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13 UNITED STATES DISTRICT COURT
14 NORTHERN DISTRICT OF CALIFORNIA
15 SAN FRANCISCO DIVISION
16

17 AIRBNB, INC. and HOMEAWAY.COM,
18 INC.,

19 Plaintiffs,

20 vs.

21 CITY AND COUNTY OF SAN
FRANCISCO,

22 Defendant.
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Case No. 3:16-cv-03615-JD

**DECLARATION OF JONATHAN H.
BLAVIN IN SUPPORT OF
PLAINTIFFS' JOINT MOTION FOR
PRELIMINARY INJUNCTION**

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1 I, Jonathan H. Blavin, declare as follows:

2 1. I am an attorney licensed in the State of California and admitted to practice before
3 this Court. I am counsel for Plaintiff Airbnb, Inc. in the above captioned matter. I have personal
4 knowledge of the facts set forth below, and could testify competently to those facts if called to do so.

5 2. Attached hereto as Exhibit A is a true and correct copy of Ordinance No. 104-16,
6 which was passed by the City and County of San Francisco Board of Supervisors on June 14, 2016,
7 and was enacted on June 24, 2016. Munger, Tolles & Olson employees working at my direction
8 obtained a copy of this ordinance from the following website: <http://goo.gl/CV4DEH>.

9 3. Attached hereto as Exhibit B is a true and correct copy of an article written by Caleb
10 Pershan entitled “Airbnb Again at the Center of Political Play This Election Year as Supervisors
11 Fast-Track Amendments,” published on July 26, 2016. Munger, Tolles & Olson employees working
12 at my direction obtained a copy of this article from the following website:
13 http://sfist.com/2016/07/26/supervisor_campos_airbnb_legislatio.php.

14 4. Attached hereto as Exhibit C is a true and correct copy of a transcript produced by
15 Munger, Tolles & Olson staff of a July 12, 2016 hearing of the San Francisco Board of Supervisors.
16 Video of the hearing is available online at goo.gl/nO02ro.

17 5. Attached hereto as Exhibit D is a true and correct copy of a City and County of San
18 Francisco Planning Department webpage entitled “Office of Short-Term Rental Registry and FAQs.”
19 Munger, Tolles & Olson employees working at my direction obtained a copy of this webpage from
20 the following link: <http://sf-planning.org/office-short-term-rental-registry-faqs>.

21 6. Attached hereto as Exhibit E is a true and correct copy of a City and County of San
22 Francisco Treasurer and Tax Collector webpage entitled “Transient Occupancy Tax (TOT)
23 Frequently Asked Questions for Hosts, Website Companies and Merchants of Record.” Munger,
24 Tolles & Olson employees working at my direction obtained a copy of this webpage from the
25 following link: http://sftreasurer.org/tot_host_website_merchant_faq.

26 7. Attached hereto as Exhibit F is a true and correct copy of a document created by the
27 City and County of San Francisco Office of the Assessor-Recorder entitled “Short-Term Rental
28 Business Personal Property Taxation Frequently Asked Questions (FAQ).” Munger, Tolles & Olson

1 employees working at my direction obtained a copy of this document from the following link:

2 http://www.sfassessor.org/sites/default/files/2016.8.9__STR%20FAQ%20--

3 [%20ASR%20Header%20and%20Footer.pdf](#).

4 8. Attached hereto as Exhibit G is a true and correct copy of a report from the City and
5 County of San Francisco Board of Supervisors Budget and Legislative Analyst's Office entitled
6 "Short-Term Rentals 2016 Update," dated April 7, 2016. Munger, Tolles & Olson employees
7 working at my direction obtained a copy of this report from the following website:

8 <http://www.sfbos.org/Modules/ShowDocument.aspx?documentid=55575>.

9 9. Attached hereto as Exhibit H is a true and correct copy of a press release from the
10 office of Supervisor David Campos announcing "Legislation Holding Airbnb Accountable for
11 Listing Illegal Short Term Rentals." It was published to Facebook by the SF Bay Times on April 25,
12 2016. Munger, Tolles & Olson employees working at my direction obtained a copy of this press
13 release from the following website:

14 <https://www.facebook.com/SanFranciscoBayTimes/posts/1188030017882628>.

15 10. Attached hereto as Exhibit I is a true and correct copy of an article written by David
16 McCabe entitled "Airbnb Takes Its Fight to Court," published on July 4, 2016. Munger, Tolles &
17 Olson employees working at my direction obtained a copy of this article from the following website:

18 <http://thehill.com/policy/technology/286333-airbnb-takes-its-fight-to-court>.

19 11. Attached hereto as Exhibit J is a true and correct copy of an article written by Caleb
20 Pershan entitled "Campos Proposes Law to Fine Airbnb Directly for Unregistered SF Listings,"
21 published on April 25, 2016. Munger, Tolles & Olson employees working at my direction obtained
22 a copy of this article from the following website:

23 http://sfist.com/2016/04/25/campos_proposes_legislation_to_hold.php.

24 12. Attached hereto as Exhibit K is a true and correct copy of a transcript produced by
25 Munger, Tolles & Olson staff of a June 2, 2016 hearing of the San Francisco Board of Supervisors
26 Government Audit and Oversight Committee. Video of the hearing is available online at

27 <http://goo.gl/PhCCsI>.

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1 13. Attached hereto as Exhibit L is a true and correct copy of a letter written by Kristin A.
2 Pelletier, Acting City Attorney for the City of Anaheim, dated August 10, 2016. Ms. Pelletier
3 transmitted the letter to me via email on August 10, 2016.

4 14. Attached hereto as Exhibit M is a true and correct copy of an article written by Lily
5 Leung entitled “Anaheim Won’t Fine Websites Like Airbnb for Illegal Short-Term Rental Listings,”
6 published on August 22, 2016. Munger, Tolles & Olson employees working at my direction
7 obtained a copy of this article from the following website: [http://www.ocreger.com/articles/city-](http://www.ocreger.com/articles/city-726671-term-short.html)
8 [726671-term-short.html](http://www.ocreger.com/articles/city-726671-term-short.html).

9 15. Attached hereto as Exhibit N is a true and correct copy of a transcript produced by
10 Munger, Tolles & Olson staff of a July 26, 2016 hearing of the San Francisco Board of Supervisors.
11 Video of the hearing is available online at goo.gl/IJEKVC.

12 16. Attached hereto as Exhibit O is a true and correct copy of a transcript produced by
13 Munger, Tolles & Olson staff of a July 25, 2016 hearing of the San Francisco Board of Supervisors
14 Land Use and Transportation Committee. Video of the hearing is available online at
15 goo.gl/Y7H0en.

16 17. Attached hereto as Exhibit P is a true and correct copy of an article written by the Bay
17 City News Service entitled “New Legislation Would Fine Airbnb for Listing Unregistered
18 Properties,” published on April 25, 2016. Munger, Tolles & Olson employees working at my
19 direction obtained a copy of this article from the following website:
20 [http://www.sfgate.com/news/bayarea/article/New-Legislation-Would-Fine-Airbnb-For-Listing-](http://www.sfgate.com/news/bayarea/article/New-Legislation-Would-Fine-Airbnb-For-Listing-7352453.php)
21 [7352453.php](http://www.sfgate.com/news/bayarea/article/New-Legislation-Would-Fine-Airbnb-For-Listing-7352453.php).

22 18. Attached hereto as Exhibit Q is a true and correct copy of a transcript produced by
23 Munger, Tolles & Olson staff of a June 7, 2016 hearing of the San Francisco Board of Supervisors.
24 Video of the hearing is available online at <http://goo.gl/FWvIZw>.

25 19. Attached hereto as Exhibit R is a true and correct copy of a white paper written by the
26 San Francisco Bay Area Planning and Urban Research Association entitled “Non-Primary
27 Residences and San Francisco’s Housing Market,” published on October 21, 2014. Munger, Tolles
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1 & Olson employees working at my direction obtained a copy of this article from the following
2 website: <http://goo.gl/EmT4So>.

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I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

Executed on September 6, 2016, in San Francisco, California.

/s/ Jonathan H. Blavin
Jonathan H. Blavin