

The Appellate Strategist

INSIGHTS ON APPELLATE ISSUES, TRIAL CONSULTATIONS, AND EVALUATING APPEALS

[CA Supreme Court schedules its February 2011 calendar](#)

January 7, 2011 by [Michael Walsh](#)

The CA Supreme Court [has scheduled](#) three civil cases for hearing on February 8, 2011. These cases address issues of duty & causation, the statute of limitations for multiple distinct injuries and the final judgment rule.

- *Poosh v. Philip Morris USA, Inc., et al.*, [S172023](#), results from a request for guidance from the Ninth Circuit regarding the application of the statute of limitations on multiple distinct personal injuries allegedly arising from smoking tobacco; specifically - does the earliest injury trigger the statute for all claims, including those based on a later injury? For more details regarding *Poosh*, see the [Civil Procedure/Evidence/Discovery update page](#).
- *Cabral v. Ralphs Grocery Company*, [S178799](#), addresses whether a big-rig truck driver owes a duty of care to freeway motorists not to park for non-emergency reasons in an “Emergency Parking Only” area at the side of a freeway. Review was also granted on the issue of whether the driver’s act of parking in the “Emergency Parking Only” area was not a substantial factor, as a matter of law, in causing plaintiff’s injuries in this case. For more details regarding *Cabral*, see the [Torts & Products update page](#).
- *In re Baycol Cases I and II*, [S178320](#), the Court addresses whether the “death knell doctrine” requires plaintiff to immediately appeal the sustaining of a demurer as to class claims when the ruling resolved both individual and class claims, or whether the one final judgment rule applies and requires a single appeal from the subsequent entry of final judgment on all claims? For more details regarding *Baycol*, see the [Appeals & Writs update page](#).