

Filed 10/7/02

CERTIFIED FOR PUBLICATION

IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION TWO

IRV RUBIN et al.,

Plaintiffs and Respondents,

v.

CITY OF BURBANK,

Defendant and Appellant.

B148288

(Los Angeles County  
Super. Ct. No. BC 221942)

ORDER MODIFYING OPINION  
AND DENYING REHEARING  
[NO CHANGE IN JUDGMENT]

THE COURT:

It is ordered that the opinion filed herein on September 9, 2002, be modified as follows:

On page 15, footnote 11 has been modified to read:

Amicus Thirty-Four California Cities presents an argument in their brief that the terms of the trial court's injunction are ambiguous and therefore unenforceable. This issue was not raised by appellant in its opening brief. While we recognize that this court may consider new issues raised by an amicus on appeal (see *Fisher v. City of Berkeley* (1984) 37 Cal.3d 644, 709-713), we decline to do so here.

There is no change in the judgment.

Appellant's petition for rehearing is denied.