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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

MIKE HONDA FOR CONGRESS,	)	CASE NO.: 5:16-CV-5416-EJD
	)	
Plaintiff,	)	JOINT STIPULATION AND
	)	<del>PROPOSED</del> ORDER RE:
v.	)	PLAINTIFF’S MOTION FOR
	)	PRELIMINARY INJUNCTION
BRIAN PARVIZSHAHI, et al.,	)	
	)	
Defendants.	)	JUDGE: Hon. Edward J. Davila
	)	
	)	
	)	
	)	

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WHEREAS, Plaintiff Mike Honda for Congress’ Motion for Preliminary Injunction (the “Motion,” Dkt. No. 5) was heard on Oct. 11, 2016, 1:30 pm;

WHEREAS, Plaintiff Mike Honda for Congress, Defendant Ro for Congress, Inc. and Defendant Rohit “Ro” Khanna (collectively, the “Parties”) have met and conferred, and hereby stipulate to resolve the Motion in the manner set forth below;

WHEREAS, Plaintiff Mike Honda for Congress (the “Honda Campaign”) and Defendants Ro for Congress, Inc. and Rohit “Ro” Khanna (collectively, the “Khanna Campaign”) now hereby agree and stipulate as follows:

- 1           1. The Motion will not be deemed submitted to the Court as between the Honda  
2           Campaign and the Khanna Campaign, pending the entry of this Stipulation and  
3           [Proposed] Order and pending compliance with the Order;
- 4           2. The Motion will be deemed submitted to the Court as between the Honda Campaign  
5           and the Khanna Campaign if either the Honda Campaign or the Khanna Campaign  
6           provides written notification, to the Court and the Parties, that a Party entering into this  
7           Stipulation has not complied with any part of the Stipulation or that the Parties disagree  
8           regarding the implementation of the Stipulation, provided that any Party upon  
9           receiving such notification may submit any additional information to the Court that the  
10          Party deems appropriate, whereupon the Court may (1) issue a ruling on the Motion as  
11          between the Honda Campaign and the Khanna Campaign, or (2) take any other action  
12          that it deems appropriate.
- 13          3. The Khanna Campaign’s counsel agree to produce via electronic mail, on an attorney-  
14          eyes-only-basis, to the Honda Campaign’s counsel the following items, in the form of  
15          Excel or Word documents, no later than 5 pm within two (2) business days of the entry  
16          of this Order: (1) an unredacted list of the names and email addresses of all  
17          individuals and entities who were on the campaign-related mailing list of the Khanna  
18          Campaign as of Sept. 21, 2016 (hereinafter, the “September 21 List”); and (2) an  
19          unredacted list of the names and email addresses of all individuals and entities who are  
20          currently on the campaign-related mailing list that is being used by the Khanna  
21          Campaign through the Nov. 8, 2016 general election (hereinafter, the “Current  
22          Campaign Mailing List”); with the understanding that the Khanna Campaign currently  
23          has full, unfettered access to the Current Campaign Mailing List;
- 24          4. The Honda Campaign’s counsel agree to produce via electronic mail, on an attorney-  
25          eyes-only-basis, to the Khanna Campaign’s counsel, the following items, in the form of  
26          Excel or Word documents, no later than 5 pm within two (2) business days of the entry  
27          of this Order: unredacted copies of all Dropbox documents specifically identified in the  
28          Sept. 22, 2016 Declaration of Robert Eberhardt (¶¶16-23) that (a) contain lists of names

1 or email addresses, and (b) contain all names and email addresses against which the  
2 Honda Campaign seeks to cross-check the names and email addresses listed on the  
3 September 21 List and Current Campaign Mailing List; with the understanding that the  
4 Honda Campaign currently has full, unfettered access to all documents that are  
5 specifically identified in the Sept. 22, 2016 Declaration of Robert Eberhardt (¶¶16-23);

- 6 5. The Khanna Campaign agrees that it shall not email any individual or entity identified  
7 in the document, entitled “030514 MH contribution 2008-2014.xls,” (a) which the  
8 Honda Campaign’s counsel produced to the Khanna Campaign’s counsel on Sept. 29,  
9 2016, on an attorney-eyes-only basis, and (b) to which the Honda Campaign currently  
10 has full, unfettered access;
- 11 6. Through their respective counsel, the Khanna Campaign and the Honda Campaign agree  
12 to meet and confer with respect to any names and email addresses (hereinafter,  
13 “Overlapping Names or Emails”) that (a) are listed in the Current Campaign Mailing  
14 List and in any document produced by the Honda Campaign pursuant to Paragraph 4  
15 above, and (b) the Honda Campaign seeks to remove from the Current Campaign  
16 Mailing List;
- 17 7. The Khanna Campaign’s counsel shall respond in writing, within two (2) business  
18 days, to any written request for removal made by the Honda Campaign’s counsel. If  
19 counsel for the Khanna Campaign believe that they have an independent basis for  
20 continuing to contact any Overlapping Name or Email, the Parties shall meet and  
21 confer within one (1) business day. If the Parties are unable to reach agreement and the  
22 Honda Campaign seeks further judicial relief, the Honda Campaign shall provide  
23 reasonable written notice to the Khanna Campaign;
- 24 8. Counsel for the Honda Campaign and the Khanna Campaign may share, with their  
25 respective clients, any Overlapping Names or Emails, provided that no information  
26 *other than* the overlapping individual’s or entity’s name or email address is shared  
27 with the Honda Campaign or the Khanna Campaign. Counsel for the Honda  
28 Campaign and counsel for the Khanna Campaign may also share, with their respective

1 clients, any names or email addresses that appear on both (1) the September 21 List  
2 and (2) the document that the Honda Campaign produced to the Khanna Campaign  
3 entitled “030514 MH contribution 2008-2014.xls”, provided that no information *other*  
4 *than* the overlapping individual’s or entity’s name or email address is shared with the  
5 Honda Campaign or the Khanna Campaign. Counsel for the Honda Campaign and  
6 counsel for the Khanna Campaign may also share, with their respective clients, any  
7 names or email addresses that appear on both (1) the Current Campaign Mailing List  
8 and (2) the document that the Honda Campaign produced to the Khanna Campaign  
9 entitled “030514 MH contribution 2008-2014.xls”, provided that no information *other*  
10 *than* the overlapping individual’s or entity’s name or email address is shared with the  
11 Honda Campaign or the Khanna Campaign;

- 12 9. All information shared with the Parties by their respective counsel pursuant to  
13 Paragraph 8 above may also be shared publicly, provided that the Party publicly  
14 sharing such information has obtained permission from any person or entity whose  
15 specific name or email address would *also* be shared publicly by that Party; and
- 16 10. The Parties agree that at this time, no findings have been made by the Court regarding  
17 the allegations in the Complaint or the Honda Campaign’s Motion for Preliminary  
18 Injunction as to the Khanna Campaign. The Parties further agree that nothing in this  
19 Stipulation shall be considered or deemed to be an admission of liability by any Party.  
20 Except as set forth above, nothing in this Stipulation shall limit or restrict in any way  
21 the Khanna Campaign from adding email addresses to the Current Campaign List.  
22 The Parties reserve all claims and defenses as to one another.
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1 NOW THEREFORE, the Parties respectfully request that the Court adopt this Stipulation  
2 as an Order of the Court.

3  
4 Dated: October 24, 2016

WILSON SONSINI GOODRICH & ROSATI  
Professional Corporation

7 By: /s/ David J. Berger  
David J. Berger  
Leo P. Cunningham  
Charles T. Graves

9 Attorneys for Defendants  
10 Ro for Congress, Inc. and Rohit "Ro" Khanna

11  
12 Dated: October 24, 2016

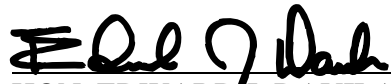
BUSINESS, ENERGY AND ELECTION  
LAW, P.C.

14 By: /s/ Gautam Dutta  
Gautam Dutta

16 Attorneys for Plaintiff  
17 Mike Honda for Congress

18  
19 IT IS SO ORDERED. The court schedules a Case Management Conference at  
20 10:00 a.m. on November 17, 2016. The parties shall file a  
21 Joint Case Management Conference Statement on or  
before November 10, 2016.

22 DATED: Oct. 25, 2016

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25 HON. EDWARD J. DAVILA, JUDGE  
26 UNITED STATES DISTRICT COURT  
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