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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION THREE

STATE OF CALIFORNIA DIVISION OF  
OCCUPATIONAL SAFETY AND HEALTH  
et al.,

Petitioners,

v.

THE SUPERIOR COURT OF  
LOS ANGELES COUNTY,

Respondent;

MARGARITA ALVAREZ BAUTISTA  
et al.,

Real Parties in Interest.

B235419

(Los Angeles County  
Super. Ct. No. BC418871)

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

THE COURT:

Good cause appearing, the opinion in the above entitled matter, filed on April 23, 2012, Not for Publication, is hereby modified as follows:

1. Page 7, delete the last sentence in the second full paragraph and insert, “Thus, applying *Western States*, as the operative complaint alleges the agency’s failure to

enforce the heat illness prevention regulation in 2009, Bautista is only entitled to discovery of Cal-OSHA's 2009 files.”

2. Page 8, delete the first sentence in the fourth paragraph and insert, “Bautista’s mandamus claims relate to how Cal-OSHA failed to enforce the heat illness prevention regulation in 2009, not a “practice” or de facto policy by the agency.”
3. Page 9, delete the sentence beginning on line 1 through line 2 and insert, “None of these cases sought a mandate based upon similar allegations presented in the operative complaint.”

The petition for rehearing is denied.

There is no change in the judgment.