

CERTIFIED FOR PUBLICATION

IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

FIRST APPELLATE DISTRICT

DIVISION ONE

LISA MURPHY,

Plaintiff and Respondent,

v.

CHECK 'N GO OF CALIFORNIA, INC.,

Defendant and Appellant.

A114442

(San Francisco County

Super. Ct. No. CGC-06-449394)

ORDER MODIFYING OPINION

[NO CHANGE IN JUDGMENT]

THE COURT:

It is ordered that the opinion filed herein on October 17, 2007, be modified as follows:

1. The words “involving unwaivable statutory rights” are added to the second sentence of the first full paragraph on page 10, so that the sentence reads: *Gentry* confirmed that *Discover Bank*'s reasoning was not confined to consumer actions involving miniscule damages, and extended *Discover Bank*'s rationale to wage and hour cases involving unwaivable statutory rights where a class action waiver could likewise be “exculpatory in practical terms because it can make it very difficult for those injured by unlawful conduct to pursue a legal remedy.”

2. Add to the list of attorneys representing plaintiff and respondent, Lisa Murphy: Ellen Lake from the Law Offices of Ellen Lake.

These modifications do not change the judgment.

Marchiano, P.J.

TRIAL COURT: San Francisco County Superior Court

TRIAL JUDGE: Honorable Ronald E. Quidachay

ATTORNEYS:

Squire, Sanders & Dempsey
Alexandra A. Bodnar, Casey J. T. McCoy and Mark C. Dosker
for Defendant and Appellant – Check ‘N Go of California, Inc.

Keller Grover
Eric A. Grover, Jade Butman and Elizabeth A. Acevedo
for Plaintiff and Respondent – Lisa Murphy

Law Offices of Ellen Lake
Ellen Lake
for Plaintiff and Respondent – Lisa Murphy