

**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.<sup>10</sup>

There is no change in the judgment.

The petition for rehearing is denied.

Date: February 24, 2010

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Marchiano, P. J.

Trial Court: Alameda County Superior Court

Trial Judge: Hon. Bonnie Sabraw

Attorneys for Defendants and Appellants Davis Wright Tremaine  
Elizabeth A. McNamara, Esq.  
(Pro Hac Vice)  
Thomas R. Burke, Esq.  
Rochelle L. Wilcox

Attorneys for Amici Curiae on behalf of Defendants and Appellants Horvitz & Levy  
John A. Taylor, Jr., Esq.  
Jeremy B. Rosen, Esq. for  
American Media, Inc., Association of  
Alternative Newsweeklies, California First  
Amendment Coalition, California  
Newspaper Publishers Association,  
Magazine Publishers of America, Inc., The  
Reporters Committee for Freedom of the  
Press, and Time Inc.

Attorneys for Plaintiffs and Respondents Bartko, Zankel, Tarrant & Miller  
Christopher J. Hunt, Esq.  
Gisu Sadaghiani, Esq.