

Filed 3/26/09

CERTIFIED FOR PUBLICATION

IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION SIX

PEAK-LAS POSITAS PARTNERS,

Plaintiff and Respondent,

v.

MICHAEL BOLLAG,

Defendant and Appellant.

2d Civil No. B205091
(Super. Ct. No. 1221390)
(Santa Barbara County)

ORDER MODIFYING OPINION
[NO CHANGE IN JUDGMENT]

THE COURT:

It is ordered that the opinion filed herein on March 16, 2009, be modified as follows:

The first full paragraph on page 1 is changed to read:

"Parties agree to act reasonably in their contractual relationship. This case demonstrates that when a party acts unreasonably, it is reasonably certain that no one prospers."

There is no change in the judgment.