

Honorable Robert S. Lasnik

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

CHAMBER OF COMMERCE OF THE
UNITED STATES OF AMERICA, and
RASIER, LLC

Plaintiffs,

v.

CITY OF SEATTLE,
SEATTLE DEPARTMENT OF FINANCE
AND ADMINISTRATIVE SERVICES, and
CALVIN W. GOINGS,¹ in his official
capacity as Director, Finance and
Administrative Services, City of Seattle

Defendants.

Case No. 17-cv-00370-RSL

**STIPULATED MOTION
REGARDING MOTIONS AND
BRIEFING SCHEDULE**

NOTING DATE: December 6, 2018

Pursuant to Local Civil Rules 7(d)(1) and 10(g), Plaintiffs and Defendants (“Seattle”) submit this Stipulated Motion to modify the schedule for the filing and briefing of Plaintiffs’ motion for summary judgment and Seattle’s motion for discovery set forth in the Court’s case

¹ Former Defendant Fred Podesta is no longer the Director of Finance and Administrative Services. The current Director is Calvin W. Goings.

1 management order dated November 2, 2018, and the parties' Joint Status Report and Discovery
2 Plan dated October 26, 2018. For the reasons set forth herein, the parties stipulate and agree that
3 the time for Plaintiffs to file their motion for summary judgment shall be suspended pending
4 Seattle's consideration of an amendment to the collective-bargaining ordinance under review in
5 this action. The parties shall file a joint status report no later than January 15, 2019, advising the
6 Court on the status of the amendment and proposing a revised schedule for the filing and briefing
7 of Plaintiffs' motion for summary judgment and Seattle's motion for discovery.

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9 1. This case, on remand from the Ninth Circuit, involves a facial challenge to a
10 Seattle ordinance authorizing for-hire drivers to engage in collective negotiations over the terms
11 of their contracts with ride-referral and similar companies (known under the ordinance as "driver
12 coordinators"). Plaintiffs allege that the ordinance violates and is preempted by federal antitrust
13 law.

14 2. The parties previously negotiated, and the Court ordered, a schedule for the filing
15 by Plaintiffs of a motion for summary judgment and the subsequent filing by Seattle of a motion
16 for discovery under Rule 56(b). Under the schedule, Plaintiffs' motion for summary judgment is
17 due to be filed this Friday, December 7, and any motion by Seattle for discovery would be due
18 on December 21.

19 3. On Monday, December 3, counsel for the City informed counsel for Plaintiffs that
20 the City Council is considering an amendment to the ordinance that would remove "the nature or
21 amount of payments to be made by, or withheld from, a driver coordinator to or by its drivers"
22 from the authorized subjects of collective negotiations. Seattle expects the City Council to make
23 a final decision on this proposed amendment within approximately the next month, but not
24 before December 21.

25 4. Plaintiffs believe that the amendment would not cure the ordinance's legal
26 deficiencies. Nevertheless, the parties agree that the amendment, if enacted, could potentially

1 affect the presentation and scope of the parties' arguments. Because the amendment will be
2 enacted, if at all, after the current motions deadlines, enactment of the amendment would require
3 the parties to revise or supplement their motions and briefs.

4 5. Accordingly, to avoid burdening the parties and the Court with potentially
5 unnecessary time and expense, the parties hereby stipulate and agree to temporarily suspend the
6 filing and briefing of their respective motions while the City Council considers the amendment.

7 6. The parties further stipulate and agree that they will submit a joint status report no
8 later than January 15, 2019, advising the Court on the status of the amendment and proposing a
9 revised schedule for the filing and briefing of Plaintiffs' motion for summary judgment and any
10 motion by Seattle for discovery.

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12 IT IS SO STIPULATED.

13 Dated: December 6, 2018

Respectfully submitted,

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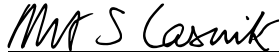
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ORDER

IT IS SO ORDERED.

DATED this 11th day of December, 2018.


Robert S. Lasnik
United States District Judge