

CERTIFIED FOR PUBLICATION

IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT
DIVISION FOUR

HOME DEPOT U.S.A., INC.,

Petitioner,

v.

THE SUPERIOR COURT OF
LOS ANGELES COUNTY,

Respondent;

DEVON HARRIS et al.,

Real Parties In Interest.

B223184

(Los Angeles County
Super. Ct. No. BC415774)

ORDER MODIFYING OPINION
AND DENYING REHEARING
[NO CHANGE IN JUDGMENT]

THE COURT:*

It is ordered that the opinion filed herein on December 22, 2010 be modified as follows:

On page 8, line 4, delete the section title following “1.” and substitute:

Violations of the Seating Requirement Contravene Section 1198

On page 12, line 18, delete the two sentences following the sentence ending with “Home Depot’s contention” and substitute the following sentence:

The seating requirement of Wage Order 7-2001, though framed as an affirmative standard of reasonable conduct, clearly prohibits employers from failing to provide suitable seating to employees under the conditions specified in the wage order.

The petition for rehearing by Petitioner Home Depot U.S.A., Inc. is denied. The modification does not change the judgment.

*WILLHITE, Acting P. J., MANELLA, J., SUZUKAWA, J.