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CITY AND COUNTY OF SAN FRANCISCO
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11 UNITED STATES DISTRICT COURT
12 NORTHERN DISTRICT OF CALIFORNIA

13 AIRBNB, INC.,

14 Plaintiff,

15 HOMEAWAY.COM, INC.,

16 Plaintiff-Intervenor,

17 vs.

18 CITY AND COUNTY OF SAN
FRANCISCO,

19 Defendant.
20

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

**DECLARATION OF JAMES M. EMERY IN
SUPPORT OF SAN FRANCISCO'S
OPPOSITION TO PRELIMINARY
INJUNCTION MOTION**

Hearing Date: October 6, 2016
Time: 10:00 a.m.
Place: Courtroom 11

Trial Date: Not set

1 I, James M. Emery, declare:

2 1. I am an attorney duly licensed in the State of California, and am a Deputy City
3 Attorney in the City Attorney's Office which is counsel for defendant City and County of San
4 Francisco ("San Francisco") in this matter. I have personal knowledge of the facts set forth below. If
5 called to testify to the facts stated below, I could and would testify to them competently.

6 2. According to the legislative notes accompanying the official version of San Francisco's
7 Administrative Code, San Francisco enacted Chapter 41A of its Administrative Code in 1981, and
8 Chapter 41A was first amended in 2012. A true and correct copy of the original version of Chapter
9 41A, as enacted in 1981, is attached hereto as **Exhibit A**. Melissa Millsaps, Legislative Aide for the
10 City Attorney's Office, provided me this copy of Chapter 41A from a pre-2012 version of the San
11 Francisco Codes that she maintains in the regular course of her duties.

12 3. A true and correct copy of San Francisco Ordinance 224-12, enacted in 2012, is
13 attached hereto as **Exhibit B**.

14 4. A true and correct copy of San Francisco Ordinance 178-16, enacted n August 2016, is
15 attached hereto as **Exhibit C**.

16 5. A true and correct copy of the article entitled "Airbnb may not be worth \$30 billion if
17 illegal listings go away, said VC," dated June 30, 2016, is attached hereto as **Exhibit D**. The article is
18 available at [http://www.cnbc.com/2016/06/30/airbnb-may-not-be-worth-30-billion-if-illegal-listings-](http://www.cnbc.com/2016/06/30/airbnb-may-not-be-worth-30-billion-if-illegal-listings-go-away-said-vc.html)
19 [go-away-said-vc.html](http://www.cnbc.com/2016/06/30/airbnb-may-not-be-worth-30-billion-if-illegal-listings-go-away-said-vc.html) (visited Sept. 19, 2016).

20 6. A true and correct copy of a screen shot from Uber's website is attached hereto as
21 **Exhibit E**. The screenshot comes from the site <https://www.uber.com/drive/> (visited Sept. 19, 2016).

22 7. A true and correct copy of "Airbnb's Work to Fight Discrimination and Build
23 Inclusion, dated Sept. 8, 2016, is attached hereto as **Exhibit F**. The report is available at
24 [http://blog.airbnb.com/wp-content/uploads/2016/09/REPORT_Airbnbs-Work-to-Fight-](http://blog.airbnb.com/wp-content/uploads/2016/09/REPORT_Airbnbs-Work-to-Fight-Discrimination-and-Build-Inclusion.pdf)
25 [Discrimination-and-Build-Inclusion.pdf](http://blog.airbnb.com/wp-content/uploads/2016/09/REPORT_Airbnbs-Work-to-Fight-Discrimination-and-Build-Inclusion.pdf) (visited Sept. 19, 2016.).

26 8. A true and correct copy of a screen shot from a San Francisco host's listing on Airbnb
27 is attached hereto as **Exhibit G**. The screenshot comes from
28 <https://www.airbnb.com/rooms/6812162?sug=51> (visited Sept. 19, 2016).

