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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 vs.

19 CITY AND COUNTY OF SAN  
20 FRANCISCO,

21 Defendant.  
22  
23

Case No. 16-cv-03615-JD

**JOINT ADMINISTRATIVE MOTION  
REGARDING SCHEDULE FOR  
PRELIMINARY INJUNCTION HEARING  
AND PAGE LIMITS**

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

1 Plaintiff Airbnb, Inc. (“Airbnb”) and Defendant City and County of San Francisco (“the  
2 City”) submit this joint motion regarding: (1) setting an expedited briefing schedule and advancing  
3 the hearing date for Airbnb’s Motion for a Preliminary Injunction; and (2) increasing the page  
4 limit for the briefing on the Motion for a Preliminary Injunction. On the first point, pursuant to  
5 Local Rule 6-2, Airbnb and the City have stipulated to a request for an expedited briefing schedule  
6 and advanced hearing on the Motion. On the second point, pursuant to Local Rule 7-11, Airbnb  
7 respectfully requests permission for the parties to exceed the page limitations set forth in  
8 paragraph 18 of the Court’s Standing Order. The City opposes that request.

9 **I. BACKGROUND**

10 Airbnb filed its Complaint and Motion for a Preliminary Injunction in this action on June  
11 27, 2016. Dkt. Nos. 1, 3. The Complaint challenges newly-amended Sections 41A.5(e),  
12 41A.5(g)(4)(C), and 41A.7(b)(1)–(3) of the San Francisco Administrative Code (“the Ordinance”).  
13 The Ordinance was enacted by the City on June 24, 2016 and goes into effect on July 24, 2016. It  
14 imposes certain requirements on “Hosting Platforms” such as Airbnb relating to the verification of  
15 registration information associated with short-term rentals on their websites. It subjects Hosting  
16 Platforms to criminal and civil penalties for failure to comply with its requirements. *See* S.F.  
17 Admin. Code §§ 41A.5(e), (g)(4)(C)–(D); 41A.7(b)(1)–(3). Airbnb argues that the Ordinance  
18 violates its rights under the Communications Decency Act, 47 U.S.C. § 230 (the “CDA”), the  
19 Stored Communications Act, 18 U.S.C. §§ 2701 et seq. (the “SCA”), and the First Amendment.  
20 The City disagrees that the Ordinance violates those laws.

21 **II. STIPULATED REQUEST FOR ORDER CHANGING TIME**

22 The parties jointly request an expedited briefing schedule on the Motion for a Preliminary  
23 Injunction as well as an advanced hearing date. The Ordinance that Airbnb challenges in its  
24 Motion is set to go into effect on July 24, before the August 1 hearing date noticed in accordance  
25 with Civil Local Rule 7-2(a). Advancing the hearing date is necessary because otherwise, the  
26 Ordinance could be enforced against Airbnb before its rights under the CDA, the SCA, and the  
27  
28

1 First Amendment can be considered. Airbnb argues that enforcement of the law against it will  
2 cause it irreparable harm. *See* Dkt. No. 3 at 23-25.

3 Airbnb has requested, and the City has agreed, that Airbnb’s Motion for a Preliminary  
4 Injunction be heard on an expedited basis, allowing the legal issues presented by the Ordinance to  
5 be fully briefed and giving the Court time to consider them. Airbnb and the City jointly request  
6 the following expedited briefing schedule and advanced hearing date:

7	City’s Opposition	July 11, 2016
8	Airbnb’s Reply	July 15, 2016
9	Hearing	July 20 or 22, 2016

10 Blavin Decl. ¶ 7. Under this proposed schedule, the Court will have between five and seven days  
11 to consider all of the papers before the hearing. There have been no previous time modifications  
12 in this case, and given the early stage of the proceedings here, this modification will not affect the  
13 schedule for the case going forward. Blavin Decl. ¶¶ 8–9.

14 **III. MOTION TO EXCEED PAGE LIMITATIONS PURSUANT TO L.R. 7-11**

15 The parties were not able to reach a stipulation regarding increasing the page limits for the  
16 briefing on the Motion for a Preliminary Injunction. Blavin Decl. ¶ 10. As such, the parties each  
17 set forth below their positions regarding page limits.

18 **A. Airbnb’s Statement in Support of Its Request for the Parties to Exceed the**  
19 **Page Limits Set Forth in the Court’s Standing Order**

20 Airbnb respectfully requests that the page limits for purposes of this Motion, including the  
21 opening, opposition, and reply briefs, be set in accordance with Local Rules 7-2 and 7-3, allowing  
22 for 25 pages for the opening and opposition briefs and 15 pages for the reply.

23 Airbnb filed its Motion, with its Complaint, in accordance with the 25-page limit set forth  
24 by Local Rule 7-2 before it knew which Judge would be assigned to this action. The Motion  
25 presents important and discrete issues of law for the Court’s consideration, including a substantial  
26 body of relevant case law interpreting the CDA, issues of user privacy raised under the SCA, and  
27 free speech rights protected by the First Amendment. Further, the Motion carefully describes the  
28 City’s complex and unique statutory scheme governing short-term rentals in San Francisco, as is

1 necessary for the Court to understand and rule on the Ordinance’s legality. In addition, granting  
2 the request will allow the Motion to be heard as quickly as possible, avoiding any delay caused by  
3 Airbnb having to prepare and file a new Motion. And while the City may disagree that briefs  
4 exceeding 15 pages are necessary, Airbnb has no objection to the City taking up to 25 pages as  
5 well for its opposition brief. Given the importance of the issues presented and the compressed  
6 schedule, the interests of justice would be served by granting Airbnb’s request.

7           **B. The City’s Statement Opposing Airbnb’s Request for the Parties to Exceed the**  
8           **Page Limits Set Forth in the Court’s Standing Order**

9           The City respectfully opposes Airbnb’s request to exceed the Court’s pages limits for  
10 briefing the Motion. The City disagrees that the issues presented by Airbnb necessitate exceeding  
11 the limits and the City asserts that the compressed schedule warrants efficient briefing within the  
12 Court’s Standing Order. If the Court grants Airbnb's request, the City agrees that the page limits  
13 for the City’s opposition and Airbnb’s reply should be set in accordance with Local Rules 7-2 and  
14 7-3. If the Court does not grant Airbnb's request, the City respectfully requests that the Court  
15 require Airbnb to file its motion complying with the Court's page limits by June 30, 2016.

17 DATED: June 29, 2016

MUNGER, TOLLES & OLSON LLP  
JOHN W. SPIEGEL  
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ELLEN M. RICHMOND  
JOSHUA PATASHNIK

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

1 DATED: June 29, 2016

DENNIS J. HERRERA  
City Attorney  
TARA STEELEY  
ROBB KAPLA  
Deputy City Attorneys

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4  
5 By:                     /s/ Robb Kapla                      
6 ROBB KAPLA  
Attorneys for City and County of San Francisco

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8 **FILER'S ATTESTATION**

9 I, Jonathan H. Blavin, am the ECF user whose identification and password are being used  
10 to file this Joint Administrative Motion Regarding Schedule for Preliminary Injunction Hearing  
11 and Page Limits. Pursuant to Civil Local Rule 5-1(i)(3), I hereby attest that the other above-  
12 named signatories concur in this filing.

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