

Filed 2/8/10

**CERTIFIED FOR PUBLICATION**  
**IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA**  
**SECOND APPELLATE DISTRICT**  
**DIVISION ONE**

FULL THROTTLE FILMS, INC.,

Plaintiff and Appellant,

v.

NATIONAL MOBILE TELEVISION, INC.,

Defendant,

WACHOVIA CAPITAL FINANCE  
CORPORATION,

Third Party Claimant and Respondent.

B211713

(Los Angeles County  
Super. Ct. No. EC047510)  
(Charles W. Stoll, Judge)

ORDER MODIFYING OPINION

[NO CHANGE IN JUDGMENT]

THE COURT:

IT IS ORDERED that the opinion filed herein on December 22, 2009, be modified in the following particulars:

1. On page 6, delete the entire last sentence of the second paragraph under part 2 of the Discussion, starting with “The law of California” and delete the full citation following thereafter, and replace them with the following sentence and citation:

The law of California governs perfection of a security interest in a deposit account if the “local law of [the] bank’s jurisdiction” is California law. (§ 9304, subd. (a).)

2. The last paragraph on page 6, commencing with “The record contains” and ending at the top of page 7 with “Delaware” is modified to read as follows, retaining footnote 4 as is:

The record contains no evidence of the jurisdiction of the bank that holds the deposit accounts on which Full Throttle levied.<sup>4</sup> (See § 9304, subd. (b) [stating the rules for determining a bank’s jurisdiction].) The record therefore contains no evidence that Wachovia Capital properly filed a financing statement covering the deposit accounts on which Full Throttle levied—the evidence shows that Wachovia Capital filed financing statements with the Delaware Department of State, but the record contains no evidence that the jurisdiction of the bank that holds the deposit accounts on which Full Throttle levied is Delaware.

3. At page 7, delete the second sentence in footnote 5, beginning with “Different types” and ending with “different states.”

This modification does not have an effect on the judgment.

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MALLANO, P. J.

ROTHSCHILD, J.

JOHNSON, J.