

CERTIFIED FOR PUBLICATION

IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION THREE

COSTCO WHOLESALE CORPORATION,

Defendant and Petitioner,

v.

THE SUPERIOR COURT OF LOS ANGELES
COUNTY,

Respondent;

GREG RANDALL et al.,

Plaintiffs and Real Parties in Interest.

B197692

(Los Angeles County
Super. Ct. No. BC296369)

ORDER MODIFYING OPINION
[NO CHANGE IN JUDGMENT]

THE COURT:

The opinion filed by this court on March 27, 2008, certified for publication, is hereby modified as follows:

The third full paragraph on page 13, is deleted and in its stead, insert the following paragraph:

Chadbourne “is the landmark California case on corporate attorney-client privilege.” (*Zurich American Ins. Co. v. Superior Court, supra*, 155 Cal.App.4th at p. 1496.) More recent cases discussing the privilege, such as *Zurich American Insurance Co. v. Superior Court, supra*, 155 Cal.App.4th 1485, have relied upon *Chadbourne* as well as *Upjohn Co. v. United States* (1981) 449 U.S. 383 (*Upjohn*). *Upjohn* “recognized that in a corporate setting, the attorney-client privilege may

extend to communications involving middle and lower level employees”
(*Zurich American Insurance Co. v. Superior Court, supra*, 155 Cal.App.4th at
p. 1497.) Additionally, *Upjohn* “acknowledged the importance of legal advice to
corporate employees at all levels” (*Zurich American Insurance Co. v.*
Superior Court, supra, at p. 1498.)

There is no change in the judgment.