

CERTIFIED FOR PARTIAL PUBLICATION

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

MICHAEL KING,

Plaintiff and Appellant,

v.

CAROL WILLMETT,

Defendant and Respondent.

C059236

(Super. Ct. No. 06AS02165)

ORDER MODIFYING
DISSENTING OPINION

[NO CHANGE IN JUDGMENT]

THE COURT:

It is ordered that the separate, dissenting opinion filed in this case on August 9, 2010, be modified as follows:

1. On page 1, beginning at line 7 of the first full paragraph, **delete** the citation to "*Howell v. Hamilton Meats & Provisions, Inc.* (2009) 179 Cal.App.4th 686, review granted Mar. 10, 2010, S179115 (*Howell*);" so the citations now read:

(See, e.g., *Olsen v. Reid* (2008) 164 Cal.App.4th 200; *Yanez v. SOMA Environmental Engineering, Inc.* (2010) 185 Cal.App.4th 1313 (*Yanez*).)

2. On page 1, delete the last sentence of the first full paragraph, which begins "More is yet to come" and **replace** it with:

More is yet to come given the Supreme Court's grant of review in *Howell v. Hamilton Meats & Provisions, Inc.* (2009) 179 Cal.App.4th 686, review granted March 10, 2010, S179115.

3. On page 3, in the second sentence of the first full paragraph, which reads "While some courts have found" **delete** the citation "(see, *Howell, supra*, 179 Cal.App.4th at p. 699, review granted Mar. 10, 2010, S179115)," following the words "pay the bills for medical services" and close up the sentence, so that the sentence now reads:

While some courts have found detriment in the mere fact of the original billing and a plaintiff's initial obligation to pay the bills for medical services, this detriment is, at best, evanescent under these circumstances, one soon to be extinguished by the formulas and agreements between the health care providers and the health insurance carrier.

4. On page 4, in the first line of the first sentence of the first paragraph, which begins "In *Helfend*," **insert** the word "the" after "*Helfend*," so that it now reads: "In *Helfend*, **the** plaintiff".

5. On page 4, in the second sentence, fourth line of the first paragraph, which begins "Regarding the cost", after the words "jury that the defendant had received payments", **delete** the word "defendant" and **replace** it with "plaintiff".

These modifications do not effect a change in the judgment.

HULL, J.