

CERTIFIED FOR PUBLICATION

IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT
DIVISION THREE

JERRY RAPPAPORT,

Plaintiff and Respondent,

v.

MARVIN GELFAND et al.,

Defendants and Appellants.

B213618

(Los Angeles County
Super. Ct. No. SC092179)

ORDER MODIFYING OPINION
[NO CHANGE IN JUDGMENT]

THE COURT:

The opinion filed in this cause on July 28, 2011, is modified as follows:

1. On page 10, line 8, replace “66.6” with “66 2/3” so the sentence reads:

Kelley, for Rappaport, opined the buyout value of the uncollected Waksberg litigation fees of \$1,289,339 as of October 31, 2005, at 66 2/3 percent of their value, or \$859,559, of which Rappaport was entitled to 31 percent, or \$266,463.

2. On page 11, line 5, replace “66.6” with “66 2/3” so the sentence reads:

Although the trial court found value in the Waksberg litigation receivable, it found no evidentiary basis for Kelley’s conclusion that the buyout price for the receivable was 66 2/3 percent of total fees as of October 31, 2005.

3. On page 11, line 8, replace “33.3” with “33 1/3” so the sentence reads:

Because the evidence did support the conclusion that the Waksberg litigation receivable had value but did not support the specific valuations assigned by the competing experts, the trial court adopted the mean value of the receivable, that is, 33 1/3 percent of \$1,289,339, or \$429,779.66.

There is no change in judgment.