

IN THE SUPREME COURT OF CALIFORNIA

RAY KINSMAN et al.,)	S118561
)	
Plaintiffs and Respondents,)	Ct.App. 1/3 A093424/A093649
)	
v.)	Super. Ct. of City and County of
)	San Francisco No. 308646
UNOCAL CORPORATION,)	
)	
Defendant and Appellant.)	
_____)	

MODIFICATION OF OPINION

THE COURT:

The opinion filed in this matter on December 19, 2005, is modified as follows:

In the second sentence of the paragraph spanning pages 680-681 of 37 Cal.4th, the word “automatically” is inserted between “not” and “liable,” so that the sentence modified will read: “We agree in the abstract that a landowner that does not retain control is not automatically liable for an injury inflicted by an independent contractor or its employees on the employee of *another* independent contractor.”

In the next to the last textual sentence of that same paragraph, the text following the words “similar conclusion:” is modified to read: “that, as at common law, the hirer/landowner who has not retained control over the work, and who was not itself actually on notice of a concealed hazardous condition that causes injury, should not be derivatively or vicariously liable”

The modification does not effect a change in the judgment.