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CTIA – The Wireless Association®

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

CTIA – THE WIRELESS ASSOCIATION®,

Plaintiff,

v.

THE CITY OF BERKELEY, CALIFORNIA,
and CHRISTINE DANIEL, CITY
MANAGER OF BERKELEY, CALIFORNIA,
in her official capacity,

Defendants.

CASE NO. 3:15-cv-02529-EMC

**JOINT STIPULATION AND [PROPOSED]
ORDER TO VACATE OCTOBER 1, 2015
CASE MANAGEMENT CONFERENCE**

RECITALS

1. On June 8, 2015, Plaintiff CTIA – The Wireless Association® (“CTIA”) filed a complaint (Dkt. 1) against Defendants City of Berkeley, California, and Christine Daniel, in her official capacity as City Manager of Berkeley, California. That same day, CTIA filed a motion for preliminary injunction (Dkt. 4), requesting this Court to preliminarily enjoin all Defendants from enforcing or causing to be enforced Berkeley Municipal Code Chapter 9.96 (the “Ordinance”) before the Ordinance was to go into effect on June 25, 2015, pending final judgment.

2. On June 15, 2015, this Court ordered (Dkt. 21) that, pursuant to Federal Rule of Civil Procedure 16 and Civil Local Rule 16-10, a case management conference would be held in this case on Thursday, October 1, 2015 at 9:30 a.m. This Court also ordered the parties to file a joint case management conference statement on Thursday, September 24, 2015, one week in advance of the case management conference.

3. Further, pursuant to this Court’s order, any request to the reschedule the case management conference date must be made in writing and by stipulation, if possible, not less than ten days before the conference date—by Monday, September 21, 2015. Good cause must be shown.

4. Following briefing, this Court heard CTIA’s preliminary injunction motion on August 20, 2015 (Dkt. 47). This Court took the matter under submission and will issue an order.

5. The parties met and conferred to discuss requesting this Court to vacate the upcoming case management conference in light of the pending preliminary injunction motion. Because this Court’s resolution of that motion will determine the course of this litigation, the parties agreed that they would respectfully request that the currently scheduled case management conference be vacated and rescheduled at an appropriate time following this Court’s ruling on CTIA’s motion.

STIPULATION

The parties accordingly stipulate as follows:

1. This Court shall vacate the October 1, 2015 case management conference and the corresponding September 24, 2015 case management conference statement; and

2. This Court shall reset the case management conference at an appropriate time following this Court’s ruling on CTIA’s pending preliminary injunction motion.

1 September 18, 2015

By: /s/ Theodore B. Olson

2 Theodore B. Olson
3 Helgi C. Walker
4 Joshua S. Lipshutz
5 Joshua D. Dick
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9 *Attorneys for Plaintiff*
10 *CTIA – The Wireless Association®*

11 September 18, 2015

By: **/s/ Zachary D. Cowan

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19 *City of Berkeley, California and*
20 *Christine Daniel, City Manager of*
21 *Berkeley, California*

22 ** Pursuant to Civ. L.R. 5-1(i)(3), the
23 electronic signatory has obtained
24 approval from this signatory.

25 **[PROPOSED] ORDER**

26 PURSUANT TO STIPULATION, IT IS SO ORDERED.

27 Dated: _____

28 _____
EDWARD M. CHEN
UNITED STATES DISTRICT JUDGE