

CERTIFIED FOR PUBLICATION

IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

FIRST APPELLATE DISTRICT

DIVISION ONE

ANA SILVA YANEZ,
Plaintiff and Appellant,

v.

SOMA ENVIRONMENTAL
ENGINEERING, INC., et al.,
Defendants and Respondents.

A123893

(Alameda County
Super. Ct. No. VG-06288107)

ORDER MODIFYING OPINION
AND DENYING REHEARING
[NO CHANGE IN JUDGMENT]

It is ordered that the opinion filed herein on June 24, 2010, be modified as follows:

1. On page 21, after the first full sentence beginning, “Because Yanez’s original damages award must now be restored,” add as footnote 14 the following footnote:

¹⁴ We reject SOMA’s argument that this court lacks jurisdiction to review the trial court’s rulings concerning prejudgment interest and post-offer costs, which were reflected in a written order entered on November 3, 2008. We construe Yanez’s appeal to be from the amended judgment entered on November 25, 2008. (Cal. Rules of Court, rule 8.100(a)(2).) The court’s November 3 order on SOMA’s motion to tax costs is reviewable from the ensuing amended judgment pursuant to Code of Civil Procedure section 906. The order was not separately appealable under Code of Civil Procedure section 904.1, subdivision (a)(2) because it preceded the final, amended judgment.

There is no change in the judgment.

Respondent SOMA Environmental Engineering, Inc.’s petition for rehearing is denied.

Dated:

Margulies, Acting P.J.