

CERTIFIED FOR PUBLICATION

IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

FIRST APPELLATE DISTRICT

DIVISION ONE

JAMES STEWART et al.,

Plaintiffs and Respondents,

v.

ROLLING STONE LLC et al.,

Defendants and Appellants.

A122452

(Super. Ct. No. RG07-361627)

**ORDER MODIFYING OPINION
AND DENYING REHEARING
[NO CHANGE IN JUDGMENT]**

THE COURT:

It is ordered that the opinion filed herein on January 28, 2010, be modified in the following particulars:

1. On page 9, footnote 10 at the end of the first sentence is deleted. The sentence will now read:

We fail to see how section 425.17, subdivision (c), has any application to the present case.

2. All subsequent footnotes are renumbered, beginning with former footnote 11 on page 9 in the last sentence of the paragraph. That sentence will now read:

Accordingly, the first condition set forth in section 425.17, subdivision (c), is not satisfied with respect to defendants and this limited exemption is therefore inapplicable.¹⁰

There is no change in the judgment.

The petition for rehearing is denied.

Date: February 24, 2010

Marchiano, P. J.

Trial Court:

Alameda County Superior Court

Trial Judge:

Hon. Bonnie Sabraw

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