

CERTIFIED FOR PUBLICATION

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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA
THIRD APPELLATE DISTRICT
(Sacramento)

D.J. NELSON, as Trustee, etc.,
Plaintiff and Appellant,
v.
EXXON MOBIL CORPORATION,
Defendant and Respondent.

C059615
(Super. Ct. No. 02AS00535)

COOK ENDEAVORS,
Petitioner,
v.
THE SUPERIOR COURT OF SACRAMENTO
COUNTY,
Respondent;
EXXON MOBIL CORPORATION,
Real Party in Interest.

C060271
(Super. Ct. No. 02AS00535)
ORDER MODIFYING OPINION
[No change in judgment]

APPEAL from a judgment of the Superior Court of Sacramento County, Michael J. Virga, Judge. Affirmed.

ORIGINAL PROCEEDINGS: Petition for writ of mandate and request for stay. Michael J. Virga, Judge. Alternative writ dissolved, stay vacated, and peremptory writ issued.

Baron & Budd, Scott Summy, Celeste A. Evangelisti, John L. Yates, Carla M. Burke; Stevens, O'Connell & Jacobs, Charles J. Stevens, David A. Cheit, Bradley A. Benbrook; Sher & Leff, Victor M. Sher, Richard M. Franco for Plaintiff and Appellant and for Petitioner.

Sheppard, Mullin, Richter & Hampton, Jeffrey J. Parker, Whitney Jones Roy, Karin Dougan Vogel; Morgan Lewis & Brockius, David L. Schrader for Defendant and Respondent and for Real Party in Interest.

No appearance for Respondent Superior Court of Sacramento County.

BY THE COURT:

It is hereby ordered that the opinion filed herein on November 20, 2009, be modified as follows:

On page 26, under the heading "DISPOSITION", delete the following language of the second sentence in that paragraph ", and the stay issued by this court on December 4, 2008, is hereby vacated." and replace it with ". The stay issued by this court on December 4, 2008, shall be dissolved upon this opinion becoming final."

The corrected sentence should now read: "In case No. C060271, the alternative writ, having fulfilled its purpose, is hereby dissolved. The stay issued by this court on December 4, 2008, shall be dissolved upon this opinion becoming final."

