

CERTIFIED FOR PUBLICATION

IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION SEVEN

STUART BREHM, IV,

Plaintiff and Appellant,

v.

21ST CENTURY INSURANCE
COMPANY,

Defendant and Respondent.

B198604

(Los Angeles County
Super. Ct. No. LC073743)

ORDER MODIFYING OPINION
(NO CHANGE IN JUDGMENT)

THE COURT:

It is ordered that the opinion filed herein on September 16, 2008 be modified as follows:

1. On page 15, the last sentence of footnote 7, “Accordingly, although a trier of fact may ultimately agree with 21st Century that a genuine dispute existed as to the amount payable on Brehm’s claim, we cannot hold, as a matter of law, that its \$5,000 offer was made in good faith following a thorough and fair evaluation of Brehm’s claim” be replaced with the following text:

Accordingly, although the record may ultimately demonstrate the absence of triable issues as to whether 21st Century’s \$5,000 offer was made in good faith following a thorough and fair evaluation of Brehm’s claim, we cannot hold at this point, as a matter of law, that a genuine dispute existed as to the amount payable on the claim.

2. The citation: (Cf. *Wilson, supra*, 42 Cal.4th at pp. 723-724 & fn.7.) shall remain at the end of footnote 7.

There is no change in judgment.

PERLUSS, P. J.

ZELON, J.

JACKSON, J.