

The Appellate Strategist

INSIGHTS ON APPELLATE ISSUES, TRIAL CONSULTATIONS, AND EVALUATING APPEALS

[California Supreme Court Schedules Oral Argument for April](#)

March 11, 2011 by [Michael Walsh](#)

- ***Oasis West Realty v. Goldman*** (S181781) – Does an attorney’s duty of loyalty owed to a former client apply when the attorney actively takes a position against the former client on the same issue for which the lawyer previously had been retained, but does so while acting on his or her own behalf, without a subsequent representation or employment? For more details about *Oasis West Realty*, see the [Attorney-Related update page](#).
- ***Diaz v. Carcamo*** (S181627) – In an attempt to extend the holding in *Armenta v. Churchill* (1954) [42 Cal.2d 448](#), which held that a claim of negligence entrustment is no longer viable against an employer who admits to being vicariously liable for the employee, the employer in *Diaz* argues that the same result should apply to a claim of negligent hiring against the employer, thus precluding evidence of the employee’s poor driving record. The Court of Appeal declined to make such an extension, in part because *Armenta* pre-dates [Proposition 51](#). This case has attracted significant amicus interest, and multiple requests to depublish the Court of Appeal opinion. For more details about *Diaz*, see the [Torts and Products update page](#).
- ***Sullivan v. Oracle Corporation*** (S170577) – This case addresses the application of California Labor Code overtime requirements to out-of-state employees hired by a California employer, including: (1) Does the Labor Code apply to overtime work performed in California for a California-based employer by out-of-state plaintiffs, such that overtime pay is required for work in excess of eight hours per day or in excess of forty hours per week? (2) Does [Bus. & Prof. Code § 17200, et seq.](#), apply to such overtime work? (3) Does § 17200, et seq. apply to overtime work performed outside of California for a California-based employer by out-of-state plaintiffs if the employer failed to comply with the overtime provisions of the federal Fair Labor Standards Act, [29 U.S.C. § 207](#) et seq.? This case has also attracted significant amicus interest. For more details about Sullivan, see the [Employment – Compensation & Benefits update page](#).
- ***Franchise Tax Board v. Superior Court (Gonzales)*** (S176943) – Here, the Court will address the question of whether [article I, section 16, of the California Constitution](#) provides a taxpayer the constitutional right to a jury trial in an action for a refund of taxes under [Revenue and Taxation Code § 19382](#). For more details about Franchise Tax Board, see the [Taxation and Assessments update page](#).