

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

WANKE, INDUSTRIAL, COMMERCIAL,
RESIDENTIAL, INC.,

Petitioner,

v.

THE SUPERIOR COURT OF SAN DIEGO
COUNTY,

Respondent;

D058825

(Super. Ct. No.
37-2008-00097163-CU-BC-CTL)

SCOTT KECK et al.,

Real Parties in Interest.

WANKE, INDUSTRIAL, COMMERCIAL,
RESIDENTIAL, INC.,

Plaintiff and Appellant,

v.

SCOTT KECK et al.,

Defendants and Appellants.

D058669

(Super. Ct. No.
37-2008-00097163-CU-BC-CTL)

ORDER DENYING REHEARING
AND MODIFYING OPINION

[CHANGE IN JUDGMENT]

THE COURT:

Scott Keck and WP Solutions, Inc.'s, petition for rehearing is denied.

It is ordered that the opinion filed on October 4, 2012 is modified as follows:

Part IV of the opinion, entitled "Disposition" is deleted in its entirety and replaced with the following text:

IV.

DISPOSITION

Wanke's petition for writ of mandate is denied. Each party is to bear its own costs in connection with the writ proceeding in case No. D058825.

The trial court's order entitled "Order Re OSC Re Contempt and Motion to Enforce Settlement Agreement (Con Am Management)" is reversed with respect to the trial court's denial of Wanke's motion to enforce the Settlement Agreement. The matter is remanded to the trial court with directions to vacate its order and to conduct further proceedings consistent with this opinion, including granting Wanke's motion to enforce the Settlement Agreement as to Con Am Management and determining damages. The trial court shall enter a new order upon the conclusion of the proceedings on remand awarding Wanke the \$17,655 in attorney fees previously ordered, as well as any additional attorney fees that the court might reasonably award on remand.

The trial court's order entitled "Order Enforcing Settlement Agreement (AV Builders: Saratoga West)" is affirmed.

Wanke is entitled to recover its costs related to the appeals in case No. D058669.

This modification changes the judgment.

McCONNELL, P. J.