

IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA
THIRD APPELLATE DISTRICT
(Sacramento)

ANNA JORDAN et al.,
Plaintiffs and Appellants,
v.
CALIFORNIA DEPARTMENT OF MOTOR
VEHICLES et al.,
Defendants and Appellants.

C038339
(Super. Ct. No. 95AS05228)

STATE OF CALIFORNIA et al.,
Plaintiffs and Appellants,
v.
ANNA JORDAN et al.,
Real Parties in Interest
and Appellants.

C038343
(Super. Ct. No. 01CS00073)

DEAN ANDAL et al.,
Plaintiffs and Appellants,
v.
MILBERG, WEISS, BERSHAD, HYNES &
LERACH et al.,
Defendants and Respondents.

C038735
(Super. Ct. No. 01CS00076)

ORDER MODIFYING MAJORITY AND
CONCURRING OPINIONS
UPON DENIAL OF REHEARING;
Change in judgment

APPEAL from a judgment of the Superior Court of Sacramento
County. Joe S. Gray, Judge. Affirmed with directions.

Milberg, Weiss, Bershad, Hynes & Lerach, Leonard B. Simon, Frank J. Janecek, Jr., and William S. Dato; Weiss & Yourman, Joseph H. Weiss and Joseph D. Cohen; Keesal, Young & Logan, Samuel A. Keesal, Jr., Neal S. Robb, Ben Suter and Julie L. Taylor; Boutin, Dentino, Gibson, DiGuisto, Hodell & West and Stephen F. Boutin; Blumenthal, Ostroff & Markham, Norman Blumenthal and David Markham; Sullivan, Hill, Lewin, Rez & Engel and Jeffrey D. Lewin and Candace M. Carroll; Law Offices of Richard M. Pearl and Richard M. Pearl for Plaintiffs and Appellants in C038339, for Real Parties in Interest and Appellants in C038343 and for Defendants and Respondents in C038735.

Law Offices of Eric Seilset Norby and Eric Seilset Norby for Plaintiffs and Appellants in C038735.

Bill Lockyer, Attorney General, Peter J. Siggins, Chief Deputy Attorney General, Lawrence K. Keethe and Michael J. Cornez, Deputy Attorneys General; Jones, Day, Reavis & Pogue, Elwood Lui, Scott D. Bertzyk and Eugenia Castruccio Salamon for Plaintiffs and Appellants in C038343 and for Defendants and Appellants in C038339.

It is ordered that the opinion filed herein on July 22, 2002, be modified as follows:

1. On page 35, the disposition is modified to read as follows:

"The order vacating the arbitration award is affirmed. The trial court is directed to order a new arbitration before a new panel of arbitrators, in which the award shall not exceed \$18,194,319.92 plus interest at the rate of 7 percent from July 27, 1998 (Cal. Const., art. XV, § 1). The judgment of dismissal in the Andal action is affirmed. The State shall recover its costs on appeal from Attorneys; the other parties shall bear their own costs."

2. On page 2 of the concurring opinion, footnote 1 is modified to read as follows:

In his dissent to the denial of the State's request for reconsideration of the arbitration award, retired Chief Justice Malcolm Lucas said the award of fees of \$8,800 per hour "may be too handsome." Chief Justice Lucas was always the master of decorous understatement.

The judgment is changed by the modification to the interest rate.

The petitions for rehearing by the State and the Attorneys are denied.

FOR THE COURT:

_____SIMS_____, Acting P.J.

_____NICHOLSON_____, J.

_____MORRISON_____, J.