

DENNIS J. HERRERA, State Bar #139669
 City Attorney
 WAYNE SNODGRASS, State Bar #148137
 FRANCESCA GESSNER, State Bar #247553
 TARA M. STEELEY, State Bar #231775
 Deputy City Attorneys
 1 Dr. Carlton B. Goodlett Place
 City Hall, Room 234
 San Francisco, California 94102-4682
 Telephone: (415) 554-4762
 Facsimile: (415) 554-4699
 E-Mail: francesca.gessner@sfgov.org

Attorneys for Defendant
 CITY AND COUNTY OF SAN FRANCISCO

UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA
 OAKLAND DIVISION

CALIFORNIA RESTAURANT
 ASSOCIATION,

Plaintiff,

vs.

THE CITY AND COUNTY OF SAN
 FRANCISCO AND THE SAN
 FRANCISCO DEPARTMENT OF
 PUBLIC HEALTH,

Defendants.

Case No. C08-3247 CW

**ORDER GRANTING STIPULATION
 VACATING AND RESCHEDULING
 HEARING ON PLAINTIFF'S
 MOTIONS FOR DECLARATORY
 RELIEF AND PRELIMINARY
 INJUNCTION AND EXTENDING
 STAY OF ENFORCEMENT OF
 ORDINANCES**

(Civil Local Rule 7-12)

Honorable Claudia Wilken

Hearing Date: September 11, 2008
 Time: 2:00 p.m.
 Place: Ctrm 2, 4th Floor

CALIFORNIA RESTAURANT
 ASSOCIATION,

Plaintiff,

vs.

THE COUNTY OF SANTA CLARA
 AND THE SANTA CLARA COUNTY
 PUBLIC HEALTH DEPARTMENT,

Defendants.

Case No. C08-3685 CW
 (Related with above case)

STIPULATION

WHEREAS, on August 26, 2008, the Court ordered that the hearing on Plaintiff California Restaurant Association ("CRA")'s Motions for Declaratory Relief and a Preliminary Injunction ("Motions") in each of the related actions that was scheduled for August 28, 2008 be vacated and rescheduled for September 11, 2008 at 2:00 p.m.;

WHEREAS, on August 31, 2008, the California Legislature passed Senate Bill 1420, a bill that would require menu labeling state-wide and that contains a preemption clause;

WHEREAS, Senate Bill 1420 is now pending before the Governor and the Governor has until September 30, 2008 to sign or veto the bill;

WHEREAS, if the Governor takes no action on Senate Bill 1420 by September 30, 2008, the bill will automatically become law;

WHEREAS, in light of these circumstances, Plaintiff CRA and Defendants City and County of San Francisco and County of Santa Clara ("Defendants") agree that a hearing on September 11, 2008 would be premature and an inefficient use of judicial resources, and that the hearing should be rescheduled for a date after September 30, 2008 in order to ascertain whether Senate Bill 1420 becomes law;

WHEREAS, in order to allow for a later hearing date, Defendants are willing to further postpone enforcement of their ordinances (*i.e.*, no fines or penalties will be imposed), until November 24, 2008; and

WHEREAS, in light of the holidays of Rosh Hashanah and Yom Kippur, counsel for Plaintiff CRA have scheduling issues with the Court's regularly scheduled hearing dates of October 2 and October 9;

IT IS HEREBY STIPULATED AND AGREED, by and among Plaintiff and Defendants, subject to approval of the Court, that:

1. The hearing on Plaintiff's Motions in the related actions shall take place on October 16, 2008 at 2:00 p.m.. The hearing presently scheduled for September 11, 2008 at 2:00 p.m. shall be vacated.

2. Enforcement of fines and penalties under both the San Francisco and Santa Clara ordinances shall be stayed until November 24, 2008, without prejudice as to Plaintiff's right to seek a further stay and Defendants' right to oppose any further stay.

Dated: September 3, 2008

DENNIS J. HERRERA
City Attorney
WAYNE SNODGRASS
FRANCESCA GESSNER
TARA M. STEELEY
Deputy City Attorneys

By: _____ /s/
FRANCESCA GESSNER
Attorneys for Defendant
CITY AND COUNTY OF SAN FRANCISCO

ANN MILLER RAVEL
County Counsel
TAMARA LANGE
MIGUEL MARQUEZ

By: _____ /s/
MIGUEL MARQUEZ
Attorneys for Defendant
COUNTY OF SANTA CLARA

ARNOLD & PORTER LLP

By: _____ /s/
TRENTON NORRIS
Attorneys for Plaintiff
CALIFORNIA RESTAURANT ASSOCIATION

PURSUANT TO STIPULATION, IT IS SO ORDERED:

Dated: 9/5/08



The Honorable Claudia Wilken