

No. S228277

SUPREME COURT COPY

In the Supreme Court
OF THE
State of California

SUPREME COURT
FILED

MAY 19 2016

Frank A. McGuire Clerk

Deputy

WILLIAM PARRISH and
E. TIMOTHY FITZGIBBONS
Plaintiffs and Appellants,

v.

LATHAM & WATKINS LLP
and DANIEL SCHECTER,
Defendants and Respondents

Review of a Decision by the Court of Appeal
Second Appellate District, Division Three
No. B244841

**NOTICE OF ERRATA TO AMICUS CURIAE BRIEF OF THE
ASSOCIATION OF SOUTHERN CALIFORNIA DEFENSE COUNSEL
IN SUPPORT OF RESPONDENTS**

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WILLIAM PARRISH and
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**ERRATA TO AMICUS CURIAE BRIEF OF THE
ASSOCIATION OF SOUTHERN CALIFORNIA DEFENSE
COUNSEL IN SUPPORT OF RESPONDENT**

TO THE PARTIES AND THE COURT:

The amicus curiae brief of the Association of Southern California Defense Counsel in support of respondents, filed with permission on May 17, 2016, in the last paragraph on Page 8 continuing to the top of Page 9, inaccurately quoted from *Flores v. Presbyterian Intercommunity Hospital* (May 5, 2016, No. S209836) ___ Cal.4th ___, 2016 Cal. LEXIS 2561.

The text of that paragraph, quoting *Flores* in proper context, should be corrected to read as follows:

As this court recently noted in *Flores v. Presbyterian Intercommunity Hospital* (May 5, 2016, No. S209836) ___ Cal.4th ___, 2016 Cal. LEXIS 2561, the phrase “wrongful act or omission ... arising in the performance of professional services” covers a broader range not limited to negligent acts; the court rejected the argument that section 340.6 applies to “*all forms of attorney misconduct*, except actual fraud, that occur during the attorney client-relationship or entail violation of a professional obligation. (*Lee, supra*, 61 Cal.4th at p. 1238.)” (*Flores, supra*, ___ Cal.4th ___, 2016 Cal. LEXIS 2561 at p. *21, emphasis added.) But regardless of how the action is styled, “section 340.6(a) is properly read to apply to claims that ‘depend on proof that an attorney violated a professional obligation in the course of providing professional services.’ (*Lee, supra*, 61 Cal.4th at pp. 1236-1237.)” (*Ibid.*)

For comparison, a redlined version of the original text (with the corrected text highlighted in yellow) appears below:

As this court recently noted in *Flores v. Presbyterian Intercommunity Hospital* (May 5, 2016, No. S209836) ___ Cal.4th ___, 2016 Cal. LEXIS 2561, the phrase “wrongful act or omission ... arising in the performance of professional services” ~~is~~ covers a broader range not limited to negligent acts; the court rejected the argument that section 340.6 ~~more broadly encompasses~~ applies to “*all forms of attorney misconduct*, except actual fraud, that occur during the attorney client-relationship or entail violation of a professional obligation. (*Lee, supra*, 61 Cal.4th at p. 1238.)” (*Flores, supra*, ___ Cal.4th ___, 2016 Cal. LEXIS 2561 at p. *21, emphasis added.) But regardless of how the action is styled, “section 340.6(a) is properly read to apply to claims that ‘depend on proof that an attorney violated a professional obligation in the course of providing professional services.’ (*Lee, supra*, 61 Cal.4th at pp. 1236-1237.)” (*Ibid.*)

Counsel for ASCDC regrets any inconvenience to the court and the parties resulting from the error and requests leave to file this ERRATA.

Dated: May 18, 2016

Respectfully submitted,

BUCHALTER NEMER P.C.
Harry W.R. Chamberlain II
Robert M. Dato

By: 
Attorneys for Amicus Curiae
ASSOCIATION OF SOUTHERN
CALIFORNIA DEFENSE COUNSEL

PROOF OF SERVICE BY MAIL
(State of California)

I am over the age of 18 and not a party to the within action. I am employed in the County of Los Angeles, State of California with my office located at 1000 Wilshire Boulevard, Suite 1500, Los Angeles, CA 90017.

On the date set forth below, I served the within document(s) entitled:

**NOTICE OF ERRATA TO AMICUS CURIAE BRIEF OF
THE ASSOCIATION OF SOUTHERN CALIFORNIA
DEFENSE COUNSEL IN SUPPORT OF RESPONDENTS**

by placing a true and correct copy thereof in a sealed envelope addressed to the parties as follows:

SEE ATTACHED SERVICE LIST

By United States Postal Service. I am readily familiar with my firm's practice for collecting and processing of correspondence for mailing with the United States Postal Service. In that practice correspondence would be deposited with the United States Postal Service that same day in the ordinary course of business, with the postage thereon fully prepaid, in Sacramento California. The envelope was placed for collection and mailing on this date following ordinary business practice.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed this 18th day of May 2016 at Los Angeles, California.



HARRY W.R. CHAMBERLAIN II

SERVICE LIST

Parrish v. Latham & Watkins, LLP

No. S228277

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Super. Ct. Case No. BC482394

(For: Hon. James R. Dunn)