

CERTIFIED FOR PUBLICATION

IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION THREE

JANE HEMADY, a Minor, etc., et al.,

Plaintiffs and Appellants,

v.

LONG BEACH UNIFIED SCHOOL
DISTRICT et al.,

Defendants and Respondents.

B184274

(Super. Ct. No. NC031047)

ORDER MODIFYING OPINION
[NO CHANGE IN JUDGMENT]

THE COURT:

It is ordered that the opinion filed herein on September 28, 2006, be modified as follows:

1. On page 7, line 6, the last sentence of the first full paragraph beginning “As explained in,” including the citation “*Id.* at p. 740,” is deleted and replaced with the following sentence and citations:

“It is for the court to decide whether an activity is an active sport, the inherent risks of that sport, and whether the defendant has increased the risks of the activity beyond the risks inherent in the sport.” (*American Golf Corp. v. Superior Court* (2000) 79 Cal.App.4th 30, 37; see also *Ford v. Polaris Industries, Inc.* (2006) 139 Cal.App.4th 755, 771.)

2. On page 10, line 14, under heading No. 3, the citation to *Shin v. Ahn, supra*, 141 Cal.App.4th at p. 737, is deleted.

[There is no change in judgment.]