

CERTIFIED FOR PARTIAL PUBLICATION*

IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION ONE

JOSEPH L. SHALANT,

Plaintiff and Appellant,

v.

THOMAS V. GIRARDI et al.,

Defendants and Respondents.

B211932 c/w B214302

(L.A.Super.Ct. No.
BC 363843 c/w BC 366214)

ORDER MODIFYING OPINION
AND DENYING REHEARING
(Teresa Sanchez-Gordon, Judge)

[NO CHANGE IN JUDGMENT]

JOSE CASTRO,

Plaintiff and Respondent,

v.

JOSEPH L. SHALANT,

Defendant and Appellant.

B214302 c/w B211932

(L.A.Super.Ct. No.
BC 366214 c/w BC 363843)

* Pursuant to California Rules of Court, rules 8.1100 and 8.1110, this opinion is certified for publication with the exception of part II.

THE COURT:

IT IS ORDERED that the opinion filed herein on April 5, 2010, be modified in the following particulars:

On page 14, second paragraph, add a new footnote 7 at the end of the last sentence ending with “case,” which will require renumbering of all subsequent footnotes, and add as footnote 7, the following text:

In his petition for rehearing, Castro argues that “rehearing should be granted to permit supplemental briefing pursuant to Government Code section 68081.” That statute requires us to grant a petition for rehearing if we have rendered a decision “based upon an issue which was not proposed or briefed by any party to the proceeding” without first affording the parties an opportunity to submit supplemental briefs. (Gov. Code, § 68081.) No rehearing is required because, on pages 13 and 19 through 21 of his respondent’s brief, Castro did brief the issues of (1) whether the judgment is supported by substantial evidence and (2) whether Shalant had a duty “to disclose his state bar status” to Castro.

This modification does not have an effect on the judgment.

Respondent Castro’s petition for rehearing is denied.

ROTHSCHILD, Acting P. J.

CHANEY, J.

JOHNSON, J.