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9 IN THE UNITED STATES DISTRICT COURT
 10 FOR THE NORTHERN DISTRICT OF CALIFORNIA
 11 SAN FRANCISCO DIVISION

13 **FIRST AMENDMENT COALITION, et al.,**

14 Plaintiffs,

15 v.

17 **DAVID CHIU, et al.,**

18 Defendants.

Case No. 3:24-cv-08343-RFL

**STIPULATION AND ~~PROPOSED~~
 ORDER FOR ENTRY OF
 PRELIMINARY INJUNCTION AND TO
 EXTEND TIME FOR DEFENDANTS TO
 RESPOND TO COMPLAINT**

Date/Time: January 14, 2025 at 10:00 a.m.
 Location: Courtroom 15, 18th Floor

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1 Pursuant to Civil Local Rule 6-1 and 7-12, the Parties, through their counsel of record, enter
2 into the following stipulation.

3 **STIPULATION**

4 WHEREAS, Plaintiffs filed their Complaint on November 22, 2024 (Dkt. No. 1);

5 WHEREAS, Plaintiffs filed a Motion for a Preliminary Injunction on November 25, 2024
6 (Dkt. No. 11-3), and re-noticed the Motion on December 11, 2024 (Dkt. No. 29);

7 WHEREAS, the Parties agree to resolve the Motion without the time, expense, and
8 uncertainty associated with further litigation of the Motion;

9 THEREFORE, IT IS HEREBY AGREED AND STIPULATED, subject to the Court's
10 approval and order, that:

- 11 1. Defendants, and all their officers, agents, servants, employees, attorneys, and other
12 persons in active concert or participation with them, are preliminarily enjoined from
13 enforcing California Penal Code § 851.92(c) against the dissemination by any
14 person or entity of (a) information relating to any arrest report that the person or
15 entity reasonably believes was obtained from the government through a public
16 records request; or (b) information that is or has been at any time otherwise made
17 publicly available and relates to any arrest report, including (but not limited to) the
18 arrest report at issue in this case (described in the Complaint (Dkt. No. 1) at ¶¶ 41,
19 47, 54–56, 63) and the contents thereof.
- 20 2. This stipulation resolves, subject to the rights reserved in paragraph (4), Plaintiffs'
21 Motion for a Preliminary Injunction, and the January 14, 2025 hearing on the
22 Motion is taken off calendar.
- 23 3. This stipulation is limited to California Penal Code § 851.92(c) and does not affect
24 Defendants' right or ability to enforce any other law or provision.
- 25 4. This stipulation is without prejudice to any position that any party may take in the
26 remainder of this case, including without limitation (a) Plaintiffs' seeking
27 preliminary injunctive relief (beyond the scope of the relief the Court orders as a
28 result of this stipulation) or permanent injunctive relief or (b) Defendants' arguing

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that no further preliminary injunctive relief and no permanent injunctive relief are warranted.

5. The time for Defendants to respond to Plaintiffs’ Complaint is extended to February 14, 2025.

Dated: December 16, 2024

Respectfully submitted,

FOUNDATION FOR INDIVIDUAL RIGHTS & EXPRESSION

s/Adam Steinbaugh*
ADAM STEINBAUGH
Attorneys for Plaintiffs

DAVID CHIU
City Attorney
YVONNE R. MERÉ
TARA M. STEELEY
Deputy City Attorneys

s/Kaitlyn Murphy*
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s/Shiwon Choe
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Attorneys for Defendant Rob Bonta, in his official capacity as California Attorney General

* In accordance with Civil Local Rule 5-1(i)(3), the filer attests that all signatories have concurred in the filing of this document.

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~~PROPOSED~~ ORDER

The Court, having reviewed and fully considered the parties' stipulation, **ORDERS** the preliminary injunction and conditions to which the parties have stipulated.

Dated: December 19, 2024



THE HON. RITA F. LIN
United States District Judge