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IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

CITY OF BERKELEY, and MAYOR  
AND MEMBERS OF THE CITY  
COUNCIL OF THE CITY OF  
BERKELEY,

No. C 14-04916 WHA

Plaintiffs,

v.

**ORDER RE WITHDRAWAL OF  
MOTION FOR PRELIMINARY  
INJUNCTION**

UNITED STATES POSTAL SERVICE,  
PATRICK R. DONAHOE, TOM A.  
SAMRA, and DIANA ALVARADO,

Defendants.

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On December 5, 2014, the parties filed a joint status report. The parties stipulated that while the USPS had entered into a contract to sell the Berkeley Post Office, the buyer has terminated that agreement.

Given this recent development, the parties have agreed that: (1) plaintiffs will withdraw their motion for a preliminary injunction without prejudice and the TRO issued on November 5, 2014, shall be vacated; (2) defendants have agreed that during the pendency of this lawsuit, they will provide plaintiffs and this Court with at least 45-days notice prior to the closing of any future sale; and (3) defendants shall have until February 4th, 2015, to respond to plaintiffs' complaint.

In addition, plaintiffs request that the Court: (1) order the USPS to release the Hudson McDonald contract that is currently subject to a pending FOIA request; (2) consider the preliminary injunction deemed issued for the purposes of a future petition for attorney's fees; (3)

1 order the USPS to notify all future prospective buyers of the pending litigation; and (4) keep this  
2 case on calendar for the December 11, 2014, hearing to provide the Court an opportunity to  
3 confer with the parties regarding the status of the case.

4 Plaintiffs' request regarding the release of the Hudson McDonald contract is **DENIED**.

5 Plaintiffs' request to consider the preliminary injunction deemed issued for the purposes  
6 of a future petition for attorney's fees is **DENIED**. This denial is without prejudice to a later  
7 application for attorney's fees in this case. At this point, the Court will not deem that any motion  
8 for a preliminary injunction has been hypothetically granted.

9 Plaintiffs' request that the Court order the USPS to notify all future prospective buyers of  
10 the pending litigation is **DENIED**.


11 The November 5, 2014, TRO is hereby **VACATED**.

12 Plaintiffs' motion for a preliminary injunction is **DENIED AS MOOT** and is hereby  
13 **WITHDRAWN**.

14 The **DECEMBER 11, 2014**, hearing date will remain. The parties shall appear to discuss  
15 whether this case is now moot and should be dismissed.

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17 **IT IS SO ORDERED.**

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19 Dated: December 5, 2014.

  
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WILLIAM ALSUP  
UNITED STATES DISTRICT JUDGE

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