

CERTIFIED FOR PUBLICATION

IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA
THIRD APPELLATE DISTRICT
(Sacramento)

MARTIN BROTHERS CONSTRUCTION, INC.,

Plaintiff and Appellant,

v.

THOMPSON PACIFIC CONSTRUCTION, INC. et
al.,

Defendants and Respondents.

C058944

(Super. Ct. No.
04AS05182)

**ORDER MODIFYING OPINION
[NO CHANGE IN JUDGMENT]**

APPEAL from a judgment of the Superior Court of Sacramento County, Steven H. Rodda, Judge. Affirmed.

Law Office of Anthony T. Caso, Anthony T. Caso; Nageley Meredith & Miller, Inc., Gregory Alan Meredith for Plaintiff and Appellant.

Solan & Park, Kevin M. Solan, William L. Jacobson for Defendants and Respondents.

THE COURT:

It is hereby ordered that the opinion filed herein on December 4, 2009, be modified as follows:

On page 11 in the text of footnote 3, please delete the following language, "(150 percent of \$499,340.49)" and insert in its place the following new language, "(the trial court erroneously calculated 150 percent of \$499,340.49 as \$749,340.49. The correct figure should be \$749,010.74)"

This modification does not effect a change in the judgment.

BY THE COURT:

SIMS, Acting P. J.

RAYE, J.

CANTIL-SAKAUYE, J.