

Filed 9/10/03

**CERTIFIED FOR PUBLICATION**

IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

FIRST APPELLATE DISTRICT

DIVISION THREE

DAVID FURIA,

Plaintiff and Appellant,

v.

HUGH N. HELM III,

Defendant and Respondent.

A100102

(Sonoma County

Super. Ct. No. 226986)

**ORDER MODIFYING OPINION  
AND DENYING CERTIFYING  
OPINION FOR PUBLICATION  
[NO CHANGE IN JUDGMENT]**

BY THE COURT:

It is ordered that the opinion filed herein on August 29, 2003, be modified in the following particular:

On page 15, line 2, the word “improperly” is changed to “allegedly” so the sentence reads:

Although Helm allegedly concealed from Furia the fact that he did not intend to be neutral when attempting to mediate the dispute, Furia may not now reverse himself and claim that at Helm’s suggestion he withdrew from the remodeling project, and he has alleged no other causal link for his asserted damages.

There is no change in the judgment.

The request to withdraw certification for publication is denied.

Trial court: Sonoma County Superior Court  
Trial judge: Hon. Raymond Giordano  
Counsel for plaintiff and appellant: John Jack Mavredakis  
Counsel for defendant and respondent: Victor C. Thuesen