

Forrest, K.

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

AIRBNB, INC.,

Plaintiff,

-- against --

ERIC SCHNEIDERMAN, Attorney General of  
the State of New York, in his official capacity;  
CITY OF NEW YORK, a municipal corporation;  
and BILL DE BLASIO, Mayor of New York City,  
in his official capacity,

Defendants.

ECF Case

16 cv 8239 (KBF)

**STIPULATION OF SETTLEMENT AND DISMISSAL AS AGAINST  
DEFENDANT ERIC SCHNEIDERMAN**

WHEREAS, plaintiff Airbnb, Inc. ("Airbnb") has filed this action which seeks, *inter alia*, to preliminarily and permanently enjoin all defendants from enforcing as against Airbnb New York Multiple Dwelling Law ("MDL") § 121 and New York City Administrative Code § 27-287.1 (collectively, the "Act");

WHEREAS, Airbnb claims that as a hosting platform that allows users to advertise occupancies, it is not subject to liability under the Act's aforementioned provisions making it "unlawful to advertise occupancy" for short-term rental of certain class A multiple dwelling units, *see* MDL § 121(1); N.Y.C. Admin. Code § 27-287.1(1);

WHEREAS, Airbnb's lawsuit alleges that any enforcement or application of the Act against Airbnb by defendants would violate, *inter alia*, Section 230 of the federal Communications Decency Act, 47 U.S.C. § 230; and

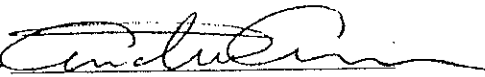
WHEREAS, the Act provides that any enforcement shall be by the defendant Mayor's Office of Special Enforcement ("Mayor's OSE");

THEREFORE, IT IS HEREBY STIPULATED AND AGREED, by and among Airbnb and defendant Eric Schneiderman, through their undersigned counsel, that:

- (i) in consideration of the Act's express provision that any enforcement shall be carried out by the Mayor's OSE, defendant Eric Schneiderman, Attorney General of the State of New York ("AG"), sued herein in his official capacity, hereby agrees that he, and his agents, servants, employees, officers or attorneys, will refrain from taking any action to enforce the Act, including retroactively and/or under any theories of direct or secondary liability, as against Airbnb;
- (ii) Airbnb hereby dismisses this action as against the AG without prejudice and without attorney's fees or costs to any party pursuant to Rule 41(a)(2) of the Federal Rules of Civil Procedure; and
- (iii) Airbnb and the AG hereby acknowledge that this Stipulation sets forth all of the terms of their settlement of this action.

Dated: New York, New York  
November 18, 2016

ERIC T. SCHNEIDERMAN  
Attorney General of the  
State of New York

By:   
Andrew Amer

Special Litigation Counsel  
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Attorneys for Defendant ERIC SCHNEIDERMAN,  
Attorney General of the State of New York, in his official  
capacity

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Attorneys for Plaintiff Airbnb, Inc.

To: All Counsel (by ECF)

Dated: New York, New York  
November 21, 2016

SO ORDERED.

  
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KATHERINE B. FORREST  
United States District Judge