

CERTIFIED FOR PUBLICATION

IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

FOURTH APPELLATE DISTRICT

DIVISION THREE

SCOTT P. HOLCOMB,

Plaintiff and Appellant,

v.

WELLS FARGO BANK, N.A., et al.,

Defendants and Respondents.

G037638

(Super. Ct. No. 02CC03602)

ORDER MODIFYING OPINION;
NO CHANGE IN JUDGMENT

It is ordered that the opinion filed herein on September 20, 2007, be modified as follows:

1. On page 1, the counsel listing for Defendants and Respondents is modified to read:

Marcin Lambirth and John B. Marcin for Defendants and Respondents.

2. On page 8, last sentence of the first paragraph, the word “a” is deleted so the sentence reads:

A collecting bank’s right to charge back is not affected by the customer’s previous use of the provisional credit given, or even the bank’s own negligence in handling the check.

3. On page 13, the last sentence of the first partial paragraph, “Hocomb’s” should be corrected to “Holcomb’s,” so the sentence reads:

These allegations are merely duplicative of Holcomb’s negligent misrepresentation cause of action, and therefore insufficient to support a separate cause of action.

These modifications do not change the judgment.

ARONSON, J.

WE CONCUR:

RYLAARSDAM, ACTING P. J.

IKOLA, J.