

CERTIFIED FOR PUBLICATION

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

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TAMARA SLOVENSKY,  
  
Plaintiff and Appellant,  
  
v.  
  
MORTON L. FRIEDMAN et al.,  
  
Defendants and Respondents.

C049442  
  
(Super. Ct. No. 02AS06907)  
  
ORDER MODIFYING OPINION  
AND DENYING REHEARING  
  
[NO CHANGE IN JUDGMENT]

THE COURT:

The opinion in the above entitled matter, filed September 19, 2006, is modified in the following respect:

On page 25, delete the second sentence of the first full paragraph and replace it with the following sentence: Because they failed to timely controvert plaintiff's factual allegations, their breach of this duty is also established for purposes of the summary judgment motion.

This modification does not change the judgment.

Respondents' petition for rehearing is denied.

BLEASE, Acting P.J.

SIMS, J.

CANTIL-SAKAUYE, J.