

CERTIFIED FOR PUBLICATION

IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION FOUR

REDEVELOPMENT AGENCY OF THE
CITY OF LONG BEACH, CALIFORNIA,

Plaintiff and Appellant,

v.

LEWIS D. MORALES et al.,

Defendants and Respondents.

B190552

(Los Angeles County
Super. Ct. No. BC326364)

ORDER MODIFYING OPINION
AND DENYING REHEARING
[NO CHANGE IN JUDGMENT]

THE COURT:

It is ordered that the opinion filed herein on November 28, 2007, be modified as follows:

1. On page 5, the first sentence of the first full paragraph is deleted, and the following sentence is inserted in its place:

The Agency correctly notes that the trial court adopted the Moraleses' incorrect calculation by including the agreed-upon compensation for fixtures in the compensation award, while excluding that same figure in its consideration of the Agency's final offer.

2. On page 5, at the end of the new first sentence of the first full paragraph, footnote 3 is inserted, which reads:

³ The Agency did not bring this error to the attention of the trial court.

3. On page 5, line 12 of the first full paragraph, the number “78.11” is deleted and the number 78.26 is inserted in its place.

4. On page 9, the second sentence of the second full paragraph is deleted, and the following sentence is inserted in its place:

But in this case, the court mistakenly calculated the actual and percentage difference between the offer and the compensation awarded, and improperly focused on the conduct of the Agency’s appraiser, rather than on the conduct of the Agency, in evaluating the Agency’s good faith, care and accuracy in formulating its final offer.

There is no change in the judgment.

Respondent’s petition for rehearing is denied.