

CERTIFIED FOR PUBLICATION

IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

FIRST APPELLATE DISTRICT

DIVISION FOUR

STEVEN FRYE,
Plaintiff and Appellant,

v.

TENDERLOIN HOUSING CLINIC, INC.,
Defendant and Respondent.

A104078

(San Francisco County
Super. Ct. No. 989-112)

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

THE COURT:

It is ordered that the opinion filed herein on July 27, 2004, be modified as follows:

1. On page 5, the first full paragraph, line 7, italicize the word “either” so that the line reads:

benefit corporation under the Nonprofit Public Benefit Corporation Law under *either* of

2. On page 5, the first full paragraph, line 13, at the end of the sentence ending “*The corporation shall not enter into contingency fee contracts with clients.*”, add as footnote 5 the following footnote, which will require renumbering of all subsequent footnotes:

⁵ We note that neither this requirement nor any of the other requirements listed in Corporations Code section 13406, paragraph (2) of subdivision (b) apply to nonprofit public benefit corporations qualifying under paragraph (1).

3. On page 7, the first paragraph, line 4, the sentence beginning “Moreover, registration” is modified to read as follows:

On the facts before us, requiring THC to register with the State Bar presents no First Amendment concerns.⁷

4. On page 10, the second sentence of the second full paragraph is modified to read as follows:

We, on the other hand, having concluded there is a duty to register, and in light of the fact that THC maintains it is not required to register, are not persuaded that *Olson* is applicable to the instant case.

There is no change in the judgment. Respondent's petition for rehearing is denied.

DATED:

Kay, P.J.