

The Appellate Strategist

INSIGHTS ON APPELLATE ISSUES, TRIAL CONSULTATIONS, AND EVALUATING APPEALS

[The California Supreme Court Schedules Oral Argument For Four Civil Cases](#)

October 13, 2010 by [Michael Walsh](#)

The Court will hear oral argument on four civil cases this November, addressing a variety of issues:

- *Cassel v. Superior Court. (Wasserman, Comden, Casselman & Pearson)*, [S178914](#): (1) Are the private conversations of an attorney and client for the purpose of mediation entitled to confidentiality under [Evid. Code §§1115 through 1128](#)? (2) Is an attorney a "participant" in a mediation such that communications between the attorney and his or her client for purposes of mediation must remain confidential under Evid. Code §§1119(c) and 1122(a)(2)? [Oral argument is scheduled for 11/2/10](#). For more details about *Cassell*, see the [Attorney-Related update page](#)
- *Kwikset Corp. v. Superior Court*, [S171845](#): Does a plaintiff's allegation that he purchased a product in reliance on the product label's misrepresentation about a characteristic of the product satisfy the requirement for standing under the Unfair Competition Law ([Bus. & Prof. Code, § 17200 et seq.](#)) that the plaintiff allege a loss of money or property, or is such a plaintiff unable to allege the required loss of money or property because he obtained the benefit of his bargain by receiving the product in exchange for the payment? [Oral argument is scheduled for 11/3/10](#). For more details about *Kwikset*, see the [Torts & Products update page](#).
- *In re Enforcement Against Dana Point Safe Harbor Collective of City of Dana Point City Council Subpoena*, [S180365](#): Is an order compelling compliance with a legislative subpoena issued under [Gov. Code § 37104](#) appealable as a final judgment? This issue is raised in several consolidated matters after the Court of Appeal issued a series of unpublished orders that the underlying was not an appealable order and could only be challenged by petition for extraordinary writ. [Oral argument is scheduled for 11/2/10](#). For more details about these consolidated matters, see the [Appeals & Writs update page](#).
- *International Assn. of Firefighters v. Public Employee Relations Bd.*, [S172377](#): (1) Is the decision by the Public Employee Relations Board not to issue an unfair labor practices complaint under the Meyers-Milias-Brown Act ([Gov. Code, § 3500 et seq.](#)) subject to judicial review? (2) Is a decision to lay off firefighters for fiscal reasons a matter that is subject to collective bargaining under the Act? Oral argument is scheduled for 11/3/10. For more details about *International Assn. of Firefighters*, see the [Employment -Other update page](#).