

IN THE SUPREME COURT OF CALIFORNIA

STEVE SCHIFANDO,)	
)	
Plaintiff and Appellant,)	
)	S106660
v.)	
)	Ct.App. 2/3 B142999
CITY OF LOS ANGELES,)	
)	Los Angeles County
Defendant and Respondent.)	Super. Ct. No. BC219557
_____)	

BY THE COURT:

MODIFICATION OF OPINION

The opinion herein, filed December 1, 2003, appearing at ___ Cal.4th ___ [2003 Cal. Lexis 9268], is modified as follows:

1. On page 10, of the majority slip opinion, delete the first full paragraph and substitute the following language: “On a final note, we are not concerned that all public employees, and in particular those employees with a routine administrative claim for compensation or reinstatement will choose to bypass the summary and expeditious procedures and remedies the City Charter provides in order to proceed directly to a jury trial to seek an award of compensatory or punitive damages.”

2. On pages 11-13, footnote 6, of the majority slip opinion, delete the footnote as written, and substitute the following language: “One note of caution is required. In the present action, Schifando filed the FEHA claim only. We

therefore need not decide whether his failure to exhaust the City's procedures would have barred any other claim based on the same acts by the City."

This modification does not affect the judgment.