditions will impact future residents or users (receptors) of a proposed project. California Building Industry Association petitions for review after the court of appeal reversed the judgment in an action for writ of administrative mandate.

Quesada v. Herb Thyme Farms, Inc.

Plaintiff filed an action against a grower with federal approval to label its products as "USDA Organic," alleging that it violated the California Organic Products Act of 2003. The issue is whether the Organic Foods Production Act of 1990 (7 U.S.C. §§ 6501–6523) preempts state consumer lawsuits alleging that a food product was falsely labeled "100% Organic" when it contains ingredients that are not certified organic under the California Organic Products Act of 2003. Plaintiff-Appellant petitions for review after the court of appeal affirmed the judgment in a civil action.

People v. Stevens

An expert testified that the defendant suffered from a severe mental disorder

(schizophrenia), and in doing so described the defendant's alleged history of violence. The issue is whether an expert's testimony in support of a defendant's commitment—under the Mentally Disordered Offender Act (Pen. Code §§ 2960–2981)—that the defendant used force or violence in committing the offense may be based entirely on hearsay. Defendant petitions for review after the court of appeal affirmed the order of commitment as a mentally disordered offender.

People v. Sandoval, Jr. [Automatic Appeal]

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

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– Jake Feaver, Staff Editor for the *Hastings Law Journal*