

Filed: 4/2/08

IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

FIRST APPELLATE DISTRICT

DIVISION THREE

JOSEPH GARZA et al.,

Plaintiffs and Respondents,

v.

ASBESTOS CORPORATION, LTD.,

Defendant and Appellant.

A116523, A119262

(San Francisco County  
Super. Ct. No. 438144)

**ORDER MODIFYING OPINION  
[NO CHANGE IN JUDGMENT]**

**THE COURT:**

On the Court's own motion, the opinion filed March 28, 2008 is modified as follows. The first paragraph on page one is modified to read:

"In this consolidated appeal<sup>1</sup>, defendant Asbestos Corporation, Limited, ("ACL") appeals a jury verdict in favor of plaintiffs Joseph and Mary Garza on their complaint for damages for personal injury and loss of consortium filed after Joseph contracted asbestosis. We affirm."

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<sup>1</sup> ACL's notice of appeal in case number A116523 was lodged and received on January 24, 2007. Subsequently, after the trial court granted in part and denied in part its motion to tax costs and entered Judgment on the Special Verdict *Nunc Pro Tunc*, ACL filed a second notice of appeal in case number A119262, lodged and received on October 3, 2007. By order dated October 11, 2007, this court consolidated the two appeals for good cause upon stipulation of the parties.

The caption is modified to include both case number A116523 and case number A119262. There is no change in judgment.

DATE: \_\_\_\_\_

\_\_\_\_\_  
McGuiness, P. J.

Justice Horner\* and Justice Siggins concur.

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\* Judge of the Alameda County Superior Court, assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution.

Trial Court:

Superior Court, San Francisco County

Trial Judge:

Hon. Suzanne Bolanos, Judge

Counsel for Appellant  
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