

CERTIFIED FOR PUBLICATION

IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION FIVE

LOS ANGELES COUNTY
PROFESSIONAL PEACE OFFICERS'
ASSOCIATION et al.,

Plaintiffs and Respondents,

v.

COUNTY OF LOS ANGELES,

Defendant and Appellant.

B200582

(Los Angeles County
Super. Ct. No. BC343502)

ORDER MODIFYING OPINION;
ORDER DENYING PETITION FOR
REHEARING

[NO CHANGE IN JUDGMENT]

THE COURT:*

It is ordered that the opinion filed July 22, 2008 be modified as follows:

The first paragraph on page 6 in the body of the opinion is deleted in its entirety and modified to read as follows:

First, at trial, the County stipulated that it “would not assert that it would have implemented any policy or established practice of forcing all employees in the positions or assignments occupied by the Individual Plaintiffs to use excess vacation prior to the end of the deferral year.”

The following language is inserted as the first paragraph on page 11 between the sentence ending “different matter” and the words “*Government Claims Act.*”

Nor are we persuaded by the County’s citation to *Miklosy v. Regents of University of California*, decided by the Supreme Court shortly after this case was first filed. In *Miklosy*, the University was sued for damages on the common law tort of wrongful discharge in violation of public policy. (*Tamney v. Atlantic Richfield Co.* (1980) 27

Cal.3d 167.) The Supreme Court found the University immune from liability. However, this is not a suit for damages on a common law tort, but an action under section 4850, which governs the County's treatment of deputy Sheriffs who are injured on duty. We see nothing in *Miklosy* which holds that these plaintiffs are barred from suing to obtain the benefits of the statute.

The petition for rehearing is denied.

There is no change in judgment.

*ARMSTRONG, J.

TURNER, P. J.

KRIEGLER, J.