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 8 Attorneys for Defendant  
 CITY AND COUNTY OF SAN FRANCISCO

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 10 UNITED STATES DISTRICT COURT  
 11 NORTHERN DISTRICT OF CALIFORNIA

12 THE AMERICAN BEVERAGE  
 ASSOCIATION, CALIFORNIA RETAILERS  
 13 ASSOCIATION, CALIFORNIA STATE  
 OUTDOOR ADVERTISING  
 14 ASSOCIATION,

Case No. 3:15-cv-03415 EMC

**STIPULATION AND [PROPOSED] ORDER  
 DISMISSING COUNT I AND COUNT II OF  
 COMPLAINT**

15 Plaintiffs,

Trial Date: None set

16 vs.

17 THE CITY AND COUNTY OF SAN  
 FRANCISCO,

18 Defendant.  
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1 WHEREAS, Count I and Count II of Plaintiffs' Complaint challenges San Francisco Ordinance  
2 No. 98-15 as in violation of the First and Fourteenth Amendments to the United States Constitution;

3 WHEREAS, subsequent to the filing of the Complaint, the City and County of San Francisco  
4 repealed Ordinance No. 98-15; and

5 WHEREAS, the parties agree that Plaintiffs' challenges to Ordinance No. 98-15 are now moot,  
6 the parties therefore now stipulate and agree that Count I and Count II of the Complaint shall be  
7 dismissed without prejudice, with each side to bear its own fees and costs respecting Count I and  
8 Count II of the Complaint, but nothing in this stipulation shall impact the parties' rights with respect to  
9 their continuing dispute concerning the validity of San Francisco Ordinance No. 100-15.

10 **IT IS SO STIPULATED.**

11  
12 Dated: June 2, 2016

DENNIS J. HERRERA  
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16 By: s/Christine Van Aken  
CHRISTINE VAN AKEN

17 Attorneys for Defendant  
18 CITY AND COUNTY OF SAN FRANCISCO

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20 Dated: June 2, 2016

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27 THE AMERICAN BEVERAGE ASSOCIATION

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Dated: June 2, 2016

GIBSON, DUNN & CRUTCHER LLP

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Dated: June 2, 2016

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By: \*s/Thomas S. Knox  
THOMAS S. KNOX

Attorneys for Plaintiff  
CALIFORNIA RETAILERS ASSOCIATION

\*Pursuant to GO 45, the electronic signatory has  
obtained approval from this signatory.

**ORDER**

Pursuant to stipulation, IT IS SO ORDERED.

Dated: 6/3/16

THE HONORABLE  
United States District Judge

