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9 IN THE UNITED STATES DISTRICT COURT
10 FOR THE NORTHERN DISTRICT OF CALIFORNIA
11 SAN FRANCISCO DIVISION
12

13 **FIRST AMENDMENT COALITION, et al.,**

14 Plaintiffs,

15 v.
16

17 **DAVID CHIU, et al.,**

18 Defendants.
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Case No. 3:24-cv-08343-RFL

**STIPULATION AND ~~PROPOSED~~
ORDER FOR ENTRY OF
PRELIMINARY INJUNCTION AND TO
EXTEND TIME FOR DEFENDANTS TO
RESPOND TO COMPLAINT**

Date/Time: January 14, 2025 at 10:00 a.m.
Location: Courtroom 15, 18th Floor
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Pursuant to Civil Local Rule 6-1 and 7-12, the Parties, through their counsel of record, enter into the following stipulation.

STIPULATION

WHEREAS, Plaintiffs filed their Complaint on November 22, 2024 (Dkt. No. 1);

WHEREAS, Plaintiffs filed a Motion for a Preliminary Injunction on November 25, 2024 (Dkt. No. 11-3), and re-noticed the Motion on December 11, 2024 (Dkt. No. 29);

WHEREAS, the Parties agree to resolve the Motion without the time, expense, and uncertainty associated with further litigation of the Motion;

THEREFORE, IT IS HEREBY AGREED AND STIPULATED, subject to the Court's approval and order, that:

1. Defendants, and all their officers, agents, servants, employees, attorneys, and other persons in active concert or participation with them, are preliminarily enjoined from enforcing California Penal Code § 851.92(c) against the dissemination by any person or entity of (a) information relating to any arrest report that the person or entity reasonably believes was obtained from the government through a public records request; or (b) information that is or has been at any time otherwise made publicly available and relates to any arrest report, including (but not limited to) the arrest report at issue in this case (described in the Complaint (Dkt. No. 1) at ¶¶ 41, 47, 54–56, 63) and the contents thereof.
2. This stipulation resolves, subject to the rights reserved in paragraph (4), Plaintiffs' Motion for a Preliminary Injunction, and the January 14, 2025 hearing on the Motion is taken off calendar.
3. This stipulation is limited to California Penal Code § 851.92(c) and does not affect Defendants' right or ability to enforce any other law or provision.
4. This stipulation is without prejudice to any position that any party may take in the remainder of this case, including without limitation (a) Plaintiffs' seeking preliminary injunctive relief (beyond the scope of the relief the Court orders as a result of this stipulation) or permanent injunctive relief or (b) Defendants' arguing

that no further preliminary injunctive relief and no permanent injunctive relief are warranted.

5. The time for Defendants to respond to Plaintiffs' Complaint is extended to February 14, 2025.

Dated: December 16, 2024

Respectfully submitted,

FOUNDATION FOR INDIVIDUAL RIGHTS &
EXPRESSION

s/Adam Steinbaugh*

ADAM STEINBAUGH
Attorneys for Plaintiffs

DAVID CHIU
City Attorney
YVONNE R. MERÉ
TARA M. STEELEY
Deputy City Attorneys

s/Kaitlyn Murphy*

KAITLYN MURPHY
Deputy City Attorney
*Attorneys for Defendant David Chiu, in his
official capacity as City Attorney for the
City and County of San Francisco*

ROB BONTA
Attorney General of California
ANYA M. BINSACCA
Supervising Deputy Attorney General

s/Shiwon Choe

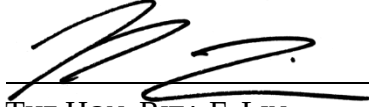
SHIWON CHOE
Deputy Attorney General
*Attorneys for Defendant Rob Bonta, in his
official capacity as California Attorney
General*

* In accordance with Civil Local Rule 5-1(i)(3), the filer attests that all signatories have concurred in the filing of this document.

~~PROPOSED~~ ORDER

The Court, having reviewed and fully considered the parties' stipulation, **ORDERS** the preliminary injunction and conditions to which the parties have stipulated.

Dated: December 19, 2024


THE HON. RITA F. LIN
United States District Judge