

CERTIFIED FOR PUBLICATION

IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SIXTH APPELLATE DISTRICT

CITY OF HOLLISTER,

Plaintiff and Respondent,

v.

MONTEREY INSURANCE COMPANY,
et al.,

Defendants and Appellants.

H029296

(Monterey County
Super. Ct. No. M65916)

**ORDER MODIFYING OPINION
AND DENYING REHEARING**

CHANGE IN JUDGMENT

THE COURT:

The petition by appellant Monterey Insurance Co. for clarification or rehearing, and the petition by respondent City of Hollister for rehearing or modification, are denied except that the opinion in No. H029296, filed July 29, 2008, is modified in the following respects:

1. On page 57, footnote 30, line 12, the last two sentences starting with “In fact the policy” and ending with “fumes are to fire” are deleted.
2. Under the heading “DISPOSITION” the first sentence commencing on page 72 with “The judgment is” and ending at the top of page 73 with “Court has expired” is modified to read as follows:

The judgment is modified to provide that the 180 day period provided therein will begin to run when this court issues its remittitur.

This modification changes the judgment.

Appellants' and respondent's petitions for rehearing are denied.

Dated:

RUSHING, P.J.

WE CONCUR:

PREMO, J.

ELIA, J.