

CERTIFIED FOR PUBLICATION

IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

FIRST APPELLATE DISTRICT

DIVISION FOUR

JOSEPH A. BONFIGLI et al.,

Plaintiffs and Appellants,

v.

ALAN F. STRACHAN et al.,

Defendants and Respondents.

A125924

(Sonoma County

Super. Ct. No. SCV-239528)

ORDER MODIFYING OPINION AND
DENYING REHEARING

[NO CHANGE IN JUDGMENT]

BY THE COURT:

Respondent's petition for rehearing is denied.

The request filed on March 7, 2011 by attorney Deirdre Taber Kingsbury, counsel for appellant Bonfigli, to change 16 parts of this court's February 23, 2011 opinion is denied as to parts 1 through 15, but is granted as to part 16.

This court's said February 23rd opinion is modified to add the word "not" to the second sentence of the first full paragraph on page 15 to read: "The jury, however, was erroneously instructed; hence, we cannot conclude that it would not have found fraud on the evidence before it or that the jury would not"

There is no change in the judgment.

(Ruvolo, P. J., Reardon, J., and Rivera, J. joined in the decision.)

Date: _____ P.J.