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17 *Attorneys for Plaintiffs*  
 18 The American Beverage Association and California  
 19 State Outdoor Advertising Association

20 *Additional Counsel on Signature Page*

21 UNITED STATES DISTRICT COURT  
 22 NORTHERN DISTRICT OF CALIFORNIA  
 23 SAN FRANCISCO DIVISION

24 THE AMERICAN BEVERAGE  
 25 ASSOCIATION, CALIFORNIA RETAILERS  
 26 ASSOCIATION, CALIFORNIA STATE  
 27 OUTDOOR ADVERTISING ASSOCIATION,

CASE NO. 3:15-cv-03415-EMC

**STIPULATION AND ~~[PROPOSED]~~  
 ORDER CONTINUING CASE  
 MANAGEMENT CONFERENCE**

Plaintiffs,

v.

THE CITY AND COUNTY OF SAN  
 FRANCISCO,

Defendant.

1 Pursuant to Civil Local Rules 6-1 and 6-2, Plaintiffs The American Beverage  
2 Association, California Retailers Association, and California State Outdoor Advertising  
3 Association (“Plaintiffs”), and Defendant The City and County of San Francisco, hereby  
4 stipulate as follows:

5 WHEREAS, the Court scheduled a Case Management Conference for September  
6 7, 2017 (Dkt. No. 94);

7 WHEREAS, on July 31, 2017, this Case Management Conference was reset to  
8 September 28, 2017 (Dkt. No. 95);

9 WHEREAS, on September 18, 2017, this Case Management Conference was  
10 reset to March 29, 2018 (Dkt No. 98);

11 WHEREAS, a Case Management Statement is due to the Court by March 22,  
12 2018 (Dkt. No. 98);

13 WHEREAS, on June 16, 2016, Plaintiffs American Beverage Association and  
14 California Retailers Association filed a Notice of Appeal of the Court’s May 17, 2016 Order  
15 Denying Plaintiffs’ Motion for Preliminary Injunction, and Plaintiff California State Outdoor  
16 Advertising Association filed a separate Notice of Appeal of the same order on that date;

17 WHEREAS, on April 17, 2017, the parties presented oral argument to the U.S.  
18 Court of Appeals for the Ninth Circuit;

19 WHEREAS, on September 19, 2017, the U.S. Court of Appeals for the Ninth  
20 Circuit issued a decision in the appeal in this case (Ninth Circuit Dkt. No. 74);

21 WHEREAS, on October 17, 2017, Defendant filed a Petition for Panel Rehearing  
22 or Rehearing En Banc in the appeal in this case (Ninth Circuit Dkt. No. 77);

23 WHEREAS, on January 29, 2018, the U.S. Court of Appeals for the Ninth Circuit  
24 granted Defendant’s Petition for Rehearing En Banc in the appeal in this case (Ninth Circuit Dkt.  
25 No. 100); and

26 WHEREAS, the parties are awaiting an order by the U.S. Court of Appeals for the  
27 Ninth Circuit concerning oral argument for the rehearing and awaiting a decision in this case,

28 NOW, THEREFORE, in the interest of judicial economy and good cause

1 showing, the undersigned parties, by and through their counsel of record, hereby agree and  
2 stipulate, and the Court hereby orders, as follows:

3 (1) The Case Management Conference, currently scheduled for March 29, 2018 at  
4 10:30 a.m., shall be continued to ~~at least two weeks following a decision by the U.S. Court of~~  
5 ~~Appeals for the Ninth Circuit, at a date and time convenient for the Court; and~~ 7/12/18 at 10:30 a.m.

6 (2) The parties shall submit a Joint Case Management Statement by one week  
7 prior to the Case Management Conference.

8 The parties respectfully request that the Court enter an Order approving this  
9 Stipulation.

10 IT IS SO STIPULATED.

11  
12 Dated: March 15, 2018

Respectfully submitted,

13 LATHAM & WATKINS LLP

14  
15 By /s/ Marcy C. Priedeman

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The American Beverage Association and  
California State Outdoor Advertising  
Association

1 Dated: March 15, 2018

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7 Dated: March 15, 2018

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16 **ATTESTATION CLAUSE**

17 Pursuant to Civil Local Rule 5-1(i)(3), I hereby certify that I obtained in the filing of this  
18 document the concurrence from all parties whose electronic signatures appear above.

20 Dated: March 15, 2018

**LATHAM & WATKINS LLP**

By: /s/ Marcy C. Priedeman  
Marcy C. Priedeman

25 **PURSUANT TO STIPULATION, IT IS SO ORDERED.**

26 DATED: 3/16/18

