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

11 ESPANOLA JACKSON, PAUL COLVIN,) **CASE NO.: CV-09-2143-RS**
THOMAS BOYER, LARRY BARSETTI,)
12 DAVID GOLDEN, NOEMI MARGARET) **STIPULATION OF PARTIES TO STAY**
ROBINSON, NATIONAL RIFLE) **FURTHER DISTRICT COURT**
13 ASSOCIATION OF AMERICA, INC., SAN) **PROCEEDINGS PENDING APPEAL OF**
FRANCISCO VETERAN POLICE) **COURT'S ORDER DENYING MOTION FOR**
14 OFFICERS ASSOCIATION,) **PRELIMINARY INJUNCTION**

15 Plaintiffs) **(Filed Concurrently with [Proposed] Order)**

16 vs.)

17 CITY AND COUNTY OF SAN)
FRANCISCO, THE MAYOR OF SAN)
18 FRANCISCO, AND THE CHIEF OF THE)
SAN FRANCISCO POLICE)
19 DEPARTMENT, in their official capacities,)
and DOES 1-10,)

20 Defendants.)
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1 This stipulation is entered into by and among Plaintiffs ESPANOLA JACKSON, PAUL
2 COLVIN, THOMAS BOYER, LARRY BARSETTI, DAVID GOLDEN, NOEMI MARGARET
3 ROBINSON, NATIONAL RIFLE ASSOCIATION OF AMERICA, INC., and SAN FRANCISCO
4 VETERAN POLICE OFFICERS ASSOCIATION (“Plaintiffs”) and Defendants CITY and
5 COUNTY OF SAN FRANCISCO, MAYOR OF SAN FRANCISCO, and the CHIEF OF THE
6 SAN FRANCISCO POLICE DEPARTMENT (collectively “the City”), by and through their
7 respective attorneys of record, pursuant to Northern District Local Rule 7-12.

8 WHEREAS, this Court entered a denial of Plaintiffs’ Motion for Preliminary Injunction on
9 November 26, 2012;

10 WHEREAS, Plaintiffs timely appealed this Court’s denial of their Motion for Preliminary
11 Injunction to the Ninth Circuit on December 21, 2012;

12 WHEREAS, the Court retains jurisdiction to stay its own proceedings pending appeal, *see*,
13 *e.g.*, *Gray v. Golden Gate Nat’l Recreation Area*, No. 08-00722, 2011 WL 6934433, at *1 (N.D.
14 Cal. Dec. 29, 2011); *see also* Fed. R. App. P. 8;

15 WHEREAS, a stay of further proceedings is warranted because Plaintiffs’ appeal raises
16 serious questions of constitutional law, *see Guifu Li v. A Perfect Franchise, Inc.*, No. 10-01189,
17 2011 WL 2293221, at *3 (N.D. Cal. June 8, 2011);

18 WHEREAS, neither party will be harmed by the issuance of a stay – instead, “granting a
19 stay will *benefit* both parties to this action by sparing them the expense of contemporaneous
20 litigation and the accompanying fees and expenditure of time” inherent in pursuing litigation in
21 both this Court and the Court of Appeals, Order at 6, *Baker v. Kealoha*, No. 11-00528 (D. Haw.
22 June 19, 2012) (emphasis added).

23 IT IS HEREBY STIPULATED by and between all parties through their respective counsel
24 that, subject to court approval, further proceedings in this matter, including discovery, pre-trial
25 motions, and trial, shall be stayed until further order of this Court, pending resolution of Plaintiffs’
26 appeal of this Court’s interlocutory order denying Plaintiffs’ Motion for Preliminary Injunction.

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1 IT IS FURTHER STIPULATED that Plaintiffs' counsel shall file with this Court a copy of
2 the Ninth Circuit's decision in Plaintiffs' interlocutory appeal in this action within ten (10) days
3 from its issuance.

4 Date: December 27, 2012

MICHEL & ASSOCIATES, PC

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/s/ C. D. Michel
C. D. Michel
Attorney for Plaintiffs

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Date: December 27, 2012

CITY & COUNTY OF SAN FRANCISCO

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*s/ Christine Van Aken
Christine Van Aken
Attorney for Defendants

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* Pursuant to Local Rule 5-1(i)(3), this signatory, on whose behalf the filing is submitted,
concur in this filing's content and has authorized this filing.

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

ESPANOLA JACKSON, PAUL COLVIN,) CASE NO.: CV-09-2143-RS
THOMAS BOYER, LARRY BARSETTI,)
DAVID GOLDEN, NOEMI MARGARET)
ROBINSON, NATIONAL RIFLE) CERTIFICATE OF SERVICE
ASSOCIATION OF AMERICA, INC. SAN)
FRANCISCO VETERAN POLICE)
OFFICERS ASSOCIATION,)

Plaintiffs

vs.

CITY AND COUNTY OF SAN)
FRANCISCO, THE MAYOR OF SAN)
FRANCISCO, AND THE CHIEF OF THE)
SAN FRANCISCO POLICE)
DEPARTMENT, in their official capacities,)
and DOES 1-10,)

Defendants.

IT IS HEREBY CERTIFIED THAT:

I, the undersigned, am a citizen of the United States and am at least eighteen years of age. My business address is 180 E. Ocean Blvd., Suite 200, Long Beach, California, 90802.

I am not a party to the above-entitled action. I have caused service of

**STIPULATION OF PARTIES TO STAY FURTHER DISTRICT COURT
PROCEEDINGS PENDING APPEAL OF COURT'S ORDER
DENYING MOTION FOR PRELIMINARY INJUNCTION**

on the following party by electronically filing the foregoing with the Clerk of the District Court using its ECF System, which electronically notifies them.

Wayne Snodgrass, Deputy City Attorney
Christine Van Aken, Deputy City Attorney
Office of the City Attorney
1 Drive Carlton B. Goodlett Place
City Hall, Room 234
San Francisco, CA 94102

I declare under penalty of perjury that the foregoing is true and correct. Executed on December 27, 2012.

/s/ C. D. Michel
C. D. Michel
Attorneys for Plaintiffs