

FILED

Jan 11, 2022

DANIEL P. POTTER, Clerk

MGudiel Deputy Clerk

Filed 1/11/22

CERTIFIED FOR PUBLICATION

IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION SEVEN

ERIC ALVIN COVERT,

Plaintiff and Respondent,

v.

FCA USA, LLC,

Defendant and Appellant.

B303663

(Los Angeles County
Super. Ct. No. BC629240)

THE COURT:

The opinion in this case filed January 4, 2022 is modified as follows: On page 19, in the last sentence of part B, delete Code of Civil Procedure and replace it with Civil Code, so the sentence reads: Accordingly, we conclude that a valid and reasonable section 998 offer by the seller, where the buyer recovers less than the offer, precludes recovery by the buyer of postoffer attorneys' fees and costs under Civil Code section 1794, subdivision (d).

Further, the opinion filed January 4, 2022 was not certified for publication. It appearing the opinion meets the standards for publication specified in California Rules of Court, rule 8.1105(c),

appellant's request for publication pursuant to California Rules of Court, rule 8.1120(a) is granted.

IT IS HEREBY CERTIFIED that the opinion meets the standards for publication specified in California Rules of Court, rule 8.1105(c); and

ORDERED that the words Not to be Published in the Official Reports appearing on page 1 of said opinion be deleted and the opinion herein be published in the Official Reports.

This order does not change the appellate judgment.

PERLUSS, P. J.

FEUER, J.

IBARRA, J.*

* Judge of the Santa Clara County Superior Court, assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution.