

CERTIFIED FOR PUBLICATION

IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SIXTH APPELLATE DISTRICT

JEFFREY GOLIN et al.

Plaintiffs and Appellants,

v.

CLIFFORD B. ALLENBY et al.,

Defendants and Respondents.

H032619

(Santa Clara County
Super.Ct.No. CV082823)

ORDER MODIFYING OPINION

NO CHANGE IN THE JUDGMENT

PETITION FOR REHEARING DENIED

THE COURT:

It is hereby ordered that the opinion filed November 30, 2010, be modified as follows:

On page 25 in the first full paragraph fourth sentence beginning with: “According to the trial court,” please replace that sentence with the following two sentences:

According to the trial court, together these spoke to an improper motive to “grind down the other side” or to keep them from ‘being able to move forward’ in the litigation. This goes to the third, disjunctive prong of section 391, subdivision (b)(3)—engaging in tactics that are frivolous *or* solely intended to cause unnecessary delay.

There is no change in the judgment.

The petition for rehearing is denied.

Dated:

Duffy, J.

Rushing, P.J.

McAdams, J.