

IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

FIRST APPELLATE DISTRICT

DIVISION ONE

LEONARD SHIELDS et al.,

Plaintiffs and Appellants,

v.

HENNESSY INDUSTRIES, INC.,

Defendant and Respondent.

[And four other cases.*]

A130213

(San Francisco City & County
Super. Ct. No. CGC-08-274740)

ORDER MODIFYING OPINION
[NO CHANGE IN JUDGMENT]

THE COURT:

It is ordered that the opinion filed herein on April 13, 2012, be modified as follows:

The last sentence on page 18, continuing on page 19, should be modified to read:

Unlike defendant's cigarette lighter analogy,¹⁰ the alleged sole and intended use of the brake arcing machine resulted in the release of contained asbestos particles.

* Godbee v. Hennessy Industries, Inc. (No. A130532 [Super. Ct. S.F. City & County, No. CGC-09-275142]); Hetzel v. Hennessy Industries, Inc. (No. A130533 [Super. Ct. S.F. City & County, No. CGC-08-274902]); Kennedy v. Hennessy Industries, Inc. (No. A131064 [Super. Ct. S.F. City & County, No. CGC-09-275392]); Schlimmer v. Hennessy Industries, Inc. (No. A131072 [Super. Ct. S.F. City & County, No. CGC-09-275231]).

¹⁰ See *Garman, supra*, 117 Cal.App.3d at page 639.

Marchiano, P.J.

Trial Court: San Francisco City & County Superior Court

Trial Judge: Honorable Harold E. Kahn

Attorneys:

Brayton Purcell and Richard M. Grant for Plaintiffs and Appellants.

Gordon & Rees, Matthew G. Kleiner and Kevin Whelan for Defendant and Respondent.

Shields et al. v. Hennessy Industries, A130213, A130532, A130533, A131064 & A131072