

CERTIFIED FOR PUBLICATION

IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA
FIRST APPELLATE DISTRICT
DIVISION THREE

BART VALERIO,
Plaintiff and Respondent,

v.

ANDREW YOUNGQUIST
CONSTRUCTION,

Defendant and Appellant.

A094096

(Solano County
Super. Ct. No. L011750)

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

BY THE COURT:

It is ordered that the opinion filed herein on November 27, 2002, be modified as follows.

On page 10, delete the third sentence of the first full paragraph, which begins, “Accordingly there was reason . . .” and replace with the following:

“Accordingly, there was no reason for the court to interpret the admission in order to resolve an ambiguity or reflect Valerio’s reasonable understanding of the facts.”

This modification does not effect a change in judgment.

P.J.

Trial court: Solano County Superior Court

Trial judge: Honorable David Power

Willet & McKay, Louis James Willett for Respondent and Plaintiff.

Francis Thomas Donohue for Defendant and Appellant.