

1 DAVID CHIU, State Bar #189542
2 City Attorney
3 WAYNE K. SNODGRASS, State Bar #148137
4 JEREMY M. GOLDMAN, State Bar #218888
5 Deputy City Attorneys
6 City Hall, Room 234
7 1 Dr. Carlton B. Goodlett Place
8 San Francisco, California 94102-4682
9 Telephone: (415) 554-6762
10 Facsimile: (415) 554-4699
11 E-Mail: jeremy.goldman@sfcityatty.org

12 Attorneys for Defendant
13 CITY AND COUNTY OF SAN FRANCISCO

GIBSON, DUNN & CRUTCHER LLP
JOSHUA S. LIPSHUTZ, SBN 242557
jlipshutz@gibsondunn.com
555 Mission Street, Suite 3000
San Francisco, CA 94105-0921
Telephone: 415.393.8200
Facsimile: 415.393.8306

MICHAEL HOLECEK, SBN 281034
mholecsek@gibsondunn.com
333 South Grand Avenue
Los Angeles, CA 90071-3197
Telephone: 213.229.7000
Facsimile: 213.229.7520

Attorneys for Plaintiffs
DOORDASH, INC. and GRUBHUB INC.

11 UNITED STATES DISTRICT COURT
12
13 NORTHERN DISTRICT OF CALIFORNIA

14 DOORDASH, INC. and GRUBHUB INC.,
15
16 Plaintiffs,
17
18 vs.
19 CITY AND COUNTY OF SAN FRANCISCO,
20
21 Defendant.

Case No. 3:21-cv-05502 EMC

**STIPULATION AND ~~PROPOSED~~ ORDER
STAYING CASE, VACATING CASE
MANAGEMENT DATES, AND
PROVIDING FOR EVENTUAL
DISMISSAL**

1 Pursuant to Civil Local Rules 6-2 and 7-12, Plaintiffs DoorDash, Inc. and Grubhub Inc., and
2 Defendant City and County of San Francisco (collectively, “the Parties”), hereby stipulate as follows:

3 WHEREAS, on June 28, 2022, San Francisco Supervisor Aaron Peskin introduced the
4 Ordinance attached hereto as Exhibit A (“the Ordinance”), which would amend certain provisions of
5 Article 53 of the San Francisco Police Code at issue in this action;

6 WHEREAS, Plaintiffs have decided that they are willing to dismiss the above-captioned action
7 if the Ordinance is enacted; and

8 WHEREAS, the Parties anticipate that enactment of the Ordinance may take several months in
9 the ordinary legislative process;

10 NOW, THEREFORE, in the interest of judicial economy and good cause showing, the
11 undersigned parties, by and through their counsel of record, hereby agree and stipulate, and the Court
12 hereby orders, as follows:

- 13 1. This action is hereby stayed;
- 14 2. All existing case management dates are vacated;
- 15 3. If the Ordinance is enacted, Plaintiffs shall dismiss this action, without prejudice to their
16 right to reinstate the above-captioned action (including, without limitation, the claims alleged and
17 remedies sought therein), as a result of any amendment to the Ordinance or future legislation, within
18 seven days of its effective date, each party to bear its own fees and costs;
- 19 4. If the Ordinance is not enacted, the Parties may stipulate to, or any party may file an
20 administrative motion requesting, a lifting of the stay and the establishment of new case management
21 dates.

22 The Parties respectfully request that the Court enter an Order approving this Stipulation.

23
24 IT IS SO STIPULATED.
25
26
27
28

1 Dated: July 1, 2022

2 DAVID CHIU
3 City Attorney
4 WAYNE SNODGRASS
5 JEREMY M. GOLDMAN
6 Deputy City Attorneys

7 By: Jeremy M. Goldman
8 JEREMY M. GOLDMAN
9 Attorneys for Defendant
10 CITY AND COUNTY OF SAN FRANCISCO

11 Dated: July 1, 2022

12 GIBSON, DUNN & CRUTCHER LLP

13 By: Joshua S. Lipshutz
14 Joshua S. Lipshutz
15 Michael Holecek
16 Attorneys for Plaintiffs
17 DOORDASH, INC. and GRUBHUB INC.

18 **ATTESTATION CLAUSE**

19 Pursuant to Civil Local Rule 5-1(i)(3), I hereby certify that I obtained in the filing of this
20 document the concurrence from all parties whose electronic signatures appear above.

21 Dated: July 1, 2022

22 /s/ Jeremy M. Goldman
23 JEREMY M. GOLDMAN

24 **PURSUANT TO STIPULATION, IT IS SO ORDERED.**

25 DATED: July 1, 2022

26 
27 Hon. Edward M. Chen
28 United States District Judge