

CERTIFIED FOR PUBLICATION

IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

FIRST APPELLATE DISTRICT

DIVISION ONE

HARTFORD FIRE INS. CO. et al.,

Petitioners,

v.

SUPERIOR COURT OF SAN FRANCISCO
COUNTY,

Respondent;

SCOTT C. TURNER,

Real Party in Interest.

A109257

(San Francisco County
Super. Ct. No. 323192)

ORDER MODIFYING OPINION
NO CHANGE IN JUDGMENT

THE COURT:

The petition for rehearing filed by Real Party in Interest Scott C. Turner is denied. It is ordered that the opinion in this matter, filed on November 30, 2005, is modified to add the following paragraph, which will be the final paragraph before the Conclusion on page 7, and to modify the Conclusion, as follows:

Finally, we deny Turner's request to order the trial court to allow him to seek leave to amend his complaint to substitute a new plaintiff to satisfy the requirements of Proposition 64. Such a procedure would be inconsistent with the evident intent of the proposition to discourage persons who have not suffered actual injury from initiating litigation for violations of the UCL.

CONCLUSION

Let a peremptory writ of mandate issue commanding respondent San Francisco County Superior Court to vacate its order denying petitioners' motion for judgment on the pleadings and to enter a new order granting the motion for judgment on the pleadings without leave to amend. The stay previously imposed shall remain in effect until the remittitur issues. Each party will bear its own costs on appeal.

There is no change in the judgment.

Stein, Acting P. J.

Trial Court:

The Superior Court of San Francisco
County

Trial Judge:

Hon. Richard A. Kramer

Counsel for Petitioners:

Hartford Fire Insurance Company
Hartford Accident & Indemnity Company
Hartford Casualty Insurance Company
Hartford Insurance Company of the Midwest
Hartford Underwriters Insurance Company
First State Insurance Company
Nutmeg Insurance Company
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The American Insurance Company
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National Surety Corporation
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Superior Court of San Francisco County

No appearance for respondent

Counsel for Real Party in Interest:

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