



# NEWS RELEASE

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## Summary of Cases Accepted During the Week of November 12, 2007

*[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.]*

**#07-437 *In re Corrine W., S156898.*** (A115584; 154 Cal.App.4th 427; Contra Costa County Superior Court; J06-00168.) Petition for review after the Court of Appeal affirmed an order in a juvenile dependency proceeding. This case presents the following issue: Does Welfare and Institutions Code section 11460, subdivision (b), which requires that foster parents be paid for “food, clothing, shelter, daily supervision, school supplies, a child’s personal incidentals, [and] liability insurance with respect to a child,” require reimbursement of the costs of automobile liability insurance so that a teenaged foster child can drive?

**#07-438 *Fairbanks v. Superior Court, S157001.*** (B198538; 154 Cal.App.4th 435; Los Angeles County Superior Court; BC305603.) Petition for review after the Court of Appeal denied a petition for peremptory writ of mandate. This case presents the following issue: Is insurance a “good” or a “service” that is subject to the Consumers Legal Remedies Act (Civ. Code, § 1750)?

**#07-439 *Patel v. Liebermensch, S156797.*** (D048582; 154 Cal.App.4th 373; San Diego County Superior Court; GIC839199.) Petition for review after the Court of Appeal reversed the judgment in a civil action. This case presents the following issue: Are the time and manner of payment essential terms of a real estate purchase option contract such that their absence negates formation of a contract?

**#07-440 *Central Coast Baptist Assn. v. First Baptist Church of Las Lomas, S156770.*** (H029958; 154 Cal.App.4th 586; Monterey County

Superior Court; M69811.) Petition for review after the Court of Appeal affirmed the judgment in a civil action. The court ordered briefing deferred pending decision in *Episcopal Church Cases*, S155094 (#07-392), which includes the following issues: (1) Should the “principle of government” approach, also known as the “highest church judicatory” approach, be used to resolve disputes between a local congregation and a national church or regional diocese over ownership of church property, or should these disputes be resolved using a “neutral principles analysis”? (2) Was the complaint properly subject to a motion to strike under Code of Civil Procedure section 425.16? (3) What role does Corporations Code section 9142 play in the analysis and resolution of church property disputes?

**#07-441 *Perryman v. County of Los Angeles*, S156334.** (B194373; 153 Cal.App.4th 1189; Los Angeles County Superior Court; BC351404.) Petition for review after the Court of Appeal affirmed the judgment in a civil action. The court ordered briefing deferred pending decision in *Conroy v. Regents of University of California*, S153002 (#07-391), which presents the following issue: Could the surviving spouse of a person who donated his body for medical research sue in contract or in tort based on claim the university failed to keep track of her husband’s body, failed to contact her before disposing of the remains, and allegedly mishandled or treated the remains improperly or in a manner not permitted by the donative contract?

## **DISPOSITIONS**

The following case was transferred for reconsideration in light of *O’Connell v. City of Stockton* (2007) 41 Cal.4th 1061:

**#06-68 *Sohigian v. City of Oakland*, S142957.**

Review in the following case was dismissed in light of *O’Connell v. City of Stockton* (2007) 41 Cal.4th 1061:

**#07-162 *Hernandez v. City of Sacramento*, S151356.**

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