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IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

**THE UNITED STATES OF AMERICA,**  
Plaintiff,  
  
v.  
  
**THE STATE OF CALIFORNIA, et al.,**  
Defendants.

2:18-cv-02660-JAM-DB  
2:18-cv-02684-JAM-DB

**[PROPOSED] ORDER REGARDING  
TEMPORARY STAY OF LITIGATION  
AND AGREEMENT NOT TO ENFORCE  
SENATE BILL 822**

Judge: The Hon. John A. Mendez  
Actions Filed: Sept. 30, 2018; Oct. 3, 2018

**AMERICAN CABLE ASSOCIATION, et al.,**  
Plaintiffs,  
  
v.  
  
**XAVIER BECERRA, in his official capacity  
as Attorney General of California,**  
Defendant.

The Court has determined that *United States v. California*, No. 2:18-cv-2660-JAM-DB, and *American Cable Association v. Becerra*, No. 2:18-cv-2684-JAM-DB, are related within the meaning of Local Rule 123 and has entered Related Case Orders in each case (ECF Nos. 7 and 12, respectively). Plaintiffs in both actions have filed motions for a preliminary injunction (No. 2:18-cv-2660-JAM-DB, ECF No. 2; No. 2:18-cv-2684-JAM-DB, ECF No. 3). The parties in both actions, Plaintiffs the United States of America, American Cable Association, CTIA – The

1 Wireless Association, NCTA – The Internet & Television Association, and USTelecom – The  
2 Broadband Association (collectively, “Plaintiffs”), and Defendants the State of California,  
3 Governor Edmund G. Brown Jr., and Attorney General Xavier Becerra (“Defendants”), submitted  
4 a Stipulation Regarding Temporary Stay of Litigation and Agreement Not to Enforce Senate Bill  
5 822. In connection with a stipulated stay of proceedings, Defendants have agreed that they shall  
6 not take any action to enforce, or direct the enforcement of, Senate Bill 822 in any respect,  
7 including through participation in any private action seeking to enforce Senate Bill 822.

8 Defendants have agreed that this period of non-enforcement shall run until 30 days after the later  
9 of: (1) the expiration of the stay, or (2) a decision has been rendered on any renewed motion for  
10 preliminary injunctive relief that Plaintiffs may file within 30 days after the expiration of the stay.  
11 Defendants have further agreed to not take any future actions to enforce Senate Bill 822 based  
12 upon conduct occurring during the period in which Defendants have agreed to not enforce Senate  
13 Bill 822. Having considered the stipulation, and good cause appearing, the Court orders as  
14 follows:

15 1. Further proceedings in both *United States v. California*, No. 2:18-cv-02660-JAM-DB,  
16 and *American Cable Association v. Becerra*, No. 2:18-cv-2684-JAM-DB, shall be stayed until the  
17 later of the following: (a) the D.C. Circuit issues its opinion in the petitions for review currently  
18 pending in *Mozilla Corp. v. FCC*, Nos. 18-1051 *et al.* (D.C. Cir.) and the period for seeking  
19 further review from the D.C. Circuit and the U.S. Supreme Court has expired; or (b) a final  
20 decision has been issued by the D.C. Circuit or the U.S. Supreme Court in response to any  
21 petition for rehearing or certiorari, either denying such petition or issuing a final decision.

22 2. Plaintiffs’ motions for a preliminary injunction (*United States v. California*, No. 2:18-  
23 cv-02660-JAM-DB, ECF No. 2; *American Cable Association v. Becerra*, No. 2:18-cv-2684-  
24 JAM-DB, ECF No. 3) have been withdrawn without prejudice to their refile at a future date.  
25 The hearing on the motions, previously set for November 28, 2018 at 10:00 a.m., is taken off  
26 calendar.

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**IT IS SO ORDERED:**

Dated: \_\_\_\_\_

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Hon. John A. Mendez