

SUPREME COURT OF CALIFORNIA

JEROME ZAMOS et al.,)	
)	
Plaintiffs and Appellants,)	
)	S118032
v.)	
)	Ct.App. 2/5 B160484
JAMES T. STROUD et al.,)	
)	
Defendants and Respondents.)	Los Angeles County
)	Super. Ct. No. LC 060622
_____)	

MODIFICATION OF OPINION

THE COURT:

The opinion herein, appearing at 32 Cal.4th 958, is modified as follows:

1. In 32 Cal.4th at page 969, insert the phrase “according to the evidence presented in opposition to the anti-SLAPP motion” after “Here,” in the last sentence of the first full paragraph. The modified sentence would read:

“Here, according to the evidence presented in opposition to the anti-SLAPP motion, defendants in the malicious prosecution action continued their prosecution of the underlying fraud action after learning it was baseless.”

2. In 32 Cal.4th at page 970, delete the phrase “primarily an issue of fact” from the last sentence of footnote 9. Replace it with the phrase “a question of law to be decided on a case-by-case basis.” The modified sentence would read:

“The reasonableness of counsel’s persistence is, of course, a question of law to be decided on a case-by-case basis, and we have no occasion here to formulate more detailed rules.”

This modification does not affect the judgment.