

1 JONATHAN H. BLAVIN (State Bar No. 230269)
 jonathan.blavin@mto.com
 2 ELLEN M. RICHMOND (State Bar No. 277266)
 ellen.richmond@mto.com
 3 JOSHUA PATASHNIK (State Bar No. 295120)
 josh.patashnik@mto.com
 4 MUNGER, TOLLES & OLSON LLP
 560 Mission Street, Twenty-Seventh Floor
 5 San Francisco, CA 94105-4000
 Telephone: (415) 512-4000
 6 Facsimile: (415) 512-4077

7 JOHN W. SPIEGEL (State Bar No. 78935)
 john.spiegel@mto.com
 8 MUNGER, TOLLES & OLSON LLP
 355 South Grand Avenue, Thirty-Fifth Floor
 9 Los Angeles, California 90071-1560
 Telephone: (213) 683-9100
 10 Facsimile: (213) 687-3702

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

Case No. 16-cv-03615-JD

**STIPULATION AND [PROPOSED]
 ORDER REGARDING *AMICUS CURIAE*
 FILINGS**

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

1 Pursuant to Local Rules 7-11 and 7-12, Plaintiff Airbnb, Inc. (“Airbnb”), HomeAway.com,
2 Inc. (“HomeAway”), and Defendant City and County of San Francisco (“City”) (collectively, the
3 “Parties”) hereby stipulate to a request that the Court enter an order setting deadlines for *amicus*
4 *curiae* filings related to the pending Motion for a Preliminary Injunction.

5 **STIPULATION**

6 WHEREAS, Airbnb filed its Complaint and Motion for a Preliminary Injunction in this
7 action on June 27, 2016, Dkt. Nos. 1, 3;

8 WHEREAS, on July 1, 2016, the Court held a telephonic hearing with counsel for the
9 Parties;

10 WHEREAS, the Court then issued a Case Management Order setting deadlines for a
11 briefing and hearing schedule regarding the Motion for a Preliminary Injunction, Dkt. No. 19;

12 WHEREAS, under the Court’s Case Management Order, HomeAway’s Supplemental
13 Motion for a Preliminary Injunction is due on July 14, 2016, the City’s Opposition to Airbnb’s
14 Motion for a Preliminary Injunction and HomeAway’s Supplemental Motion for a Preliminary
15 Injunction is due on July 29, 2016, and Airbnb and HomeAway’s Replies are due on August 5,
16 2016;

17 WHEREAS, the hearing on the Motion for a Preliminary Injunction is scheduled for
18 September 7, 2016;

19 WHEREAS, interested third parties have contacted the Parties regarding potentially filing
20 *amicus curiae* briefs with respect to the Motion for a Preliminary Injunction;

21 WHEREAS, the Parties do not oppose the filing of *amicus curiae* briefs in support of any
22 party;

23 WHEREAS, the Parties have reached a stipulated schedule for *amicus curiae* briefs;

24 WHEREAS, the stipulated schedule for *amicus curiae* briefs will allow the Parties
25 sufficient time to respond to such briefs under the current briefing schedule and allow potential
26 *amici* to plan when to file such briefs;

1 THE PARTIES, BY AND THROUGH THEIR UNDERSIGNED COUNSEL, HEREBY
2 STIPULATE AS FOLLOWS:

3 Any motions for leave to file an *amicus curiae* brief and *amicus curiae* briefs concerning
4 the Motion for a Preliminary Injunction filed on June 27, 2016 shall be filed in accordance with
5 the following deadlines:

6	<i>Amicus Curiae</i> Briefs in Support of Airbnb and HomeAway	July 19, 2016
7	<i>Amicus Curiae</i> Briefs in Support of City	July 26, 2016

8
9 DATED: July 8, 2016 MUNGER, TOLLES & OLSON LLP
10 JOHN W. SPIEGEL
11 JONATHAN H. BLAVIN
12 ELLEN M. RICHMOND
13 JOSHUA PATASHNIK

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

17 DATED: July 8, 2016 DAVIS WRIGHT TREMAINE LLP
18 JAMES C. GRANT
19 AMBIKA K. DORAN

20 By: /s/ James C. Grant
21 JAMES C. GRANT
22 Attorneys for HomeAway.com, Inc.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

DATED: July 8, 2016

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

By: /s/ Tara Steeley
TARA STEELEY
Attorneys for Defendant City and County of San Francisco

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

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 *Amicus Curiae* Filings. Pursuant to Civil Local Rule 5-1(i)(3), I hereby attest that the other above-named signatories concur in this filing.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

[PROPOSED] ORDER

Pursuant to the foregoing stipulation regarding *amicus curiae* filings, the following deadlines shall apply to motions for leave to file *amicus curiae* briefs and *amicus curiae* briefs concerning the Motion for a Preliminary Injunction:

Amicus Curiae Briefs in Support of Airbnb and HomeAway July 19, 2016

Amicus Curiae Briefs in Support of City July 26, 2016

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Dated: _____

Judge James Donato
United States District Court Judge