1 of 1 DOCUMENT

LUIS WALTERS CAMACHO et al., Plaintiffs and Respondents, v. ROBERT MELLETT, Defendant and Appellant.

A101762

COURT OF APPEAL OF CALIFORNIA, FIRST APPELLATE DISTRICT, DIVISION TWO

2004 Cal. App. Unpub. LEXIS 1838

March 1, 2004, Decided
March 1, 2004, Filed

NOTICE: **[*1]** NOT TO BE PUBLISHED IN OFFICIAL REPORTS CALIFORNIA RULES OF COURT, RULE 977(a), PROHIBITS COURTS AND PARTIES FROM CITING OR RELYING ON OPINIONS NOT CERTIFIED FOR PUBLICATION OR ORDERED PUBLISHED, EXCEPT AS SPECIFIED BY RULE 977(B). THIS OPINION HAS NOT BEEN CERTIFIED FOR PUBLICATION OR ORDERED PUBLISHED FOR THE PURPOSES OF RULE 977.

PRIOR HISTORY: San Francisco County Super. Ct. No. 410317.

DISPOSITION: Petition for rehearing denied.

JUDGES: Ruvolo, J. We concur: Kline, P.J., Lambden, J.

 OPINION

ORDER MODIFYING OPINION

(CHANGE IN JUDGMENT)

It is ordered that the opinion filed herein on January 29, 2004, be modified in the following particulars:

1. In the last paragraph of the opinion, on pages 17-18, after the second sentence (beginning "The trial court shall determine . . .") and after the parenthetical citation to *Lafayette Morehouse, Inc. v. Chronicle Publishing Co.* (1995) 39 Cal.App.4th 1379, the following additional sentence and citation are inserted: "The trial court shall also determine the amount of attorney fees incurred by Landlord on this appeal that is reasonably attributable to the causes of action on which Landlord prevailed, and shall also award such fees to Landlord **[*2]** under section 425.16, subdivision (c). (See *ComputerXpress, Inc. v. Jackson*, *supra*, 93 Cal.App.4th at pp. 1016-1020.)"

2. The last sentence of the opinion is modified to read in its entirety as follows: "In the interests of justice, the parties shall each bear their own costs on appeal."

These modifications effect a change in the judgment.

The petition for rehearing is denied.

Dated: March 1, 2004

Ruvolo, J.

We concur:

Kline, P.J.

Lambden, J.