

IN THE SUPREME COURT OF CALIFORNIA

MANTA MANAGEMENT)	
CORPORATION,)	
)	
Cross-complainant and Respondent,)	S144492
)	
v.)	Ct.App. 4/2 E036942
)	
CITY OF SAN BERNARDINO,)	
)	
Cross-defendant and Appellant.)	San Bernardino County
)	Super. Ct. No. SCV18157
)	

THE COURT:

MODIFICATION OF OPINION

The opinion herein filed on April 24, 2008, and appearing at 43 Cal.4th 400, is modified as follows:

After the last sentence of the first full paragraph on page 412, a footnote is added stating: “Our conclusion here is consistent with the United States Supreme Court’s comment in *Malley v. Briggs* (1986) 475 U.S. 335, 344, footnote 7, that section 1983 ‘should be read against a background of tort liability that makes a man responsible for the consequences of his actions,’ and thus judicial action will not constitute a superseding causation when the party seeking the action provides materially misleading information in its support.”

This modification does not affect the judgment.