

CERTIFIED FOR PUBLICATION

IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA  
THIRD APPELLATE DISTRICT  
(Placer)

CARLYLE PRATT,  
  
Plaintiff and Respondent,  
  
v.  
  
UNION PACIFIC RAILROAD COMPANY,  
  
Defendant and Appellant.

C055656  
  
(Super. Ct. No.  
SCV19762)  
  
MODIFICATION OF  
OPINION

THE COURT:

The opinion of this court filed November 12, 2008, in the above entitled case is modified as follows:

1. On page 18, please delete footnote 12 in its entirety.

This modification does not effect a change in the judgment.

BY THE COURT:

BLEASE, Acting P. J.

BUTZ, J.