

1 DAVID CHIU, State Bar #189542
 City Attorney
 2 YVONNE R. MERÉ, State Bar #173594
 Chief Deputy City Attorney
 3 WAYNE SNODGRASS, State Bar #148137
 Deputy City Attorney
 4 EDMUND T. WANG, State Bar #278755
 KAITLYN M. MURPHY, State Bar #293309
 5 MIGUEL A. GRADILLA, State Bar #304125
 JOHN H. GEORGE, State Bar #292332
 6 ZUZANA S. IKELS, State Bar #208671
 Deputy City Attorneys
 7 City Hall, Room 234
 1 Dr. Carlton B. Goodlett Place
 8 San Francisco, California 94102-4682
 Telephone: (415) 554-4675 (Snodgrass)
 9 (415) 554-3857 (Wang)
 (415) 554-6762 (Murphy)
 10 (415) 554-3870 (Gradilla)
 (415) 554-4223 (George)
 11 (415) 355-3307 (Ikels)
 Facsimile: (415) 554-4699
 12 E-mail: wayne.snodgrass@sfcityatty.org
 edmund.wang@sfcityatty.org
 13 kaitlyn.murphy@sfcityatty.org
 miguel.gradilla@sfcityatty.org
 14 john.george@sfcityatty.org
 zuzana.ikels@sfcityatty.org

15 Attorneys for Defendants
 16 CITY AND COUNTY OF SAN FRANCISCO, et al.

17 UNITED STATES DISTRICT COURT
 18 NORTHERN DISTRICT OF CALIFORNIA

19 COALITION ON HOMELESSNESS; TORO
 20 CASTAÑO; SARAH CRONK; JOSHUA
 21 DONOHOE; MOLIQUE FRANK; DAVID
 MARTINEZ; TERESA SANDOVAL;
 NATHANIEL VAUGHN,

22 Plaintiffs,

23 vs.

24 CITY AND COUNTY OF SAN
 25 FRANCISCO, et al.,

26 Defendants.

Case No. 4:22-cv-05502-DMR

**DEFENDANTS' EMERGENCY REQUEST
 FOR LEAVE TO CONTINUE THE AUGUST
 24, 2023 HEARING REGARDING
 PLAINTIFFS' MOTION TO ENFORCE THE
 PRELIMINARY INJUNCTION TO A DATE
 AFTER THE NINTH CIRCUIT ISSUES ITS
 OPINION**

1 Pursuant to Northern District of California Local Rules, Rule 7-11, Defendants file this
2 emergency motion for administrative relief to continue the hearing on August 24, 2023 to a date after
3 the Ninth Circuit issues its opinion regarding Defendants' pending appeal. Defendants make the
4 request based on the suggestions at the hearing before the Panel of the Ninth Circuit today.
5 Specifically, Circuit Judge Lucy Koh inquired as to whether the parties had requested a continuance of
6 the August 24, 2023 hearing on the Motion to Enforce to a date after the Ninth Circuit issues its
7 opinion so that the Court could "weigh in on the issues." Judge Koh appeared to invite the parties to
8 request the August 24, 2023 hearing be continued. The transcript of the hearing is not yet prepared,
9 but Judge Koh's discussion can be found at 8:52 of the video recording of the hearing at:
10 <https://www.youtube.com/watch?v=mhfZw15ENdI>.

11 A continuance would also be appropriate in light of the pending motion to modify and/or stay
12 before the Ninth Circuit, as well as the Panel's request that the parties formalize, by written
13 stipulation, Plaintiffs' concessions made during oral argument today. During the hearing, Judge Koh
14 pointed out that none of the legal authority presented by Plaintiffs supported the argument that police
15 presence, without a written or verbal threat, establishes a threat of enforcement of the enjoined laws.
16 Defendants met and conferred with Plaintiffs to stipulate to the request. Plaintiffs opposed a
17 continuance. (Ikels Decl., ¶¶ 2-3.) Defendants have initiated the meet and confer regarding the
18 stipulation requested by the Ninth Circuit., which will impact the arguments and potentially render the
19 motion to enforce moot, as well as inform the Ninth Circuit's pending Opinion and ruling on
20 Defendants' Motion to Modify and/or Stay the Preliminary Injunction, as noted by the Circuit Judges
21 during oral arguments this morning, which warrant a continuance.

1 Dated: August 23, 2023

2 DAVID CHIU
3 City Attorney
4 YVONNE R. MERÉ
5 WAYNE SNODGRASS
6 EDMUND T. WANG
7 KAITLYN MURPHY
8 MIGUEL A. GRADILLA
9 JOHN H. GEORGE
10 ZUZANA S. IKELS
11 Deputy City Attorneys

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By: s/Zuzana S. Ikels
ZUZANA S. IKELS
Attorneys for Defendants CITY AND COUNTY OF
SAN FRANCISCO, et al.