

Recent Cases from the Court of Appeal Construing Section 1759
(In Reverse Chronological Order)

8. *Disenhouse v. Peevey*

226 Cal. App. 4th 1096, (June 4, 2014); 2014 Cal. App. LEXIS 487

The Court of Appeal (4th Appellate District, Division 1) affirmed a Superior Court decision dismissing a complaint seeking to enjoin the holding of a meeting of the California Public Utilities Commission. The plaintiff alleged that the Commission was violating the provisions of the Bagley-Keene Open Meeting Act (Gov.Code §11120 et seq.) by denying her the ability to attend the meeting. (Whether such denial ever occurred is open to question). The Court of Appeal affirmed the Superior Court, which held that §1759 denied it the jurisdiction to provide injunctive relief against the Commission and dismissed the complaint. Two aspects of this unsurprising decision are of interest. First, the case highlights the fact that §1759(b) provides for injunctive relief against the Commission so long as that relief is sought in the Court of Appeal or the California Supreme Court. Second, the Court notes that §1759 does not expressly apply to Federal courts. At least one Federal court, however, has decided that it is required to apply §1759 in matters in which it is applying state law. See footnote 51, *supra*.