

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

In re VITAMIN CASES.

A098354

(San Francisco County  
Judicial Council Coordination  
Proceedings No. 4076,  
Master File No. 301803)

BY THE COURT:

It is ordered that the opinion filed herein on July 24, 2003, be modified as follows:

1. The last sentence of footnote 10 on page 19 is deleted and the following two sentences inserted in its place: “This was also the gist of a provision in the Settlement Agreement itself which provided that each plaintiff’s counsel’s ‘share of the overall fee award . . . [shall] be determined by the [liaison counsel] in consultation with the Plaintiffs’ Executive Committee . . . .’ Although the superior court was requested to and did approve the Settlement Agreement, nothing about co-liaison counsel and the Executive Committee themselves determining the appropriate shares of the overall fee award was expressed in the orders presented to and executed by that court.”

2. The last sentence of the third full paragraph on page 19, beginning “She also conceded . . .” is deleted.

3. On page 24, immediately after the colon ending the second full paragraph on that page, a new footnote (number 11) is inserted, which footnote shall read: “Although,

as set forth in Part III, A, hereof, no formal statement of decision was or is required under Code of Civil Procedure section 632.”

As a consequence of this last modification, respondents’ request to modify the portions of the opinion to be published is denied.

These modifications do not effect a change in the judgment.

Dated: August 19, 2003

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Kline, P.J.