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19
20 UNITED STATES DISTRICT COURT
21 FOR THE NORTHERN DISTRICT OF CALIFORNIA
22 OAKLAND DIVISION

23 CALIFORNIA RESTAURANT
ASSOCIATION,

24 Plaintiff,

25 v.

26 CITY OF BERKELEY,

27 Defendant.

No. 4:19-CV-07668-YGR

**STIPULATION AND ~~PROPOSED~~
ORDER TO HOLD CASE IN
ABEYANCE PENDING
SETTLEMENT**

1 Plaintiff California Restaurant Association and Defendant City of Berkeley have reached
2 a settlement in principle but need time to finalize and implement it. The City has agreed to
3 repeal the challenged Natural Gas Infrastructure Ordinance, Ordinance No. 7,672-N.S., a process
4 that will take several months in light of the City Council's procedures and calendar. The parties
5 therefore stipulate and request that the Court hold this case in abeyance for approximately six
6 months, until September 10, 2024, to allow time for the City to repeal the Ordinance.

7 1. On February 13, 2024, the Court granted the parties' joint request to continue the
8 Initial Case Management Conference set for February 26, 2024 to April 1, 2024 to allow time for
9 settlement discussions. The Court likewise extended the deadline to file a case management
10 statement to March 25, 2024. ECF 91 (minute entry).

11 2. The parties have reached a settlement in principle in which the City will repeal its
12 Ordinance and, following the repeal, the parties will file a stipulation of dismissal under Civil
13 Rule 41(a). The parties wish to avoid unnecessarily expending additional resources on and
14 burdening the Court with this litigation in the meantime. The parties therefore stipulate and
15 request that this case, including all deadlines and discovery obligations, be held in abeyance for
16 six months.

17 THEREFORE, IT IS HEREBY STIPULATED by and between the Association and the
18 City, and the parties respectfully request, that:

19 1. This case will be held in abeyance until September 10, 2024. All deadlines and
20 discovery obligations are suspended.

21 2. If the parties do not file a stipulation of dismissal by September 10, 2024, the
22 parties will file a case management statement by September 23, 2024.

23 3. The Initial Case Management Conference is continued until September 30, 2024
24 (or such other date as may be convenient for the Court) at 2 p.m. by videoconference only.

25 4. The Parties will provide advance notice of counsel or parties who wish to be
26 identified by the Court as making an appearance or will be participating in the argument at the
27 hearing. A list of names and emails must be sent to the CRD at YGRCRD@cand.uscourts.gov
28 no later than September 27, 2024 at 12:00 PM PST.

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SO STIPULATED.

Dated: March 18, 2024

REICHMAN JORGENSEN LEHMAN &
FELDBERG LLP

By: /s/ Sarah Jorgensen
Sarah Jorgensen

Attorney for Plaintiff California Restaurant
Association

BERKELEY CITY ATTORNEY'S OFFICE

By: /s/ Farimah F. Brown
Farimah F. Brown

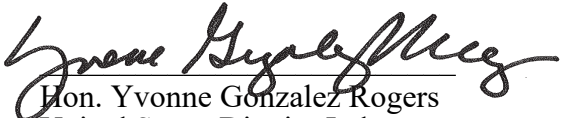
City Attorney for Defendant City of Berkeley

ECF ATTESTATION

In accordance with Civil Local Rule 5(i)(3), I, Sarah Jorgensen, attest that I have
obtained concurrence in the filing of this document from the other signatory listed here.

PURSUANT TO STIPULATION, IT IS SO ORDERED.

DATED: March 21, 2024


Hon. Yvonne Gonzalez Rogers
United States District Judge