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17 UNITED STATES DISTRICT COURT  
 18 NORTHERN DISTRICT OF CALIFORNIA

20 COMMITTEE ON JOBS CANDIDATE  
 ADVOCACY FUND, et al.,

21 Plaintiffs,

22 vs.

23 DENNIS J. HERRERA, in his official  
 capacity as City Attorney of the City and  
 24 County of San Francisco, et al.

25 Defendants.

Case No. C07-3199 JSW

**JOINT STATUS REPORT;  
~~PROPOSED~~ ORDER**

**JOINT STATUS REPORT**

Pursuant to the Court's order dated May 12, 2011 (Dkt. 72), Plaintiffs Committee on JOBS Candidate Advocacy Fund and Building Owners and Managers Association of San Francisco Independent Expenditure PAC (collectively, "Plaintiffs"), and Defendants Dennis J. Herrera, George Gascon, the Ethics Commission of the City and County of San Francisco, and the City and County of San Francisco (collectively, "Defendants"), jointly file this Status Report.

In this case, Plaintiffs contend that Sections 1.114(c)(1) and 1.114(c)(2) of the San Francisco Campaign Finance Reform Ordinance, codified in the San Francisco Campaign and Governmental Conduct Code, and Regulation 1.114-2 of the Regulations to the CFRO, violate the First Amendment to the United States Constitution by imposing limits on contributions to political committees for the purpose of making independent expenditures. The Court granted Plaintiffs' motion for preliminary injunction on September 20, 2007 (Dkt. 37), and that order has remained in effect since then pursuant to a series of stipulated orders. At the parties' request, the Court stayed the litigation while the Ninth Circuit Court of Appeals considered a case presenting similar issues, and while the parties explored settlement.

On May 11, 2011, the parties informed the Court that the parties have executed a written Settlement Agreement and Proposed Form of Permanent Injunction, but the agreement will not become binding unless and until it has been considered and approved by the City and County of San Francisco's Board of Supervisors (the "Board") and Mayor. Dkt. 71. In its Order on May 12, 2011, the Court instructed the parties to file a joint status report by July 11, 2011 if the Board and the Mayor had not yet approved the settlement. Dkt. 72.

On June 28, 2011, the Board preliminarily approved the settlement agreement by a 11-0 vote. Under the City's Charter, the Board must take a second, final vote on the settlement agreement before forwarding it to the Mayor for his consideration. *See* S.F. Charter § 2.105. Counsel anticipates that the Board will take that second vote at its next meeting on July 12, 2011. If the Board approves the agreement at that meeting, the Mayor will have ten days to consider the settlement agreement, and the agreement will become effective unless the Mayor vetoes it during that ten-day period. *See* S.F. Charter § 3.103.

1 If the Board and the Mayor finally approve the Settlement Agreement, the parties will submit  
2 the Proposed Form of Permanent Injunction for the Court's consideration by no later than July 29,  
3 2011. If the Board or the Mayor does not approve the Settlement Agreement, the parties will submit  
4 a joint status report by no later than July 29, 2011, informing the Court of what they propose to do in  
5 light of that decision.

6 Dated: July 7, 2011

7 THERESE M. STEWART  
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13 By:           /s/ Jonathan Givner            
14 JONATHAN GIVNER  
15 Attorneys for Defendants

16 Dated: July 7, 2011

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21 MARC H. AXELBAUM

22 \*By:           /s/ Marc H. Axelbaum            
23 MARC H. AXELBAUM  
24 Attorneys for Plaintiffs

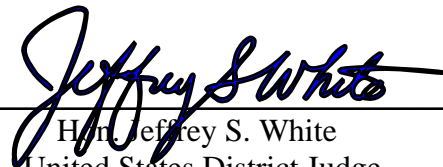
25 \*Pursuant to GO 45, the electronic signatory has  
26 obtained approval from this signatory.  
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~~PROPOSED~~ ORDER

Pursuant to the agreement of the parties set forth in the foregoing Joint Status Report, and good cause appearing, IT IS HEREBY ORDERED that by no later than July 29, 2011, the parties shall either submit a proposed form of permanent injunction for the Court's consideration pursuant to a final, executed settlement agreement, or if the Board of Supervisors or Mayor does not approve the agreement, submit a joint status report stating what the parties propose to do in light of that decision.

**IT IS SO ORDERED.**

Dated: July 7, 2011 \_\_\_\_\_

  
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Hon. Jeffrey S. White  
United States District Judge