

Not Reported in Cal.Rptr.2d, 2001 WL 1513759 (Cal.App. 4 Dist.)  
Nonpublished/Noncitable (Cal. Rules of Court, Rules 8.1105 and 8.1110, 8.1115)  
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California Rules of Court, rule 8.1115, restricts citation of unpublished opinions in California courts.

Court of Appeal, Fourth District, Division 3, California.

Robert BLAKE et al., Plaintiffs and Appellants,  
v.

621-623 LIDO PARK DRIVE CONDOMINIUM  
ASSOCIATION et al., Defendants and Respondents.

No. G022082.  
(Super.Ct.No. 753884).  
Nov. 28, 2001.

Appeal from a judgment of the Superior Court of Orange County, C. Robert Jameson, Judge. Appeal dismissed.

Law Offices of Marjorie G. Fuller and Marjorie G. Fuller for Plaintiffs and Appellants.

Robie & Matthai, Pamela E. Dunn, Kim W. Sellars and Daniel J. Koes, for Defendants and Respondents.

#### OPINION

BEDSWORTH, Acting P.J.

\*1 Robert, Kelley, Aaron and Ruth Blake appeal from a judgment that awarded attorney fees and costs to 621 Lido Park Drive Condominium Association and two of its directors in this action for failure to disclose asbestos in their condominium unit. The Blakes argue the fee clause in the condominium documents did not permit an award in this tort action. We conclude the point is moot because the case has been settled, and so dismiss the appeal.

Subsequent to the briefing of this appeal, the

parties settled their disputes and a judgment incorporating the terms of the settlement was entered in November 1999. The Blakes separately appealed from that judgment. We shall refer to the appeal from the November 1999 judgment as the "asbestos case," and to this matter as the "fee appeal."

Our opinion in the asbestos case, filed simultaneously with this opinion, concludes that the settlement is enforceable and affirms the judgment. (*Robert Blake et al. v. 621-633 Lido Park Drive Condominium Association et al.*, G026819/G026820.) In March 1999, we denied a motion to dismiss this appeal after the Blakes filed opposition stating the matter had not settled. But now there is no doubt about the matter, and we note the settlement required the Blakes to dismiss this appeal.

Since this matter has been settled, the appeal is dismissed as moot. Respondents are entitled to costs on appeal.

We concur: O'LEARY and MOORE, JJ.

Cal.App. 4 Dist., 2001.  
Blake v. 621-623 Lido Park Drive Condominium Ass'n  
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