

CERTIFIED FOR PARTIAL PUBLICATION
IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA
FIRST APPELLATE DISTRICT
DIVISION FOUR

MARY MUSAELIAN,

Plaintiff,

v.

WILLIAM L. ADAMS et al.,

Defendants and Respondents;

JOHN G. WARNER,

Objector and Appellant.

A112906

(Sonoma County
Super. Ct. No. SCV236208)

THE COURT:

The petition for rehearing filed by respondents on August 7, 2007, is denied.

The opinion filed herein on July 25, 2007, is ordered modified as follows:

1. In footnote * on page 1 change “parts I and II (B)” to read “parts I. and II.(B).”
2. On page 17, in the unpublished portion of the opinion, delete the second sentence of the paragraph carrying over to page 18: “Assuming for purposes of argument that plaintiff could not succeed in her claim unless she had prevailed in *Reiter*, we reject this conclusion.” Substitute therefor, “But an abuse of process claim—unlike a cause of action for malicious prosecution—does not include as an element that the plaintiff have prevailed in a prior action. (Compare *Drum, supra*, 107 Cal.App.4th at p. 1019 and *Cantu v. Resolution Trust Corp.* (1992) 4 Cal.App.4th 857, 884-885 with *Marijanovic v. Gray, York & Duffy* (2006) 137 Cal.App.4th 1262, 1270-1271.) In any event, plaintiff could reasonably argue that the ultimate outcome of her limited involvement in the *Reiter* case was favorable.”

There is no change in the judgment.

DATED:

_____ P. J.