

CERTIFIED FOR PUBLICATION

IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION SIX

JOHN ABSMEIER,

Plaintiff and Appellant,

v.

SIMI VALLEY UNIFIED SCHOOL
DISTRICT et al.,

Defendants and Respondents.

2d Civil No. B221710
(Super. Ct. No. SC040138)
(Ventura County)

ORDER MODIFYING OPINION
AND DENYING REHEARING
[NO CHANGE IN JUDGMENT]

THE COURT:

It is ordered that the opinion filed herein on June 7, 2011, be modified as follows:

1. On page 5, first sentence of the third full paragraph, the word "fitness" is changed to "ability," so that the beginning of the sentence reads: "The trial court could reasonably infer that the Commission could question Lange's ability to continue as the ALJ on this case in light of...."
2. On page 6, the first sentence of the first paragraph is deleted, and in the second sentence the words "From his conduct" are changed to "From Lange's conduct," so that the paragraph reads:

From Lange's conduct, his delays, his failure to respond to the Commission's inquiries, his failure to meet the deadline, and his April 4th letter, the trial court could reasonably infer that he abandoned this case. In his April 4th letter, Lange said, "I have terminated all work and further consideration of the matter." The court implicitly found that the Commission acted reasonably and in good faith in removing Lange.

There is no change in judgment.

Appellant's petition for rehearing is denied.