

CERTIFIED FOR PUBLICATION

IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION THREE

LOUIE HUNG KWEI LU,

Plaintiff and Appellant,

v.

HAWAIIAN GARDENS CASINO, INC. et
al.,

Defendants and Respondents.

B194209

(Los Angeles County
Super. Ct. No. BC286164)

ORDER MODIFYING OPINION

[CHANGE IN JUDGMENT]

THE COURT:

The opinion filed by this court on January 22, 2009 is hereby modified as follows:

On page 2, line three of the second full paragraph starting with “to sue, that they”, insert the word “may” before the word “nonetheless”.

On page 6, delete heading 1 and insert, “1. *Lu does not have a private right to sue directly under Labor Code sections 351 and 450 but said statutes may serve as predicates to causes of action under the UCL for violation thereof.*”

On page 11, line one of the second full paragraph starting with “Nevertheless,” insert the word “possible” before the words “cause of action”.

On page 11, lines seven and eight of the second full paragraph, delete the sentence starting with “The UCL is a proper avenue”, and insert, “It therefore follows that sections 351 and 450 can serve as predicates for a UCL claim by Lu.”

On page 11, at the end of the second full paragraph, insert “We express no opinion about whether Lu’s UCL claim can withstand demurrer. We simply hold that these statutes can serve as predicates to a UCL cause of action.”

On page 24, delete the first full sentence and insert, “The trial court’s order granting summary adjudication with respect to the UCL cause of action premised on a violation of Labor Code section 351 is reversed with directions to deny summary adjudication of that cause of action.”

The modifications affect the judgment.