

CERTIFIED FOR PUBLICATION  
COURT OF APPEAL, FOURTH APPELLATE DISTRICT  
DIVISION ONE  
STATE OF CALIFORNIA

BENETTA BUELL-WILSON et al.,

Plaintiffs and Appellants,

v.

FORD MOTOR COMPANY et al.,

Defendants and Appellants.

D045154, D045579

(Super. Ct. No. GIC800836)

ORDER MODIFYING OPINION  
AND DENYING REHEARING

[NO CHANGE IN JUDGMENT]

THE COURT:

It is ordered that the opinion filed herein on July 19, 2006, be modified as follows:

1. At the end of the second paragraph on page 9, after the sentence ending "disregarding contrary evidence submitted by Ford," add the following citation:

*(Bickel v. City of Piedmont (1997) 16 Cal.4th 1040, 1053.)*

2. At the end of the second paragraph on page 11, after the sentence ending "whether the Explorer actually passed the computer tests," add the following sentence:

The Explorer did pass the Consumers Union short course test, but that test was designed to measure its handling, not stability.

3. After the first paragraph on page 26, that terminates with the sentence that ends "off the paved surface of the road," add a new paragraph that reads:

Further, while the court excluded evidence of the Explorer's comparative safety, accident or injury rates, it did not exclude the Explorer's own "real world safety record." Indeed, Ford never proffered such evidence at trial.

4. In the second full paragraph on page 34, the citation "(See *Raimondi v. Ford Motor Co.* (May 31, 2001, A091865) [nonpub. opn.].)9" is deleted. Included in that deletion is footnote 9 in its entirety.

5. In the first full paragraph on page 39, the citation "(See *Raimondi v. Ford Motor Co.*, *supra*, A091865 [nonpub. opn.].)" is deleted.

4. At the end of the first paragraph on page 40, after the sentence ending "as specified in California Rules of Court, rule 24(d)," add as new footnote 9 the following footnote:

Ford asserts that if the noneconomic damages award to Mrs. Wilson is determined to be the product of passion or prejudice, we are required, as a matter of law, to grant a new trial on all issues. However, case authority demonstrates it is appropriate to issue a remittitur under such circumstances. (See *Deevy v. Tassi, supra*, 21 Cal.2d at pp.120-121; *Bellman v. San Francisco High School Dist.* (1938) 11 Cal.2d 576, 586-589; *Las Palmas Associates v. Las Palmas Center Associates* (1991) 235 Cal.App.3d 1220, 1255-1256; *Burnett v. National Enquirer, Inc.* (1983) 144 Cal.App.3d 991, 1011-1012.)

There is no change in the judgment.

The petition for rehearing is denied.

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McCONNELL, P. J.