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**UNITED STATES DISTRICT COURT  
 NORTHERN DISTRICT OF CALIFORNIA  
 OAKLAND DIVISION**

SAN FRANCISCO AIDS FOUNDATION,  
*et al.*;

*Plaintiffs,*

v.

DONALD J. TRUMP, in his official capacity as  
 President of the United States, *et al.*;

*Defendants.*

Case No. 4:25-cv-1824-JST

**STIPULATED REQUEST TO STAY  
 REMAINDER OF PROCEEDINGS  
 PENDING APPEAL OF  
 PRELIMINARY INJUNCTION;  
 [PROPOSED] ORDER**

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STIPULATED REQUEST TO STAY REMAINDER OF PROCEEDINGS  
 PENDING APPEAL OF PRELIMINARY INJUNCTION; [PROPOSED] ORDER;  
 Case No. 4:25-cv-1824-JST

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1 Pursuant to Civil Local Rules 6-2 and 7-12, the Plaintiffs and Federal Defendants stipulate to  
2 and request a stay of the remainder of proceedings in the District Court pending appeal of the  
3 preliminary injunction:

4 WHEREAS on June 9, 2025, the Court granted in part and denied in part the Plaintiffs'  
5 Motion for a Preliminary Injunction (ECF No. 81) and the Preliminary Injunction Order was filed  
6 on June 13, 2025 (ECF No. 87); and

7 WHEREAS the parties file a Joint Status Report RE Compliance on July 2, 2025 (ECF No.  
8 92) demonstrating substantial good faith compliance with the Preliminary Injunction Order; and

9 WHEREAS Federal Defendants appealed the Preliminary Injunction Order on August 17,  
10 2025 (ECF No. 95); and

11 WHEREAS upon filing the Notice of Appeal, the district court retains jurisdiction to act on  
12 matters not involved in the appeal unless an order is entered staying the remainder of the  
13 proceedings; and

14 WHEREAS the parties believe the appeal of the Preliminary Injunction Order will result in  
15 appellate guidance that will allow the parties to more efficiently tailor their discovery plan and  
16 could narrow the remaining issues before the District Court;

17  
18 NOW, THEREFORE, the Parties stipulate as agree follows, subject to leave of Court:

19 Any further proceedings in the District Court shall be stayed and any pending deadlines  
20 vacated until resolution of the appeal so long as the preliminary injunction remains in force and  
21 effect.

22  
23 THE PARTIES SO STIPULATE AND RESPECTFULLY REQUEST that the Court stay  
24 further proceedings in the District Court in accordance with their stipulation.

25 /

26 /

27 /

1 DATED: August 25, 2025.

Respectfully submitted,

2  
3 /s/ Kenneth D. Upton, Jr.  
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*Attorneys for Federal Defendants*

**ATTESTATION**

In compliance with Civil L.R. 5-1(i)(3). I attest that I have obtained concurrence in the filing of this document from each of the other signatories.

Dated: August 25, 2025.

By: /s/ Kenneth D. Upton, Jr.

KENNETH D. UPTON, JR

Counsel for Plaintiffs.

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*Counsel for Plaintiffs*

**UNITED STATES DISTRICT COURT  
 NORTHERN DISTRICT OF CALIFORNIA  
 OAKLAND DIVISION**

SAN FRANCISCO AIDS FOUNDATION, et  
 al.;

*Plaintiffs,*

v.

DONALD J. TRUMP, in his official capacity as  
 President of the United States, et al.

*Defendants.*

Case No. 4:25-cv-1824-JST

**DECLARATION OF KENNETH D  
 UPTON JR IN SUPPORT OF  
 STIPULATED REQUEST TO STAY  
 REMAINDER OF PROCEEDINGS  
 PENDING APPEAL OF  
 PRELIMINARY INJUNCTION**

I, KENNETH D. UPTON, JR., declare as follows.

1. I am Senior Counsel with Lambda Legal Defense and Education Fund, Inc., I am  
 counsel of record for the plaintiffs, and I am authori ed to make this declaration in support of the  
 Parties' Stipulated Request for Stay of Remainder of Proceedings Pending Appeal of Preliminary

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DECLARATION OF KENNETH D. UPTON, JR. IN SUPPORT OF STIPULATED  
 REQUEST TO STAY REMAINDER OF PROCEEDINGS PENDING APPEAL OF  
 PRELIMINARY INJUNCTION; Case No. 4:25-cv-1824-JST

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1 Injunction. The following statements are within the scope of my personal knowledge and if called  
2 upon to do so, I could and would testify competently to the same.

3 1. On June 9, 2025, the Court granted in part and denied in part the Plaintiffs' Motion  
4 for a Preliminary Injunction (ECF No. 81). The Preliminary Injunction Order was filed on June 13,  
5 2025 (ECF No. 87). The parties file a Joint Status Report RE Compliance on July 2, 2025 (ECF  
6 No. 92).

7 2. On August 9, 2025, Federal Defendants filed a Notice of Appeal to the Ninth Circuit.  
8 (ECF No. 95) The district court will retain jurisdiction to act on matters not involved in the appeal  
9 unless an order is entered staying the remainder of the proceedings.

10 2. The parties have conferred regarding the course of this litigation and, in the interest  
11 of efficiency and judicial economy, parties propose that the remainder of the district court  
12 proceedings be stayed until all appeals of the preliminary injunction order are resolved and full  
13 jurisdiction is returned to the district court. The following deadlines and events were previously  
14 entered:

15 a. Federal Defendants answer or responsive motion to Plaintiffs' Complaint was  
16 e tended until 30 days after the Court's ruling of Plaintiffs' Motion for a Preliminary  
17 Injunction, now due July 9, 2025.

18 b. On June 10, 2025, the Court continued the Case Management Conference to June  
19 24, 2025. At the stipulated request of the parties, the Case Management Conference  
20 was subsequently continued again to July 15, 2025.

21 c. On July 7, 2025, the Court issued an Order granting in part and denying in part the  
22 Parties' stipulated request to modify the case schedule. The case management  
23 conference was continued until September 3, 2025, and the revised case  
24 management statement now due August 27, 2025.

25 d. No discovery deadlines have been established by the Court.

26 3. The parties believe the appeal of the Preliminary Injunction Order will result in  
27

1 appellate guidance that will allow the parties to more efficiently tailor their discovery plan and  
2 could narrow the remaining issues before the District Court. Having the Preliminary Injunction  
3 remain in full force and effect also ensures Plaintiffs can continue to operate and serve their  
4 communities pending the appeal.

5 4. Based on this agreement, the parties submit the accompanying stipulated order for  
6 the Court's approval.

7 I declare under penalty of perjury according to the laws of the United States that the  
8 foregoing is true and correct.

9 Executed this 25 day of August 2025, at Chicago, Illinois.

10 /s/ Kenneth D. Upton, Jr.  
11 Kenneth D. Upton, Jr.  
12 Counsel for Plaintiffs  
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**[PROPOSED] ORDER**

**PURSUANT TO STIPULATION, IT IS SO ORDERED.**

1. Any further proceedings in the District Court shall be and are hereby stayed and any pending deadlines vacated until resolution of the appeal so long as the preliminary injunction remains in force and effect.

DATED:

THE HONORABLE JON S. TIGAR  
United States District Judge