

CERTIFIED FOR PUBLICATION

IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

FIRST APPELLATE DISTRICT

DIVISION FIVE

RITA PARRISH et al.,

Plaintiffs and Respondents,

v.

CINGULAR WIRELESS, LLC, et al.,

Defendants and Appellants.

A105518

**(Alameda County
Super. Ct. No. JCCP 4332)**

**ORDER MODIFYING OPINION AND DENYING
PETITIONS FOR REHEARING**

The opinion filed on May 18, 2005, is ordered modified as follows:

1. On page 4, in the first full paragraph, the third sentence beginning “Cingular conceded” is deleted and the following sentence is inserted in its place:

“Cingular acknowledged below that the claims for injunctive relief were not arbitrable under *Cruz* and *Broughton*, and on appeal Cingular again recognizes that this court is bound to follow existing precedent from the California Supreme Court.”

2. On page 4, footnote 6 is deleted and all subsequent footnotes are renumbered.

There is no change in the judgment.

The petitions for rehearing separately filed by appellants and by respondents are denied. Appellants’ request for judicial notice, filed concurrently with the petition for rehearing on June 1, 2005, is denied. Respondents’ request for judicial notice, filed concurrently with the petition for rehearing on June 3, 2005, is denied.

Dated _____ P.J.

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