

Theodore B. Olson (#38137)  
Helgi C. Walker (Pro Hac Vice Pending)  
Michael R. Huston (#278488)  
Jacob T. Spencer (Pro Hac Vice Pending)  
GIBSON, DUNN & CRUTCHER LLP  
1050 Connecticut Avenue, N.W.  
Washington, DC 20036-5306  
Telephone: 202.955.8668  
Facsimile: 202.530.9575

Joshua S. Lipshutz (#242557)  
Joshua D. Dick (#268853)  
GIBSON, DUNN & CRUTCHER LLP  
555 Mission Street  
San Francisco, CA 94105-0921  
Telephone: 415.393.8233  
Facsimile: 415.374.8469

*Attorneys for Plaintiff*  
*CTIA – The Wireless Association®*

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

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 REGARDING STAY AND  
BRIEFING SCHEDULE**

**RECITALS**

1  
2 1. On May 26, 2015, the City Council of Berkeley, California adopted Ordinance No.  
3 7,404-N.S., entitled “REQUIRING NOTICE CONCERNING RADIO FREQUENCY EXPOSURE  
4 OF CELL PHONES,” Berkeley Municipal Code Chapter 9.96 (the “Ordinance”).

5 2. Plaintiff CTIA – The Wireless Association® (“CTIA”) filed a complaint (Doc. 1) on  
6 June 8, 2015, asking this Court, *inter alia*, to declare that the Ordinance violates the First Amendment  
7 and is preempted by federal law, and to enter an injunction barring Defendants the City of Berkeley,  
8 California (the “City”) and Christine Daniel, the City Manager of Berkeley, California from  
9 enforcing or causing to be enforced Berkeley Municipal Code Chapter 9.96.

10 3. CTIA alleged, on information and belief, that the Ordinance would be effective 30  
11 days after it was adopted, on June 25, 2015. CTIA further alleged, on information and belief, that the  
12 City’s municipal officers intended to begin enforcing the Ordinance against CTIA’s members on that  
13 date.

14 4. On June 8, 2015, CTIA filed a motion for preliminary injunction (Doc. 4), requesting  
15 this Court to preliminarily enjoin all Defendants from enforcing or causing to be enforced Berkeley  
16 Municipal Code Chapter 9.96 before the Ordinance was to go into effect on June 25, 2015, pending  
17 final judgment.

18 5. CTIA noticed a hearing regarding the motion for preliminary injunction on July 17,  
19 2015, at 10:00 am, or as soon thereafter as would be convenient for this Court.

20 6. According to the docket (Dkt. 4), Defendants’ Response to CTIA’s motion for  
21 preliminary injunction is due June 22, 2015. CTIA’s Reply is due June 29, 2015.

22 7. The City has agreed to stay enforcement of the Ordinance pending orderly  
23 adjudication of the motion for preliminary injunction.

24 8. CTIA has agreed to work with the City to propose a reasonably prompt and mutually  
25 agreeable briefing schedule on the motion for preliminary injunction.

26 9. The parties respectfully submit that it would serve the interests of full and fair  
27 adjudication and orderly process in this case for the Court to vacate the current briefing schedule and  
28 request for a hearing date.

**STIPULATION**

The parties accordingly stipulate as follows:

1. The City agrees and stipulates to a stay of any enforcement of the Ordinance until this Court rules on CTIA's motion for preliminary injunction. This stay is intended to allow for the orderly adjudication of the motion.
2. The parties shall meet and confer in order to negotiate and agree upon a proposed briefing schedule and re-notice a hearing date to be promptly submitted to the Court.
3. The present briefing schedule is vacated.

June 9, 2015

By: /s/ Theodore B. Olson

Theodore B. Olson  
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Michael R. Huston  
Jacob T. Spencer

GIBSON, DUNN & CRUTCHER LLP

*Attorneys for Plaintiff*  
*CTIA – The Wireless Association®*

June 9, 2015

By: \*\*/s/ Zachary D. Cowan

Zach Cowan, City Attorney (#96372)  
CITY OF BERKELEY  
2180 Milvia Street, Fourth Floor  
Berkeley, CA 94704  
Telephone: 510.981.6998  
Facsimile: 510.981.6960

*Attorney for Defendants*  
*City of Berkeley, California and*  
*Christine Daniel, City Manager of*  
*Berkeley, California*

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

~~[PROPOSED]~~ ORDER

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Dated: 6/15/15

