

**CERTIFIED FOR PUBLICATION**

IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION SEVEN

ROBIN HICKS et al.,

Petitioners,

v.

THE SUPERIOR COURT OF  
LOS ANGELES COUNTY,

Respondent;

KAUFMAN AND BROAD HOME  
CORPORATION et al.,

Real Parties in Interest.

No. B167843

(Los Angeles County  
Super. Ct. No. BC198414)

ORDER MODIFYING OPINION  
[NO CHANGE IN JUDGMENT]

THE COURT:

It is ordered that the opinion filed herein on January 22, 2004 be modified as follows:

1. On page 2, first sentence of the majority opinion, the word “permitted” is changed to “precluded” so that the sentence reads:

We issued an order to show cause in this case to determine whether, at the time of the home sales at issue, California law precluded the builder of newly constructed homes from modifying or excluding from its sales contracts the common law implied warranty of quality first recognized in *Pollard v. Saxe & Yolles Dev. Co.* (1974) 12 Cal.3d 374 (*Pollard*).

There is no change in the judgment.

---

PERLUSS, P. J.

WOODS, J.