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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION ONE

WERTHEIM, LLC,

Plaintiff, Appellant and Respondent,

v.

CURRENCY CORPORATION et al.,

Defendants, Respondents and Appellants.

B218547

(Los Angeles County  
Super. Ct. No. BC328263)

ORDER MODIFYING OPINION  
AND DENYING PETITIONS FOR  
REHEARING

[no change in the judgment]

THE COURT:

IT IS ORDERED that the opinion filed herein on May 22, 2012, be modified as follows:

On page 26, add footnote 3 at the end of the last sentence, so that sentence now reads:

“The provisions of the assignments remain effective and properly bestow standing on Wertheim to conduct this litigation.<sup>3</sup>”

Footnote 3 reads:

“As stated above, Cleveland settled his claims against Currency for violation of the Finance Lenders Law in June 2006 and dismissed them on August 4, 2006. Currency argues these claims involved the same primary rights and constituted the same causes of action as Wertheim’s claims for breach of the promissory notes, because in them Wertheim alleged Currency breached its promise not to charge illegal interest. Currency argues Cleveland’s dismissal of his finance law claims thus bars Wertheim’s contract claims. We disagree. To the extent a finance law claim involves the same primary right

as a contractual claim premised on violation of the finance law, a matter on which we express no opinion, Cleveland assigned all such claims to Wertheim's predecessors in April and August 2005, a year before he settled with Currency. Pursuant to Currency's identity argument, Cleveland thereafter possessed no finance law claim that could be either settled or dismissed."

This modification does not effect a change in the judgment.

Appellants' and cross-appellants' petitions for rehearing are denied.

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MALLANO, P. J.

CHANEY, J.

JOHNSON, J.