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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION EIGHT

CARLOS RODRIGUEZ et al.,

Plaintiffs and Respondents,

v.

CITIGROUP GLOBAL MARKETS, INC.,

Defendant and Appellant.

B230310

(Los Angeles County
Super. Ct. No. BC440886)

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

IT IS ORDERED that the opinion filed in the above-captioned matter on June 21, 2012, be modified as follows:

On page 2, the language in footnote 2 is deleted, and the following is added in its place:

Both Hayes and Citigroup are named as defendants in the complaint filed by respondents. In the court below, counsel for Citigroup originally filed the petition to compel arbitration on behalf of both Citigroup and Hayes. Before the trial court heard the petition, however, counsel for Citigroup filed a notice of errata stating that Hayes had never been served with the summons and complaint and that it had no authority to file the petition on his behalf. Thus Hayes ultimately was not a party to the petition to compel and is not now a party to this appeal.

This modification effects no change in the judgment.

The petition for rehearing filed by Appellant on July 5, 2012, is denied.

BIGELOW, P. J.

RUBIN, J.

SORTINO, J.*

* Judge of the Los Angeles Superior Court, assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution.