

CERTIFIED FOR PUBLICATION

IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

FOURTH APPELLATE DISTRICT

DIVISION THREE

PEDRO MEDINA,

Plaintiff and Appellant,

v.

SAFE-GUARD PRODUCTS,
INTERNATIONAL, INC. et al.,

Defendants and Respondents.

G038816

(Super. Ct. No. 06CC00128)

ORDER MODIFYING OPINION;
NO CHANGE IN JUDGMENT

Respondent's request for modification is GRANTED. The opinion, filed June 19, 2008, is hereby modified as follows:

1. Delete the word "really" from the first sentence of the opinion (slip opn. at p. 2) and replace it with the word "allegedly."

2. After the word "contract" in the first sentence of the opinion, insert this new footnote, and renumber all subsequent footnotes accordingly:

"Because this case comes to us from a judgment after the sustaining of a demurrer, the parties have not had the occasion to address the merits of whether a vehicle service contract really is an 'insurance contract' under the Insurance Code. For purposes

of this opinion, we will proceed on the assumption that the vehicle service contract at issue here is an insurance contract, but this opinion should not be read as addressing the merits of the issue, one way or the other.”

These modifications do not affect the judgment.

SILLS, P. J.

WE CONCUR:

MOORE, J.

ARONSON, J.