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11 Attorneys for Plaintiff Airbnb, Inc.

12 UNITED STATES DISTRICT COURT
 13 NORTHERN DISTRICT OF CALIFORNIA
 14 SAN FRANCISCO DIVISION
 15

16 AIRBNB, INC.,
 17 Plaintiff,
 18 HOMEAWAY.COM, INC.,
 19 Plaintiff-Intervenor,
 20 vs.
 21 CITY AND COUNTY OF SAN
 22 FRANCISCO,
 23 Defendant.

Case No. 16-cv-03615-JD

**STIPULATION AND [PROPOSED]
 ORDER REGARDING FURTHER
 SETTLEMENT CONFERENCE AND
 STAY OF ENFORCEMENT**

Judge: Hon. James Donato
 Courtroom: 11
 Action Filed: June 27, 2016

STIPULATION

1
2 WHEREAS, on November 18, 2016, this Court entered an order enjoining enforcement of
3 Section 41A.5 of the San Francisco Administrative Code (the “Ordinance”) through and including
4 December 1, 2016;

5 WHEREAS, on November 29, 2016, the parties participated in a settlement conference
6 with Magistrate Judge Corley;

7 WHEREAS, on November 29, 2016, the parties filed a stipulation and proposed order with
8 the Court informing the Court that they intended to continue discussing settlement, both privately
9 and with Magistrate Judge Corley, and that they agreed that the City and County of San Francisco
10 (the “City”) would not enforce Section 41A.5 of the Ordinance against hosting platforms through
11 and including January 27, 2017;

12 WHEREAS, on November 29, 2016, the Court entered an order providing that the City
13 would not enforce Section 41A.5 of the Ordinance against hosting platforms through and
14 including January 27, 2017, and scheduled a Case Management Conference for January 26, 2017;

15 WHEREAS, on January 25, 2017, the Court entered an order granting the parties’
16 stipulation providing that that the City would not enforce Section 41A.5 of the Ordinance against
17 hosting platforms through and including March 3, 2017, vacated the Case Management
18 Conference scheduled for January 26, 2017, and scheduled a Case Management Conference for
19 March 2, 2017;

20 WHEREAS, on March 1, 2017, the Court entered an order granting the parties’ stipulation
21 providing that that the City would not enforce Section 41A.5 of the Ordinance against hosting
22 platforms through and including April 7, 2017, vacated the Case Management Conference
23 scheduled for March 2, 2017, and scheduled a Case Management Conference for April 6, 2017;

24 WHEREAS, on March 30, 2017, the Court entered an order granting the parties’
25 stipulation providing that that the City would not enforce Section 41A.5 of the Ordinance against
26 hosting platforms through and including April 28, 2017, vacated the Case Management
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1 Conference scheduled for March 2, 2017, and scheduled a Case Management Conference for April
2 27, 2017;

3 WHEREAS, the parties have continued discussing settlement since January 25, 2017, both
4 privately and with Magistrate Judge Corley, and intend to continue doing so, and agree that the
5 City will not enforce Section 41A.5 of the Ordinance against hosting platforms through and
6 including May 12, 2017; and

7 WHEREAS, the parties request that the Court vacate the Case Management Conference
8 scheduled for April 27, 2017, and hold a Case Management Conference on May 11, 2017.

9 THE PARTIES, BY AND THROUGH THEIR UNDERSIGNED COUNSEL, HEREBY
10 STIPULATE AS FOLLOWS:

11 The City will not enforce Section 41A.5 of the Ordinance against hosting platforms,
12 including retroactively, through and including May 12, 2017. The Case Management Conference
13 scheduled for April 6, 2017 is vacated, and the parties will attend a Case Management Conference
14 on May 11, 2017 at a time to be determined by the Court.

15 DATED: April 26, 2017 MUNGER, TOLLES & OLSON LLP
16 JOHN W. SPIEGEL
17 JONATHAN H. BLAVIN
18 ELLEN M. RICHMOND
19 JOSHUA PATASHNIK

20 By: /s/ Jonathan H. Blavin
21 JONATHAN H. BLAVIN
Attorneys for Plaintiff Airbnb, Inc.

22 DATED: April 26, 2017 DAVIS WRIGHT TREMAINE LLP
23 JAMES C. GRANT
24 AMBIKA K. DORAN

25 By: Ambika K. Doran
26 AMBIKA K. DORAN
27 Attorneys for Plaintiff-Intervenor HomeAway.com, Inc.

28

1 DATED: April 26, 2017

DENNIS J. HERRERA
City Attorney
WAYNE SNODGRASS
JAMES M. EMERY
SARA EISENBERG
ROBB W. K.APLA
Deputy City Attorneys

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By: /s/ Sara Eisenberg
SARA EISENBERG
Attorneys for Defendant City and County of San Francisco

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FILER'S ATTESTATION

I, Jonathan H. Blavin, am the ECF user whose identification and password are being used to file this STIPULATION AND [PROPOSED] ORDER REGARDING FURTHER SETTLEMENT CONFERENCE AND STAY OF ENFORCEMENT. Pursuant to Civil Local Rule 5-1(i)(3), I hereby attest that the other above-named signatories concur in this filing.

By: /s/ Jonathan H. Blavin
Jonathan H. Blavin
Attorneys for Plaintiff Airbnb, Inc.

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[PROPOSED] ORDER

The City and County of San Francisco will not enforce Section 41A.5 of the Ordinance against hosting platforms, including retroactively, through and including May 12, 2017. The Case Management Conference scheduled for April 27, 2017 is vacated. The parties will attend a Case Management Conference on May 11, 2017 at a time to be determined by the Court.

PURSUANT TO STIPULATION, IT IS SO ORDERED,

Dated: _____

Judge James Donato
United States District Court Judge