

CERTIFIED FOR PUBLICATION

COURT OF APPEAL, FOURTH APPELLATE DISTRICT

DIVISION ONE

STATE OF CALIFORNIA

BENETTA BUELL-WILSON et al.,

Plaintiffs and Respondents,

v.

FORD MOTOR COMPANY et al,

Defendants and Appellants.

D045154, D045579

(Super. Ct. No. GIC800836)

ORDER MODIFYING OPINION
AND DENYING REHEARING

[NO CHANGE IN JUDGMENT]

THE COURT:

It is ordered that the opinion filed herein on March 10, 2008, is modified as follows:

1. At page 87, the last sentence on that page is modified to delete the following language: "or improper argument of counsel."

2. At page 87, following the last sentence on that page, a footnote 14 is added, stating:

In its petition for rehearing Ford asserts that our opinion erroneously states that counsel conceded at oral argument that Ford failed to raise instructional error in the first appeal. However, a review of the oral argument record shows otherwise. First, at 9:20 a.m., the following exchange took place:

"[The Court:] Are you saying there was instructional error at the trial?

"[Ford's Counsel:] Yes.

"[The Court:] Did you raise it in your first appeal?

"[Ford's Counsel:] In our first appeal, Your Honor, we focused on the third party harm issue, but we focused on the Bronco II --

"[The Court:] So the answer is, 'No'?

"[Ford's Counsel:] The answer is, 'No,' we did not specifically raise the instructional issue in our first appeal"

In rebuttal, the following exchange took place, beginning at 9:51 a.m.:

"[The Court:] But did you complain about instructional error in your appeal?

"[Ford's Counsel:] We, we did not complain about it in our, in the first go-round."

All subsequent footnotes are renumbered accordingly.

There is no change in the judgment.

Appellants' petition for rehearing is denied.

McConnell, P. J.

Copies to: All parties