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11 Attorneys for Defendant City of Oakland

12 UNITED STATES DISTRICT COURT
13 NORTHERN DISTRICT OF CALIFORNIA
14 SAN FRANCISCO DIVISION

15 EDWARD D. JACKSON, et al.,

16 Plaintiffs,

17 vs.

18 CITY OF OAKLAND, et al.,

19 Defendants.

No.: 4:18-CV-05742-CRB

**STIPULATED REQUEST TO VACATE
HEARING AND STAY PROCEEDINGS**

Preliminary Injunction Motion Hearing:

Date: November 16, 2018
Time: 10:00 a.m.
Courtroom: 6

(The Honorable Charles R. Breyer)

1 The City Council for the City of Oakland is currently considering the passage of an
2 ordinance repealing in its entirety Oakland Municipal Code section 9.08.250, the loitering ordinance
3 that is the subject of both Plaintiffs' complaint and their pending motion for preliminary injunction.
4 Dkt. No. 12; Declaration of Kristen M. Rogers ("Rogers Decl."), Ex. A. The first reading of this
5 proposed ordinance is scheduled for the City Council's October 16, 2018 meeting. Rogers Decl.,
6 Ex. B. The second reading and passage of the ordinance repealing the loitering ordinance is currently
7 scheduled for the City Council's October 30, 2018 meeting. *Id.* This repeal would be given immediate
8 effect if it receives six or more affirmative votes, otherwise it will become effective upon the seventh
9 day after final adoption. Rogers Decl., Ex. A at 4.

10 The repeal of the loitering ordinance would bear significantly on this litigation.
11 Accordingly, in order to conserve limited judicial and public resources, the parties request that the
12 Court stay proceedings on plaintiffs' motion for preliminary injunction and hereby stipulate to the
13 following schedule:

- 14 1. That the hearing on November 16 be VACATED;
- 15 2. That all proceedings, including briefing on the pending Motion for Preliminary
16 Injunction, be STAYED until November 1, 2018;
- 17 3. That on November 1, 2018, the parties will file a status report that:
18 (1) either withdraws the Motion for Preliminary Injunction, or proposes a
19 new briefing schedule and hearing date; and
20 (2) proposes a new deadline for defendants' response to plaintiffs'
21 complaint.

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Dated: October 10, 2018

Respectfully Submitted,

Barbara J. Parker, City Attorney
Maria S. Bee, Chief Assistant City Attorney
OFFICE OF THE CITY ATTORNEY

Karen Getman
James C. Harrison
Thomas A. Willis
Kristen M. Rogers
REMCHO, JOHANSEN & PURCELL, LLP

By: /s/ Karen Getman
Attorneys for Defendant City of Oakland

Dated: October 10, 2018

Kevin Cholakian
Barry D. Brown
Cholakian & Associates

By: 
*Attorneys for Defendant Oakland Housing
Authority Police Department*

Dated: October 10, 2018

Anne M. Voigts
George R. Morris
KING & SPALDING LLP

Elisa Della-Piana
Jude Pond
LAWYERS' COMMITTEE FOR CIVIL RIGHTS
OF THE SAN FRANCISCO BAY AREA

Shilpi Agarwal
Christine P. Sun
AMERICAN CIVIL LIBERTIES UNION
FOUNDATION OF NORTHERN CALIFORNIA, INC.

Whitney Rubenstein
Meghan Gordon
EAST BAY COMMUNITY LAW CENTER

By: _____
*Attorneys for Plaintiffs Darren Mathieu II
and Edward Jackson Jr.*

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Respectfully Submitted,

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By: /S/ Karen Getman
Attorneys for Defendant City of Oakland

Dated: October 10, 2018

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Meghan Gordon
EAST BAY COMMUNITY LAW CENTER

By: /S/ Shilpi Agarawal
*Attorneys for Plaintiffs Darren Mathieu II
and Edward Jackson Jr.*

ELECTRONIC SIGNATURE ATTESTATION

I hereby attest that I have on file all holographic signatures corresponding to any signatures indicated by a conformed signature (/S/) within this e-filed document.

/S/ Karen Getman

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