

CERTIFIED FOR PUBLICATION

IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA
THIRD APPELLATE DISTRICT
(Sacramento)

BRONCO WINE COMPANY et al.,

Petitioners,

v.

MANUEL R. ESPINOZA, as Interim
Director, etc., et al.,

Respondents;

NAPA VALLEY VINTNERS ASSOCIATION,

Intervenors.

C037254

MODIFICATION OF
OPINION UPON DENIAL OF
PETITION FOR REHEARING

ORIGINAL PROCEEDING; Application for Writ of Mandate. Writ Issued.

Bill Lockyer, Attorney General, David S. Chaney, Senior Assistant Attorney General, Damon M. Connolly, Miguel A. Neri, Supervising Deputy Attorneys General, Terry Senne, Deputy Attorney General, for Respondents.

Howard, Rice, Nemerovski, Canady, Falk & Rabkin, Jerome B. Falk, Jr. and Steven L. Mayer; Ropes & Gray, Peter M. Brody and Kelly B. Kramer for Petitioners.

Keker & Van Nest, John W. Keker, Henry C. Bunsow, James M. Emery, Ragesh K. Tangri and Daniel Purcell, for Intervenor.

BY THE COURT:

The opinion of this court filed December 18, 2002, in the above entitled case is modified as follows:

On page two, footnote 1, second sentence, replace "parties therefore" with "respondents". Also add the following sentence at the end of footnote 1: "Intervenor filed a pleading challenging our subject matter jurisdiction but made no supporting argument. It has therefore waived the issue."

As modified, the petition for rehearing is denied. There is no change in the judgment.

FOR THE COURT:

BLEASE, Acting P. J.

RAYE, J.

MORRISON, J.