

**CERTIFIED FOR PUBLICATION**

IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

FIRST APPELLATE DISTRICT

DIVISION THREE

KEVIN CONLAN et al.,

Plaintiffs and Appellants,

v.

DIANA M. BONTA, as Director, etc., et al.,

Defendants and Respondents.

A093003

(San Francisco County  
Super. Ct. No. 987697)

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

BY THE COURT:

It is ordered that the opinion filed herein on September 30, 2002, be modified in the following particulars:

On page 19, at the end of footnote 14, add the following:

Although the petition and the recitation of facts in petitioner's points and authorities submitted to the trial court did allude to the asserted fact that the Department had failed to inform Stevens that he was not obligated for the copayments, no portion of the argument in the points and authorities addressed this alleged failure or predicated a request for any relief upon this asserted failure. The ALJ had concluded that "information concerning co-payments is covered in the Medi-Cal information pamphlet" and Stevens did not direct the trial court to any evidence to contradict this finding. No consideration was given to this contention by the trial court.

The petition for rehearing is denied. There is no change in the judgment.

Dated:

\_\_\_\_\_ P.J.