

1 UNITED STATES DISTRICT COURT  
2 NORTHERN DISTRICT OF CALIFORNIA

3  
4 CALIFORNIA RESTAURANT ASSOCIATION,

5 Plaintiff,

6 vs.

7 CITY OF BERKELEY,

8 Defendant.

CASE NO. 4:19-cv-07668-YGR

**ORDER: (1) GRANTING-IN-PART AND DENYING-IN-PART DEFENDANT CITY OF BERKELEY’S MOTION TO DISMISS; AND (2) GRANTING LEAVE TO AMEND**

Re: Dkt. No. 18

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10 On July 14, 2020, the parties appeared for oral arguments via the Zoom platform. Having  
11 carefully considered the briefing and arguments submitted on defendant City of Berkeley’s  
12 (“Berkeley”) motion to dismiss pursuant to Federal Rules of Civil Procedure 12(b)(1) and (b)(6),  
13 as well as the parties’ arguments raised at the motion hearing, the Court **GRANTS IN PART**  
14 Berkeley’s motion on the grounds of both ripeness and standing for the reasons stated on the  
15 record. (Dkt. No. 18 (motion).) The Court otherwise **DENIES WITHOUT PREJUDICE** the remaining  
16 grounds of the motion: Berkeley may re-raise these arguments in any response to the filing of an  
17 amended complaint.

18 Further, California Restaurant Association (“CRA”) is **GRANTED** leave to amend in the  
19 filing of an amended complaint adding new allegations as to both of these grounds. CRA’s  
20 amended complaint shall be filed **on or before August 14, 2020**. Berkeley’s response to the  
21 amended complaint shall be filed on or before **September 14, 2020**. Any filed motion from  
22 Berkeley shall follow the regular 35-day briefing schedule unless otherwise stipulated by the  
23 parties and approved by the Court.

24 This Order terminates Docket Number 18.

25 **IT IS SO ORDERED.**

26  
27 Dated: July 22, 2020



YVONNE GONZALEZ ROGERS  
UNITED STATES DISTRICT JUDGE

United States District Court  
Northern District of California