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CERTIFIED FOR PUBLICATION

IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION EIGHT

JOHN DOE et al. Plaintiffs and Appellants, v. ROMAN CATHOLIC BISHOP OF SAN DIEGO et al., Defendants and Respondents.	B209557 (Los Angeles Super. Ct. JCCP Nos. 4286 & 4297) ORDER MODIFYING OPINION [No change in judgment]

THE COURT:*

GOOD CAUSE appearing, the opinion filed in the above entitled matter on November 6, 2009, is modified as follows: On the cover page, in the caption and in the first paragraph where it reads:

"Alameda"

is replaced with the following:

"Los Angeles"

On page 3, after the first sentence under the Facts and Procedural History, insert the following footnote, which will be numbered as footnote 3:

"Several church dioceses under the Archdiocese of Los Angeles are the principal defendants in numerous actions brought by plaintiffs alleging they were victims of childhood sexual abuse by certain priests and other persons subject to the control or supervision of the defendant church entities. This case, along with others involving the

Los Angeles Archdiocese and Orange diocese, are known collectively as *Clergy Cases I* (JCCP No. 4286); cases involving the San Diego and San Bernardino dioceses are known collectively as *Clergy Cases II* (JCCP No. 4297); and *Clergy Cases III* (JCCP No. 4359) involves various Northern California dioceses. *Clergy Cases I* and *II* were coordinated with the Los Angeles County Superior Court, and the Second District of the Court of Appeal has been designated as the intermediate appellate court for all of the coordinated cases."

As a result of this footnote 3, all subsequent footnote numbers are renumbered accordingly, and all affected footnote cross references are similarly renumbered.

On pages 8 and 9, footnote 9 which reads:

"Since our decision in Hightower, two of our sister courts have weighed in on its validity, reaching opposite conclusions. Both decisions are currently on review before our Supreme Court. Division 4 of the First District Court of Appeal concluded we were wrong and held that the 2002 amendments to section 340.1 amounted to the establishment of a new, delayed accrual date for childhood molestation claims. (*Quarry v. Doe I* (2009) 170 Cal.App.4th 1574, review granted June 10, 2009, S171382.) The Third District Court of Appeal agreed with Hightower, rejected many of the same arguments advanced by the plaintiffs here, and held that the statute's language and legislative history showed it had no retroactive effect beyond permitting barred claims during the 2003 revival period. (*K.J. v. Roman Catholic Bishop of Stockton* (2009) 172 Cal.App.4th 1388, review granted June 24, 2009, S173042.)"

is replaced with the following:

"Since our decision in *Hightower*, two of our sister courts have weighed in on its validity, reaching opposite conclusions. Both decisions are currently on review before our Supreme Court. (*Quarry v. Doe I* (2009) 170 Cal.App.4th 1574, review granted June 10, 2009, S171382; *K.J. v. Roman Catholic Bishop of Stockton* (2009) 172 Cal.App.4th 1388, review granted June 24, 2009, S173042.)"

On page 7, the last sentence of footnote 8, which reads:

"(See fn. 3, *ante*.)"

is replaced with the following:

"(See fn. 4, *ante*.)"

On page 20, that part of the first full paragraph, on line 1, where it reads:

"at page 635"

is replaced with the following:

"at page 210"

On page 21, the second sentence of Discussion section 3 that begins "Although the 1990 version of section 340.1 . . . ." is replaced in its entirety with the following:

"Although subdivision (d) of the 1986 version of section 340.1 and subdivision (*l*) of the 1990 version expressly permitted application of delayed discovery exceptions to the running of the limitations period, those provisions were removed from section 340.1 as part of the 1994 amendment."

[end of modification]

There is no change in judgment.

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* RUBIN, ACTING P. J. FLIER, J.