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 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: October 16, 2008  
 Time: 2:00 p.m.  
 Place: Ctrm 2, 4<sup>th</sup> 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 the hearing on Plaintiff California Restaurant Association's ("CRA") Motions for Declaratory Relief and a Preliminary Injunction ("Motions") in each of the related actions is currently scheduled for October 16, 2008;

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, on September 30, 2008, the Governor of the State of California signed into law Senate Bill 1420;

WHEREAS, in light of these circumstances, Plaintiff CRA and Defendants City and County of San Francisco and County of Santa Clara ("Defendants") agree that the hearing on October 16, 2008 should be continued to allow the parties an opportunity to come to agreement concerning the effect of the new legislation on Plaintiff's motion for preliminary injunction; and

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 January 1, 2009;

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 30, 2008 at 2:00 p.m.. The hearing presently scheduled for October 16, 2008 at 2:00 p.m. shall be vacated. If the Parties cannot reach a stipulation to resolve this case before October 21, 2008 and do not file such a stipulation by that date, Plaintiff will file its brief concerning the effect of the new legislation on Plaintiff's motion for preliminary injunction by October 24, 2008 and Defendants will file their responsive briefs by October 27, 2008.

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- 2 Enforcement of fines and penalties under both the San Francisco and Santa Clara ordinances shall be stayed until January 1, 2009.

Dated: October 10, 2008

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

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

ANN MILLER RAVEL  
County Counsel  
TAMARA LANGE  
MIGUEL MARQUEZ

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

ARNOLD & PORTER LLP

By: /s/ Trenton H. Norris\*  
TRENTON H. NORRIS  
Attorneys for Plaintiff  
CALIFORNIA RESTAURANT ASSOCIATION

**PURSUANT TO STIPULATION, IT IS SO ORDERED:**

**10/14/08**



\_\_\_\_\_  
The Honorable Claudia Wilken

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\* I hereby attest that I have on file all holograph signatures for any signatures indicated by a "conformed" signature (/S/) within this efiled document.