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5 Attorneys for
 6 CITY OF OAKLAND and CITY OF OAKLAND
 PUBLIC ETHICS COMMISSION

7
 8 **UNITED STATES DISTRICT COURT**
 9 **NORTHERN DISTRICT OF CALIFORNIA**

10 OAKPAC, OAKLAND METROPOLITAN
 CHAMBER OF COMMERCE, an
 11 unincorporated association,
 OAKLAND METROPOLITAN CHAMBER OF
 12 COMMERCE INDEPENDENT
 EXPENDITURE COMMITTEE (“OAK-IE-
 13 PAC”), an unincorporated association;
 MICHAEL COLBRUNO, an individual; and
 14 SCOTT B. PETERSON, an individual,

15 Plaintiffs,

16 v.

17 THE CITY OF OAKLAND;
 THE CITY OF OAKLAND PUBLIC ETHICS
 18 COMMISSION;
 DOES 1 TO 10,

19 Defendants.

Case No. CV 06-06366WHA

STIPULATED JUDGMENT

20
 21 **STIPULATION**

22 Plaintiffs OakPAC, Oakland Metropolitan Chamber of Commerce, Oakland Metropolitan
 23 Chamber of Commerce Independent Expenditure Committee, Michael Colbruno, and Scott B.
 24 Peterson, on the one hand (collectively, “Plaintiffs”), and Defendants City of Oakland (“City”) and
 25 the City of Oakland Public Ethics Commission (“Commission”), on the other hand (collectively,
 26 “Defendants”), by and through their respective counsel, hereby stipulate to the attached judgment.

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SO STIPULATED

Dated: March 18, 2009

By: James R. Sutton
James R. Sutton
The Sutton Law Firm, P.C.
Attorneys for Plaintiffs

Dated: March __, 2009

By: _____
Mark T. Morodomi, Supervising Deputy City
Attorney
Attorney for Defendants

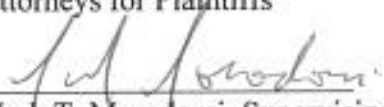
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SO STIPULATED

Dated: March __, 2009

By: _____
James R. Sutton
The Sutton Law Firm, P.C.
Attorneys for Plaintiffs

Dated: March 18, 2009

By: 
Mark T. Morodomi, Supervising Deputy City
Attorney
Attorney for Defendants

JUDGMENT

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3 1. The Court granted a temporary restraining order on October 19, 2006, enjoining the
4 Defendants from enforcing Oakland Municipal Code ("OMC") sections 3.12.050 (C-E) and
5 3.12.060 (C-E).

6 2. The Court granted Stipulated Stay Orders in this matter on October 31, 2006, December 18,
7 2006, and July 26, 2007. Under the Stipulated Stay Orders, the Defendants were ordered to not
8 enforce OMC sections 3.12.050 (C-E) and 3.12.060 (C-E).

9 3. There is currently on appeal the case of Long Beach Area Chamber of Commerce, et al., v.
10 City of Long Beach, et al., No. CV06-1497 PSG (C.D. Cal. Apr. 10, 2007), U.S.C.A. Dckt. Nos.
11 07-55691, 07-56190, 07-56081; ("Long Beach"), which presents similar First Amendment issues
12 for judicial resolution that are implicated in this case. In Long Beach, the district court enjoined the
13 City of Long Beach from enforcing its ordinance limiting contributions to the Long Beach Chamber of
14 Commerce for the purpose of making independent expenditures supporting or opposing City
15 candidates. Also, there is currently pending before the Honorable Jeffrey S. White in this Court the
16 case of Committee on JOBS Candidate Advocacy Fund et al. v. Herrera, et. al., No.
17 C 07-3199 JSW (N.D. Cal. Sept. 20, 2007; "JOBS"), which challenges a San Francisco ordinance
18 similar to the Oakland ordinance at issue in this case. On September 20, 2007, the Court enjoined the
19 City and County of San Francisco from enforcing its ordinance limiting contributions to
20 independent expenditure committees supporting or opposing San Francisco candidates.

21 4. In light of these pending cases, rather than expending judicial and party resources and
22 incurring further attorney's fees, the parties desire to resolve this case under the terms and
23 conditions set forth herein.

24 5. Pursuant to the agreement of the parties, Defendants, together with their officers, agents,
25 servants, employees, attorneys, and those persons in active concert or participating with them, shall
26 not enforce OMC sections 3.12.050 (C-E) and 3.12.060 (C-E), or any other ordinance limiting

1 contributions to political committees for the purpose of making independent expenditures
2 supporting or opposing City candidates, against Plaintiffs or any other persons, until and unless any
3 subsequent decision by the Ninth Circuit in the Long Beach appeal or any other future Ninth Circuit
4 or United States Supreme Court decision holds that limits on contributions to independent
5 expenditure committees are constitutional.

6 6. The City of Oakland shall promptly pay Plaintiffs the amount of \$75,000 for attorney's fees
7 incurred in litigating this matter through the date of this judgment. Each party shall bear its own
8 costs. Any subsequent decision in the Long Beach case or any other Ninth Circuit or United States
9 Supreme Court decision involving the issues raised in this case will not affect this payment
10 obligation in any way whatsoever.

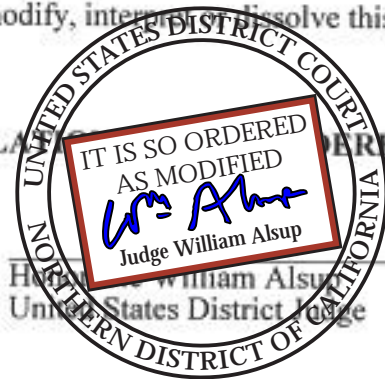
11 7. Any party may unilaterally seek modification of this judgment in light of any subsequent
12 decision by the Ninth Circuit in the Long Beach appeal or any other future Ninth Circuit or United
13 States Supreme Court decision which holds that limits on contributions to independent expenditure
14 committees are constitutional.

15 8. This Court reserves jurisdiction to modify, interpret, or dissolve this judgment.

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17 PURSUANT TO THE PARTIES STIPULATION, THIS JUDGMENT IS HEREBY ORDERED.

18 Dated: March 20, 2009

19 By:



20 Honorable William Alsup
United States District Judge

21 The Court shall retain jurisdiction for one year or until 60 days after the case *Long Beach Area*
22 *Chamber of Commerce v. City of Long Beach* referenced herein is decided, whichever
23 is later.
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