

APR 21 2021

Jorge Navarrete Clerk

ADMINISTRATIVE ORDER 2021-04-21

Deputy

## IN THE SUPREME COURT OF CALIFORNIA

EN BANC

---

**STANDING ORDER EXERCISING AUTHORITY UNDER  
CALIFORNIA RULES OF COURT, RULE 8.1115(E)(3), UPON  
GRANT OF REVIEW OR TRANSFER OF A MATTER WITH AN  
UNDERLYING PUBLISHED COURT OF APPEAL OPINION**

---

A. Unless otherwise indicated or included, when this court grants review of a published Court of Appeal opinion, this court's order incorporates the following provision:

Pending review, the opinion of the Court of Appeal may be cited, not only for its persuasive value, but also for the limited purpose of establishing the existence of a conflict in authority that would in turn allow trial courts to exercise discretion under *Auto Equity Sales, Inc. v. Superior Court* (1962) 57 Cal.2d 450, 456, to choose between sides of any such conflict.

B. Unless otherwise indicated or included, when this court transfers a matter with an underlying published Court of Appeal opinion and directs the appellate court to vacate its opinion and reconsider the matter, this court's order incorporates the following provisions:

(1) If the Court of Appeal opinion has not yet been published in the bound volumes of the Official Appellate Reports, the opinion is deemed to be depublished (that is, the Reporter

of Decisions is directed not to publish it in the Official Appellate Reports); or (2) If the underlying Court of Appeal opinion has already been published in the bound volumes of the Official Appellate Reports (or publication is imminent and hence as a practical matter the volume cannot be revised to eliminate the opinion), the underlying Court of Appeal opinion is deemed to be “not citable” — meaning it has neither precedential nor even potentially persuasive value, even though it will not be removed from the Official Appellate Reports.

CANTIL-SAKAUYE

---

*Chief Justice*

CORRIGAN

---

*Associate Justice*

LIU

---

*Associate Justice*

CUÉLLAR

---

*Associate Justice*

KRUGER

---

*Associate Justice*

GROBAN

---

*Associate Justice*

JENKINS

---

*Associate Justice*