

CERTIFIED FOR PUBLICATION

IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION THREE

FRED BRINKLEY,

Plaintiff and Appellant,

v.

PUBLIC STORAGE, INC.,

Defendant and Respondent.

B200513

(Los Angeles County
Super. Ct. No. BC332009)

ORDER MODIFYING OPINION
[NO CHANGE IN JUDGMENT]

THE COURT:

It is ordered that the opinion filed herein on October 28, 2008, be modified as follows:

1. On page 5, in the first paragraph under the heading entitled STANDARD OF REVIEW, the case *Los Angeles Unified School Dist. v. Great American Insurance Co.* is deleted and replaced with the following case: *Aguilar v. Atlantic Richfield Co.* (2001) 25 Cal.4th 826, 860 (*Aguilar*).

2. On page 5, in the second paragraph under the heading entitled STANDARD OF REVIEW, the *Aguilar* case is modified as follows: *Aguilar, supra*, 25 Cal.4th at p. 850 [rules governing summary judgment motions]. The remainder of the paragraph remains as previously written.

There is no change in the judgment.