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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION ONE

MARTIN A. ZAHORIK,

Plaintiff and Appellant,

v.

JOHN E. SWEENEY et al.,

Defendant and Respondent.

B237038

(Los Angeles County
Super. Ct. No. BC422888)

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

THE COURT:

It is ordered that the opinion filed herein on January 23, 2013, be modified as follows:

1. On page 2, second full paragraph, the last sentence (beginning “The notice form contained”) is deleted and the following sentences are inserted in its place:

The notice form contained the option of attaching a copy of a transcript reimbursement fund application pursuant to California Rules of Court, rule 8.130. Under Business and Professions Code section 8030.4 in effect at the time, indigents, including those representing themselves in propria persona, were

allowed to apply for transcript reimbursement funds. Zahorik did not elect to apply for transcript reimbursement funds.

2. On page 4, the phrase “or evidence of Zahorik’s indigency” in the third sentence of the second paragraph is deleted so the sentence reads:

But the record does not contain any of the motions.

3. On page 5, the first full paragraph (beginning “Although Zahorik claims”) is deleted and the following paragraph is inserted in its place:

Although Zahorik claims in his reply brief that he could not provide a reporter’s transcript on appeal because he is indigent, under Business and Professions Code section 8030.4 in effect at the time, indigents, including those representing themselves in propria persona, were allowed to apply for transcript reimbursement funds. Zahorik chose not to file a transcript reimbursement fund application referenced in the notice form designating the record on appeal.

There is no change in the judgment.

Appellant’s petition for rehearing is denied.

MALLANO, P. J.

CHANEY, J.

JOHNSON, J.