

CERTIFIED FOR PUBLICATION

IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION SEVEN

JAMES A. CLARK et al.,

Petitioners,

v.

THE SUPERIOR COURT OF
LOS ANGELES COUNTY,

Respondent,

NATIONAL WESTERN LIFE
INSURANCE COMPANY,

Real Party in Interest.

No. B212512

(Super. Ct. No. BC321681)

ORDER MODIFYING OPINION
(NO CHANGE IN JUDGMENT)

THE COURT:

It is ordered that the opinion filed herein on May 21, 2009 be modified as follows:

1. On page 13, in the last sentence of the first full paragraph under heading number 3, “common law fraud or” is deleted and footnote 12 is added to the end of the sentence, which will require the renumbering of all subsequent footnotes.

¹² We need not address whether a common law fraud claim seeking rescission and restitution (see Civ. Code, §§ 1692, 3343) would fall within the ambit of section 3345.

There is no change in the judgment.

PERLUSS, P. J.

WOODS, J.

JACKSON, J.