

CERTIFIED FOR PUBLICATION
COURT OF APPEAL, FOURTH APPELLATE DISTRICT
DIVISION ONE
STATE OF CALIFORNIA

EUGENE VANDERPOL et al.,

Plaintiffs, Cross-Defendants and
Respondents,

v.

FRED STARR et al.,

Defendants, Cross-Complainants and
Appellants.

D056599

(Super. Ct. No. 37-2008-00054578-
CU-PO-NC)

No Change in Judgment

THE COURT:

The opinion filed April 15, 2011, is modified as follows:

At Discussion D, ninth paragraph beginning with "Our conclusion" and ending with "*italics added.*" (slip opn. pp. 14-15), replace "*Ennabe v. Manosa* (2010) 190 Cal.App.4th 707, 713" with "*Kalway v. City of Berkeley* (2007) 151 Cal.App.4th 827, 833" [quoted text, quotation marks and italics remain the same]

There is no change in the judgment.

BENKE, Acting P. J.

Copies to: All parties