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CITY OF SAUSALITO, JILL JAMES  
8 HOFFMAN, JOHN ROHRBACHER,  
MARCIA RAINES, KENT BASSO  
9

10 UNITED STATES DISTRICT COURT  
11 NORTHERN DISTRICT OF CALIFORNIA  
12

13 SAUSALITO/MARIN COUNTY CHAPTER  
OF THE CALIFORNIA HOMELESS UNION,  
14 on behalf of itself and those it represents;  
ROBBI POWELSON; SHERI I. RILEY;  
15 ARTHUR BRUCE; MELANIE MUASOU;  
SUNNY JEAN YOW; NAOMI  
16 MONTEMAYOR; MARK JEFF; MIKE  
NORTH; JACKIE CUTLER and MICHAEL  
17 ARNOLD on behalf of themselves and  
18 similarly situated homeless persons,

19 Plaintiffs,

20 v.

21 CITY OF SAUSALITO; MAYOR JILL  
22 JAMES HOFFMAN; POLICE CHIEF JOHN  
ROHRBACHER; CITY MANAGER  
23 MARCIA RAINES; DEPT. OF PUBLIC  
WORKS SUPERVISOR KENT BASSO,  
24 individually and in their respective official  
25 capacities,

26 Defendants.  
27  
28

CASE NO. 3:21-cv-01143-LB

**INDEX OF EXHIBITS IN SUPPORT OF  
DEFENDANTS' OPPOSITION TO  
PLAINTIFFS' MOTION TO SHOW CAUSE  
WHY DEFENDANTS SHOULD NOT BE  
HELD IN CONTEMPT FOR VIOLATING  
THE PRELIMINARY  
INJUNCTION**

Date: April 29, 2021  
Time: 1:30 p.m.  
Courtroom: 5 – 17<sup>th</sup> Floor

Action Filed: February 16, 2021  
Trial Date: T.B.D.  
Judge: Hon. Judge Edward M. Chen

1 Defendants hereby submit the following Index of Exhibits in support of their Defendants’  
 2 Opposition to Plaintiffs’ Motion to Show Cause Why Defendants Should Not Be Held In  
 3 Contempt for Violating the Preliminary Injunction.

Exhibit	Description
<i>Declaration of John Rohrbacher (Chief of Police)</i>	
1	Richardson’s Bay Regional Agency (“RBRA”) Operation Order re: Diane Moyer’s floating home
2	Sausalito Police Department Report (No. 21-198)
3	Photographs taken by Sausalito Police Department depicting both the exterior and interior conditions of Diane Moyer’s floating home
4	Sausalito Police Department Report (No. 21-203)
<i>Declaration of Jill James Hoffman (Mayor)</i>	
5	March 25, 2021 email exchange between Jill James Hoffman and RBRA Harbor Master Curtis Havel (and others)
<i>Declaration of Arthur J. Friedman</i>	
6	March 25, 2021 email from Arthur J. Friedman to Anthony Prince (counsel for Plaintiffs)

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Dated: April \_\_, 2021

SHEPPARD, MULLIN, RICHTER & HAMPTON LLP

By                     /s/ Arthur. J. Friedman                      
ARTHUR J. FRIEDMAN  
ALEXANDER L. MERRITT

Attorneys for Defendants  
CITY OF SAUSALITO, JILL JAMES HOFFMAN,  
JOHN ROHRBACHER, MARCIA RAINES, KENT  
BASSO

**EXHIBIT 1**

# RICHARDSON'S BAY REGIONAL AGENCY

## DIANE MOYER FLOATING HOME RECOVERY

### 1. Situation:

Ms. Diane Moyer passed away over the weekend of March 20-21. Conversation with the next of kin/ executor of her estate, Irwin Karasik with Harbormaster Curtis Havel has revealed that they have no interest in the floating home and desire to have the floating home removed from Richardson Bay and disposed of as marine debris. With the status of Ms. Moyer as the unofficial "Grandmother of the Anchorage" resistance is anticipated. Mr. Robbie Powelson has also put out a call to action via social media that attempts to recover and dispose of the vessel "should be resisted".

### "DIANE MOYER FLOATING HOME"



Marin County Community Development Agency, 3501 Civic Center Dr. Room 308, San Rafael, CA 94903  
(415) 971-3919

*The Richardson's Bay Regional Agency (RBRA) is a local government agency serving Belvedere, Mill Valley, Tiburon, and unincorporated Southern Marin. The RBRA is dedicated to maintaining and improving the navigational waterways, open waters, and shoreline of Richardson's Bay.*

# RICHARDSON'S BAY REGIONAL AGENCY

## 2. Mission Plan:

- a. The plan is to remove the floating home from the anchorage, tow it to the Army Corps of Engineers debris dock (ACOE) in Sausalito, California, allow Marin Animal Control access to the vessel and eventually destroy the vessel as Marine Debris.

There are numerous variables and unknowns going into the operation due to potential real-time responses from individuals located on vessels in the anchorage, and the unstable marine environment. Therefore, the RBRA is requesting the support of partner law enforcement agencies and safety officers during the removal process.

Law enforcement partner agency vessels and safety officers will stand by and assist by establishing a safety perimeter and escort towing vessel and debris.

Additionally, the safety officers would provide first contact for any individuals from the anchorage and/or public impeding the removal process.

- b. The following RBRA partner agencies/personnel will be participating in the marine debris removal operation.
  - i. Curtis Havel, RBRA Harbormaster
  - ii. Jim Malcolm, RBRA Assistant Harbormaster
  - iii. Chief Wu, Belvedere Police Department
  - iv. Staff to be determined, Marin Animal Control
  - v. Staff to be determined, USCG
  - vi. Staff to be determined, Parker Diving Services

- c. Operations vessels:

- i. RBRA patrol vessel "Mudpuppy" - crew:

Jim Malcolm Assistant Harbormaster, Jason Wu, Belvedere PD

- ii. USCG vessel: Crew TBD

- iii. Parker Dive Service Salvage Vessel: Crew TBD

## 3. PRE-Mission Info

- a. FORECASTED WEATHER AND TIDE CONDITIONS (for Thursday, Dec. 3)

- i. Winds: NE 2-4 kts

# RICHARDSON'S BAY REGIONAL AGENCY

- ii. Time: 0900 hours
  - iii. Tide: 5.1 Ft at 0840 / -.2 ft at 1540
  - iv. Current: Ebb
- b. INFORMATION REGARDING VESSEL TO BE REMOVED
- i. Name Unknown, no name
  - ii. Size Approx. 50 ft
  - iii. Description floating wooden home in very poor condition
  - iv. Registration # CF 3944TZ
  - v. Known Owner Diane Moyer, recently deceased – NOK Irwin Karasik
  - vi. Estimated location North Anchorage – directly east of Waldo Point Harbor
  - vii. Known hazards Potential resistance from on the water, Mr. Robbie Powelson has call for resistance via social media.

## 4. EXECUTION PLAN:

- a. At **0800 hours on March 23, 2021**, the RBRA patrol vessel and partner law enforcement vessels will proceed to the floating home with Chief Wu, and personnel from the Marin Animal control onboard located East of Waldo Point Harbor. Partner law enforcement (USCG) will be alongside as escort vessels and to form a safety perimeter.
  - i. Once on scene, the RBRA Assistant Harbormaster will ensure vessel is unoccupied (see “Contingency Plans” below for occupied vessel).
  - ii. When vessel is determined to be unoccupied, Parker Dive Service will rig floating home for tow and commence tow to Army Corps of Engineers Debris Yard.
  - iii. The RBRA patrol vessel and USCG will escort the tow to the ACOE debris yard
  - iv. Floating Home will be secured to the ACOE debris dock and Marin Animal Control will remove any animals from the vessel.
  - v. Once floating home is secured at the ACOE debris dock, all partner agencies will debrief then return to base for mission complete.

# RICHARDSON'S BAY REGIONAL AGENCY

5. **CONTINGENCY PLANS:** With the numerous variables in the anchorage and maritime environment, here are some potential events that may arise and the associated contingency plan.

a. **Vessel is occupied**

Contingency actions:

- *The vessel should be unoccupied. If occupied, the occupant shall be informed that the vessel is to be disposed of per NOK.*
- *If occupant argues that vessel is theirs, repeat that the next of kin, Mr. Karasik, has given the RBRA Harbormaster the authority to remove the boat and dispose of it (side note – the NOK will not be held responsible for disposal costs).*
- *If occupant is known owner of another boat in anchorage, require them to return to their primary vessel and then retrieve floating home.*
- *LE will assess appropriate level of action necessary.*

b. **Members of public approach claiming subject vessel as their “property” or otherwise attempting to interfere with operation**

Contingency actions:

- *If single person, one of the partner LE vessels will intercept and dissuade individual from interfering.*
- *If multiple persons on multiple watercraft, partner LE vessels will intercept and dissuade individuals from interfering.*
- *If multiple persons on multiple watercraft begin to overwhelm perimeter **and the vessel has yet to be un-anchored**, stand down and return to base.*
- *If multiple persons on multiple watercraft, **and the vessel is under tow to the ACOE**, continue to debris dock and MCSO/LE will assess whether to call for support.*
- *If person(s) arrive at the Army Corps of Engineers debris dock and yard, advise person(s) that they are trespassing and must depart immediately. MCSO/LE will assess whether ground support is needed and will place call for back-up/patrol car.*

c. **Towing vessel has casualty (vessel casualty/personnel injury)**

Contingency actions:

- *If personnel injury, abort operation and return to base.*
- *If 911 medical emergency, find the nearest safe harbor and call SMFPD for medical attention.*
- *If vessel casualty, call for Vessel Assist, or other partner LE vessel takes over towing efforts.*



# RICHARDSON'S BAY REGIONAL AGENCY

## d. **Support vessel has casualty (vessel casualty/ personnel injury)**

Contingency actions:

- *If personnel injury, abort operation and return to base.*
- *If 911 medical emergency, find the nearest safe harbor and call SMFPD for medical attention.*
- *If vessel casualty, call for Vessel Assist, or other partner LE vessel assists disabled vessel back to safe harbor.*

## e. **Other potential events/ actions**

It is of critical importance that the gates to the ACOE debris yard remain locked during this operation to prevent unauthorized entry by members of public.

## 6. **EMERGENCY CONTACT INFO**

### a. **In case of emergency action contact the following:**

- |                                            |                     |
|--------------------------------------------|---------------------|
| i. Curtis Havel                            | 415-971-3919        |
| ii. USCG Sector San Francisco              | 415-399-3530 VHF-16 |
| iii. USCG Station Golden Gate              | 415-331-8247 VHF-16 |
| iv. Dispatch for LE                        | 415-479-2311        |
| v. Southern Marin Fire Protection District | 415-388-8182        |

**EXHIBIT 2**

# Incident Report SAUSALITO POLICE DEPARTMENT



**21-198**

29 CALEDONIA STREET

Phone  
(415) 289-4170  
Fax  
(415) 289-4175

**21-198**

Supplement No  
**ORIG**

Reported Date  
**03/24/2021**  
Rpt/Incident Typ  
**TRESPASS**  
Member #  
**MATHER, BRIAN**

SAUSALITO POLICE DEPARTMENT  
Supplement No  
**ORIG**  
**CONTROLLED DOCUMENT**  
DO NOT DUPLICATE  
*IOAI for City Attorney*  
Assigned  
**3-29-21**  
Date **5231**

## Administrative Information

Agency	SAUSALITO POLICE DEPARTMENT			Case Number	21-198	Supplement No	ORIG	Reported Date	03/24/2021	Reported Time	12:40
CAD Event	L21031822		Status	Report to follow		Rpt/Incident Typ Trespassing					
Location										City	
2100 BRIDGEWAY										Sausalito	
ZIP Code	Rep Dist	Area	Beat	From Date	From Time	Primary Unit					
94965	100011	SP	SP2	03/24/2021	12:40	10X50					
Member # SP5234/MATHER, BRIAN						Assignment	Entered By		Assignment		
						Corporal	SP5234		Corporal		
RMS Transfer	Prop Trans Stat		Approving Officer			Approval Date		Approval Time			
Successful	Successful		SP5203			03/28/2021		18:29:31			
Statements											
Yes											
# Offenses	Offense			Description							
1	602 (0) PC			Trespass: Closed Lan							
NIBRS										[A_C]	[MOE]
Link	Involvement	Invl No	Name							Race	Sex
COM	COM	1	BRUCE POWELSON, ROBERT THOMAS							W	M
DOB											
06/07/1994											
Link	Involvement	Invl No	Name							Race	Sex
WIT	AOD	1	HAVEL, CURTIS							W	M
DOB											
10/30/1971											
Link	Involvement	Invl No	Name							Race	Sex
WIT	PER	1	PLISCH, MARTY							W	M
DOB											
10/08/1965											
# Offenses	Offense			Description							
2	148 (A) (1) PC			Obstructs/Resists Pu							
NIBRS										[A_C]	[MOE]
Link	Involvement	Invl No	Name							Race	Sex
COM	COM	1	BRUCE POWELSON, ROBERT THOMAS							W	M
DOB											
06/07/1994											
Link	Involvement	Invl No	Name							Race	Sex
VIC	AOD	1	HAVEL, CURTIS							W	M
DOB											
10/30/1971											
Link	Involvement	Invl No	Name							Race	Sex
WIT	PER	1	PLISCH, MARTY							W	M
DOB											
10/08/1965											
# Offenses	Offense			Description							
3	242 PC			Battery							
NIBRS										[A_C]	[MOE]

Report Officer SP5234/MATHER, BRIAN	Printed At 03/29/2021 10:44
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# Incident Report

## SAUSALITO POLICE DEPARTMENT

21-198

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ORIG

Link	Involvement	Invl No	Name	Race	Sex
VIC	COM	1	BRUCE POWELSON, ROBERT THOMAS	W	M
DOB					
06/07/1994					
Link	Involvement	Invl No	Name	Race	Sex
WIT	AOD	1	HAVEL, CURTIS	W	M
DOB					
10/30/1971					
Link	Involvement	Invl No	Name	Race	Sex
SUS	PER	1	PLISCH, MARTY	W	M
DOB					
10/08/1965					

### Person Summary

Invl	Invl No	Type	Name	MNI
AOD	1	I	HAVEL, CURTIS	584880
Race	Sex	DOB		
W	M	10/30/1971		
Invl	Invl No	Type	Name	MNI
COM	1	I	BRUCE POWELSON, ROBERT THOMAS	7329364
Race	Sex	DOB		
W	M	06/07/1994		
Invl	Invl No	Type	Name	MNI
PER	1	I	PLISCH, MARTY	3249604
Race	Sex	DOB		
W	M	10/08/1965		

### Property Summary

Involvement	Description
EVD	Article: Other/Misc PHOTOS Photos of injury

### Summary Narrative

This case involves Robert "Robbie" Powelson requesting assault charges against Army Corp of Engineers employee Marty Plisch. Powelson was also trespassing on property he had been told not be on in the past. Charges for trespassing and 148 (a)(1) PC are being requested against Powelson.



# Incident Report SAUSALITO POLICE DEPARTMENT

21-198

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ORIG

## Assisting officer/deputy 1: HAVEL, CURTIS

Involvement <b>Assisting officer/deputy</b>		Invl No <b>1</b>	Type <b>Individual</b>			
Name <b>HAVEL, CURTIS</b>				MNI <b>584880</b>	Race <b>White</b>	Sex <b>Male</b>
DOB <b>10/30/1971</b>	Age <b>49</b>	Juvenile? <b>No</b>	PRN <b>832935</b>			
Type <b>Work/Business</b>	Address <b>3501 CIVIC CENTER DR</b>					
City <b>San Rafael</b>	State <b>California</b>	ZIP Code <b>94903</b>	Date <b>03/24/2021</b>			
Phone Type <b>Cell/Mobile</b>	Phone No <b>(415) 971-3919</b>	Date <b>03/24/2021</b>				

## Complaint Request 1: BRUCE POWELSON, ROBERT THOMAS

Involvement <b>Complaint Request</b>		Invl No <b>1</b>	Type <b>Individual</b>					
Name <b>BRUCE POWELSON, ROBERT THOMAS</b>				MNI <b>7329364</b>	Race <b>White</b>	Sex <b>Male</b>		
DOB <b>06/07/1994</b>	Age <b>26</b>	Ethnicity <b>Not of Hispanic origin</b>	Juvenile? <b>No</b>	Height <b>6'00"</b>	Weight <b>180#</b>	Hair Color <b>Brown</b>	Eye Color <b>Brown</b>	Skin <b>Light</b>
PRN <b>832936</b>								
Type <b>Home</b>	Address <b>8 ORCHARD WAY</b>							
City <b>Novato</b>	State <b>California</b>	ZIP Code <b>94947</b>	Date <b>03/24/2021</b>					
Type <b>Operator License</b>	ID No <b>F4447542</b>	OLS <b>California</b>						
Involvement <b>Complaint Request</b>		Status <b>Complaint Request</b>	Dispo <b>Misdemeanor</b>					
Arrest Location <b>2100 BRIDGEWAY</b>							City <b>Sausalito</b>	
Rep Dist <b>100011</b>	Beat <b>SP2</b>							
Charge <b>148(A)(1) PC</b>	Level <b>M</b>	Charge Descrip <b>Obstructs/Resists Pu</b>						
Charge <b>602 PC</b>	Level <b>M</b>	Charge Descrip <b>Trespassing</b>						

SAUSALITO  
POLICE  
DEPARTMENT  
  
 CONTROLLED  
DOCUMENT  
  
 DO NOT DUPLICATE  
  
 Assigned \_\_\_\_\_  
 Date \_\_\_\_\_

## Person 1: PLISCH, MARTY

Involvement <b>Person</b>		Invl No <b>1</b>	Type <b>Individual</b>		Name <b>PLISCH, MARTY</b>			
MNI <b>3249604</b>	Race <b>White</b>	Sex <b>Male</b>	DOB <b>10/08/1965</b>	Age <b>55</b>	Juvenile? <b>No</b>	PRN <b>832937</b>		
Type <b>Work/Business</b>	Address <b>2100 BRIDGEWAY</b>							
City <b>Sausalito</b>	State <b>California</b>	ZIP Code <b>94965</b>	Date <b>03/24/2021</b>					
Type <b>Operator License</b>	ID No <b>A4385509</b>	OLS <b>California</b>						
Type <b>Business</b>	Email <b>marty.1.plisch@usace.army.mil</b>							

## Property

Prop # <b>1</b>	Involvement <b>Evidence</b>	Invl Date <b>03/24/2021</b>	Item In Custody? <b>Yes</b>	Security <b>No</b>	Tag No <b>210000632</b>	Item No <b>1</b>	# Pieces <b>1</b>	
Description <b>Photos of injury</b>							Typ <b>A</b>	Cat <b>Other/Misc</b>
Article <b>Photographs</b>	Entered Date <b>03/28/2021</b>	Entered Time <b>15:53</b>	RMS Transfer <b>Successful</b>	Control <b>SP5203 0328211830</b>				

## Narrative

Related cases SO20-2576 and SP21-203

On Wednesday, 3/24/2020, at approximately 1240 hours, SPD Officers were dispatched to an unwanted subject

Report Officer <b>SP5234/MATHER, BRIAN</b>	Printed At <b>03/29/2021 10:44</b>
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# Incident Report SAUSALITO POLICE DEPARTMENT

21-198

## Narrative

call at the Army Corp of Engineers (ACOE) debris dock at 2100 Bridgeway. The unwanted subject was a Robert Powelson and the reporting party was Richardsons Bay Harbor Master, Cutis Havel. Havel reported that Powelson was interfering with the removal of a boat at the location and was tying himself to the boat they were trying to move.

*It should be known that this is one of many recent incidents over the past year involving Powelson trespassing on ACOE dock. The dock is closed off to the public by fencing that is topped with razor wires. Along the fence are numerous signs which read "NO ADMITTANCE - AUTHORIZED PERSONNEL ONLY" and "NO TRESPASSING." The same signage is displayed from the water side of the dock as well.*

*In each case he has either tied himself to a boat, boarded a boat or walked through an open gate to the property without permission. Powelson does this to protest and or delay Harbor Master Havel's duties of vessel abatement. Powelson has been advised not to be on the property and has been warned that he would be arrested for trespassing if he returned.*

Upon arrival I noticed Powelson had tied himself to a houseboat that was partially removed from the water. A portion of the houseboat was on the boat ramp at the location and the rest was in the water. Harbor Master Havel was on his vessel adjacent to the houseboat in question and several other subjects were on the shoreline outside the ACOE fence.

One of the subjects was Michael Ortega and the other is unknown at this time. All were yelling at Havel as I arrived. Several ACOE employees were also in the debris yard due to the commotion that Powelson was causing. One employee was Marty Plisch, who was standing on the dilapidated deck of the houseboat next to Powelson. Plisch is an ACOE supervisor and he personally gave Powelson notice that he was trespassing on federal property on October 7, 2020. He was advised at this time that and if he were to return, ACOE would press charges for trespassing, 602 PC.

The houseboat in question belonged to decedent, Diane Moyer. Moyer died on 3/22/2021, and her boat was released by the Marin County Coroner to her brother, Irwin Karasik, as her next of kin. The houseboat is old and is in poor condition.

I spoke with all parties on scene to mediate the situation and learned the following in summary from Havel and Powelson:

### HAVEL:

Havel told me he had received permission from Karasik to remove the houseboat from its mooring in Richardson's Bay on 3/22/21. On 3/23/21, the boat was removed from its mooring and towed to the ACOE dock by a contractor (Parker Dive). Just prior to the removal process on 3/23/21, Havel called Karasik and reconfirmed he was okay to continue with the removal process. At this time Karasik told Havel that he wanted Michael Ortega to be allowed access to the boat to remove items from it before destruction. Havel told Karasik that would be allowed after the boat was taken to the ACOE dock and deemed safe. Havel had the houseboat towed to ACOE where it was tied to the end of the dock.

On 3/24/21, Havel returned to the ACOE to move the houseboat to a more stable and accessible location. He pulled the boat to the boat ramp to be pulled to the debris dock platform and out of the water by ACOE. This is common practice since many boats have been taken back out to the anchorage or ransacked overnight in the past.

While moving the boat, Powelson approached in his kayak and tried to stop Havel from moving the houseboat. Powelson was able to move in between Havel's patrol boat and the houseboat as it was being pulled onto the ACOE boat ramp. Powelson held onto and then attached himself to the houseboat interfering with Havel's work and preventing the houseboat from being removed from the water by the ACOE's excavator. Plisch tried to push Powelson away from the houseboat while it was being pulled in but Powelson would not leave.

Havel said he was still going to allow Ortega to remove property from the boat once it was on a stable platform.

# Incident Report SAUSALITO POLICE DEPARTMENT

21-198

SAUSALITO  
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ORIG

CONTROLLED

## Narrative

Havel agreed to leave the houseboat in its resting state until the details of ownership could be worked out. I asked Havel to contact Karasik again and determine the outcome of the boat.

\*\*\*\*\*End of interview\*\*\*\*\*

### POWELSON'S STATEMENT:

Powelson and I spoke from a distance as he was in the water on his kayak and I was on a dock 20 feet away.

He said his intentions were to save the houseboat from being pulled from the water by ACOE staff and being damaged in the process. He said he watched the houseboat get damaged as it was being pulled onto the ramp so he intervened. He told me he had conflicting information from Karasik that said Ortega was given the boat and it shouldn't be destroyed.

Powelson then told me he wanted to make a statement against Plisch for assaulting him with his (Powelson's) own kayak paddle. Powelson said he recorded the entire incident on camera and wanted Plisch arrested for assault. Powelson further told me he has never had an issue with Plisch before and that Plisch is typically professional during their interactions. I asked Powelson if he wanted to make a student and fill out a citizen's arrest (C/A) form and he said he did.

I later met Powelson on land and gave him a C/A form. Powelson told me that Plisch took his paddle from him and tried to push Powelson away from the boat. During this time Plisch hit Powelson with the paddle with "great force" as he showed me the left side of his stomach. I looked at his stomach and saw two small faint red marks. They did not appear to be injuries that would be consistent with "great force" used by a kayak paddle as described.

I photographed the area Powelson described and later booked it into SPD evidence.

Powelson took the C/A form out and emailed it to me along with a copy of the video he took. See attached C/A form and emails.

\*\*\*\*End of interview\*\*\*\*

### PLISCH'S STATEMENT:

At approximately 1130 hours ACOE staff were asked by RBRA to assist in bringing a houseboat up the ramp to allow for personal effects to be removed. After the rigging was in place and ready to haul up the ramp (1230) the call for all stop came from the safety observer indicating that a kayaker had entered the work area at the rear of the barge. After 15 minutes of trying to get the individual to vacate the area for his safety I boarded the houseboat and walked around the outside to the location he was at. After several attempts to free the kayak with my hands and feet I grabbed the paddle that was laying on the deck and used it to try to free the kayak from under the deck. During this process the individual (Powelson) claimed I was assaulting him. I again requested him to vacate the area and suggested he call the Sheriff Department if he felt he was being assaulted. When he stated he did not feel safe I backed off so he could make the phone call. At no time did I lay hands or an object on the individual in the kayak. (See attached emailed statement from Plisch).

While on scene Plisch approached me and told me he used profanity towards Powelson and admitted that he became agitated with Powelson. Plisch said that he had no intention of harming Powelson and never hit Powelson. His intention was to remove Powelson from the back of the boat as it was a huge safety hazard for him to be attached to a moving boat.

Plisch reiterated that Powelson was not allowed on the property.

\*\*\*End of statement\*\*\*

### VIDEO:

I reviewed the 18 second video Powelson submitted. The video depicts Plisch clearly trying to remove Powelson

Report Officer  
SP5234/MATHER, BRIAN

Printed At  
03/29/2021 10:44

# Incident Report SAUSALITO POLICE DEPARTMENT

21-198

Supplement No  
ORIG

## Narrative

from the houseboat. Plisch is visibly agitated with Powelson as Plisch described and is telling Powelson that he "Needs to vacate." During this time Plisch is using a paddle and his feet to try and push Powelson away from the houseboat. At one point the paddle goes out of camera view and Powelson can be heard saying, "Holy shit Marty." Marty continues to push the kayak with the paddle and then swings the paddle closer to Powelson out of camera view while saying, "I'm going to knock that fucking phone right in the water."

\*\*\*end of video

You cannot see or hear the paddle hit Powelson in the footage provided. Powelson said he was struck in the stomach by the paddle.

### RECOMMENDATION:

Powelson requested that Plisch be charged with 242 PC. The video does not appear to depict Plisch assaulting Powelson and Plisch's statements do not support the intent to assault Powelson. I requested the MCDA review the evidence in this case to determine if there is enough evidence to support the charge of 242 PC.

What is clear in this incident is that Powelson trespassed onto ACOE property to prevent Harbor Master Havel from his duties as Harbor Master.

Please forward this report to the Marin County District Attorney's Office for review and for charges to be filed against Powelson for 602(o) PC and 148(a) (1) PC.





**EXHIBIT 3**

















**EXHIBIT 4**

# Incident Report SAUSALITO POLICE DEPARTMENT



**21-203**

29 CALEDONIA STREET

Phone  
(415) 289-4170  
Fax  
(415) 289-4175

**21-203**

Supplement No  
**ORIG**

Reported Date  
**03/25/2021**  
Rpt/Incident Typ  
**TRESPASS**  
Member #  
**PADILLA, EDGAR**

SAUSALITO  
Supplement No  
**ORIG**  
POLICE  
DEPARTMENT  
  
**CONTROLLED  
DOCUMENT**  
  
DO NOT DUPLICATE  
*IOAI for  
City Attorney*  
Assigned  
**3-29-21**  
Date **5/23/21**

## Administrative Information

Agency <b>SAUSALITO POLICE DEPARTMENT</b>		Case Number <b>21-203</b>	Supplement No <b>ORIG</b>	Reported Date <b>03/25/2021</b>	Reported Time <b>08:01</b>
CAD Event <b>L21032096</b>	Status <b>Report to follow</b>	Rpt/Incident Typ <b>Trespassing</b>			
Location <b>300 LOCUST ST</b>					City <b>Sausalito</b>
ZIP Code <b>94965</b>	Rep Dist <b>100011</b>	Area <b>SP</b>	Beat <b>SP2</b>	From Date <b>03/25/2021</b>	From Time <b>08:01</b>
Member # <b>SP5268/PADILLA, EDGAR</b>			Assignment <b>Police Officer</b>	Entered By <b>SP5268</b>	
Assignment <b>Police Officer</b>	RMS Transfer <b>Successful</b>	Prop Trans Stat <b>Successful</b>	Approving Officer <b>SP5219</b>	Approval Date <b>03/27/2021</b>	
Approval Time <b>11:06:33</b>					
# Offenses <b>1</b>	Offense <b>602(O) PC</b>	Description <b>Trespass: Refuse to</b>			
NIBRS					[A_C] [MOE]
# Offenses <b>2</b>	Offense <b>148(A) (1) PC</b>	Description <b>Obstructs/Resists Pu</b>			
NIBRS					[A_C] [MOE]

## Person Summary

Invl <b>ARR</b>	Invl No <b>1</b>	Type <b>I</b>	Name <b>POWELSON, ROBERT THOMAS</b>	MNI <b>3296281</b>
Race <b>W</b>	Sex <b>M</b>	DOB <b>06/07/1994</b>		
Invl <b>VAB</b>	Invl No <b>1</b>	Type <b>I</b>	Name <b>RICHARDSON'S BAY REGIONAL AGENCY</b>	MNI <b>3331918</b>
Race	Sex	DOB		
Invl <b>VAB</b>	Invl No <b>2</b>	Type <b>G</b>	Name <b>ARMY CORPS OF ENGINEERS</b>	MNI <b>3259296</b>
Race	Sex	DOB		

## Property Summary

Involvement <b>EVD</b>	Description <b>Article: Other/Misc AUDIO</b>	<b>3 Audio recordings</b>
Involvement <b>EVD</b>	Description <b>Article: Other/Misc VIDEO</b>	<b>SPD interview room video recording</b>

## Summary Narrative

This case involves the arrest of Robert Thomas Powelson for 148(a)(1) PC and 602(o) PC.  
Case Closed.

# Incident Report SAUSALITO POLICE DEPARTMENT

21-203

Supplement No  
ORIG

## Arrestee 1: POWELSON,ROBERT THOMAS

Involvement	Invl No	Type					
Arrestee	1	Individual					
Name			MNI	Race	Sex		
POWELSON, ROBERT THOMAS			3296281	White	Male		
DOB	Age	Juvenile?	Height	Weight	Hair Color	Eye Color	PRN
06/07/1994	26	No	6'00"	175#	Brown	Blue	832925
Type	Address						
Mailing	PO BOX 773						
City	State	ZIP Code	Date				
Novato	California	94948	03/25/2021				
Type	ID No	OLS					
Operator License	F4447542	California					
Phone Type	Phone No	Date					
Cell/Mobile	(415) 847-7500	03/25/2021					
Involvement	Arrest Date	Arrest Time	Book Date	Book Time	Status	Dispo	
Arrested	03/25/2021	10:30:00	03/25/2021	10:30:00	Cited	Misdemeanor	
Arrest Location						City	
300 LOCUST ST						Sausalito	
Rep Dist	Citation No	Beat					
100011	SP4037407	SP2					
Charge	Level	Charge Descrip					
148 (A) (1) PC	M	Obstructs/Resists Pu					
Charge	Level	Charge Descrip					
602 (O) PC	M	Trespass; Refuse to					

## Victim (Business) 1: RICHARDSON'S BAY REGIONAL AGENCY

Involvement	Invl No	Type		
Victim (Business)	1	Individual		
Name			MNI	PRN
RICHARDSON'S BAY REGIONAL AGENCY			3331918	832926
Type	Address			
Work/Business	3501 CIVIC CENTER DR #308			
City	State	ZIP Code	Date	
San Rafael	California	94903	03/25/2021	
Phone Type	Phone No	Date		
Business	(415) 971-3919	03/25/2021		

## Victim (Business) 2: ARMY CORPS OF ENGINEERS

Involvement	Invl No	Type		
Victim (Business)	2	Government		
Name			MNI	PRN
ARMY CORPS OF ENGINEERS			3259296	832927
Type	Address			
Work/Business	2100 BRIDGEWAY			
City	State	ZIP Code	Date	
Sausalito	California	94965	03/25/2021	
Phone Type	Phone No	Date		
Work	(415) 289-3007	03/25/2021		

## Property

Prop #	Involvement	Invl Date	Item In Custody?	Security	Tag No	Item No	# Pieces
1	Evidence	03/25/2021	Yes	No	210000620	1	1
Description							Typ Cat
3 Audio recordings							A Other/Misc
Article		Entered Date	Entered Time	RMS Transfer	Control		
Audio Recording		03/26/2021	09:39	Successful	SP5219	0327211109	
Prop #	Involvement	Invl Date	Item In Custody?	Security	Tag No	Item No	# Pieces
2	Evidence	03/25/2021	Yes	No	210000620	2	1
Description							Typ Cat Article
SPD interview room video recording							A Other/Misc Video
Entered Date		Entered Time	RMS Transfer	Control			
03/27/2021		07:32	Successful	SP5219	0327211109		

## Narrative

### Witness Synopsis:

Report Officer	Printed At
SP5268/PADILLA, EDGAR	03/29/2021 10:07

# Incident Report

## SAUSALITO POLICE DEPARTMENT

21-203

Supplement No  
ORIG

### Narrative

Sausalito Police Officer Adam Clerici #SP5272 can testify to acting as a cover officer, transporting and observation at the SPD.

Sausalito Police Officer Edgar Padilla #SP5268 can testify to the entire incident.

#### Narrative:

On Thursday, March 25, 2021 at approximately 0845 hours, Sausalito Police Sergeant Steve Veveiros #SP5219 requested assistance at 300 Locust Street.

Prior to starting our shift at 0700 hours, Sausalito Police Lieutenant Gregory #SP5197 advised us that a house boat that they had dealt with on 3/24/21 had been stolen overnight from the Army Corps of Engineers debris dock. The house boat had been removed from Richardson Bay by the RBRA because the owner had passed and the next of kin authorized the removal of the house boat. The house boat had been towed by RBRA to the Army Corps of Engineers debris dock and secured on the concrete ramp with lines. It is unknown how the house boat was taken off the debris ramp and how it was towed to the shoreline fronting Dunphy Park.

Sausalito Municipal Code 16.04.050 SMC - Waters of Dunphy Park Declared Open Water; it is unlawful for any person to moor any vessel, or place, build, construct or maintain any water structure, in the waters of Dunphy Park. Section C states; it is unlawful for any person to go upon, board, occupy, reside or dwell upon, or be present upon any vessel moored in the waters of Dunphy Park, or any water structure placed, built or constructed in the waters of Dunphy Park.

At approximately 0850 hours, I arrived and met up with the other Sausalito Police Department officers. I observed a brown cedar shingled wooden house boat in the water along the shoreline of the south end of Dunphy Park. The house boat was approximately 15 feet from shore and there was a wooden plank connecting it to the shore. There was an adult female with 2 children standing on the lower level of the house boat and a adult male sitting on the wooden ladder leading to the roof of the house boat. I recognized the male adult as Robert Powelson from previous police interactions. The female adult appeared to be approximately 25 years of age and both children appeared to be less than 2 years of age.

A few minutes later, another adult female and child got onto the house boat by running in the water and on top of the wooden plank. I boarded the house boat and demanded all occupants off the house boat so it could be removed from its location. I surveyed the house boat and observed many hazards. There were many wooden planks with exposed nails sticking up, rotten wooden deck planks, animal and possible human feces all over the deck. The interior of the house boat also appeared to be in major disrepair and was not habitable.

For approximately the next 45 minutes, the occupants demanded the house boat not be moved and stated they would remain on it. One of the two females decided to disembark the house boat and took her 2 children with her. The female carried her two children across the wooden plank and onto the shore. A female, child and Powelson remained on the house boat. Powelson was recording the incident with his cell phone and continued to sit on the ladder refusing to vacate the house boat. Powelson was repeatedly ordered to leave and disembark the house boat but continued to disobey our verbal orders.

At approximately 1015 hours, the second female and her child disembarked the house boat by getting into an inflatable skiff which was tied to the house boat. Powelson remained on the house boat and I again ordered him to get off the house boat but he refused. Powelson had been warned by multiple officers that if he did not get off the house boat he would be arrested. I gave Powelson one last warning and he did not comply with my orders. I climbed up the ladder and along side Powelson. I stood above Powelson on the roof of the house boat while Officer Clerici and Sergeant Veveiros were below Powelson. Using both of my hands, I grabbed Powelson from the shoulder straps of the life vest he was wearing and lowered him slowly down toward Officer Clerici and Sergeant Veveiros. Powelson's body became limp immediately after I began to lower him. We lowered Powelson to the feces covered deck and I requested he comply with lawful requests. Powelson was conscious and continued being limp. I placed handcuffs on Powelson, checked for proper fit and double locked the cuffs. Powelson was again asked if he would stand up and walk under his own power but continued to make his body

Report Officer

SP5268/PADILLA, EDGAR

Printed At

03/29/2021 10:07

# Incident Report SAUSALITO POLICE DEPARTMENT

21-203

Supplement No  
ORIG

## Narrative

limp. (Passively Resisting).

Sergeant Veveiros, Officer Clerici and I carried Powelson toward an awaiting patrol vessel on the north side of the house boat. Due to the inability to safely transfer Powelson onto the vessel we decided to carry him off the house boat via the wooden plank and onto shore. Once on shore, Officer Clerici and I carried Powelson down the dirt path to an awaiting MCSO patrol vehicle. I searched Powelson incident to arrest and did not locate any illegal contraband. Powelson continued to be limp and not want to cooperate. We lifted him into the rear of the patrol vehicle and secured him with seat belt straps.

Marin County Sheriff's Deputy Brame #SO1838 transported Powelson to the SPD with Officer Clerici following. I stayed on scene and continued to assist the removal of the house boat.

At the SPD, Officer Clerici asked Powelson if he would walk from the patrol vehicle to the interview under his own power. Powelson complied and walked into the interview without assistance. Officer Clerici placed Powelson in the interview room and was continuously observed until my arrival at 1125 hours. Prior to placing Powelson in the interview room, Officer Clerici activated the SPD's video recording system and the recording was later booked into evidence.

At the SPD, I completed a citation (SP4037407) with a preassigned court date of 5/6/21. Powelson signed the citation in my presence with a promise to appear. See attached citation for further details.

At approximately 1153 hours, I removed the handcuffs from Powelson and escorted him out of the SPD.

During the incident I activated and deactivated my audio recorder several times. Three audio recordings were generated and I later booked the recordings into evidence.

On 3/26/21, I filled out a citation correction to change the charge from 602(k) PC to 602(o) PC. At approximately 1700 hours, I contacted Powelson at 300 Locust Street, had him sign the rear of the citation correction and provided him a copy of the citation correction. See attached correction for details.

Please forward this report to the Marin County District Attorney's Office for review and for charges to be filed against Powelson for 602(o) PC and 148(a)(1) PC.

**Case closed by arrest.**

### Attachment:

1. SP4037407 (citation)
2. Citation correction dated 3/26/21

# Incident Report SAUSALITO POLICE DEPARTMENT

21-203

Supplement No  
0001



21-203

Supplement No  
0001

29 CALEDONIA STREET

Reported Date  
**03/27/2021**  
Rpt/Incident Typ  
**TRESPASS**  
Member #  
**VEVEIROS, STEVEN**

Phone  
**(415) 289-4170**  
Fax  
**(415) 289-4175**

## Administrative Information

Agency <b>SAUSALITO POLICE DEPARTMENT</b>	Case Number <b>21-203</b>	Supplement No <b>0001</b>	Reported Date <b>03/27/2021</b>	Reported Time <b>11:14</b>
CAD Event <b>L21032096</b>	Status <b>Report to follow</b>	Rpt/Incident Typ <b>Trespassing</b>		
Location <b>300 LOCUST ST</b>				City <b>Sausalito</b>
ZIP Code <b>94965</b>	Rep Dist <b>100011</b>	Area <b>SP</b>	Beat <b>SP2</b>	From Date <b>03/25/2021</b>
				From Time <b>08:01</b>
				Primary Unit <b>10Q52</b>
Member # <b>SP5219/VEVEIROS, STEVEN</b>	Assignment <b>Sergeant</b>	Entered By <b>SP5219</b>	Assignment <b>Sergeant</b>	
RMS Transfer <b>Successful</b>	Prop Trans Stat <b>Successful</b>	Approving Officer <b>SP5219</b>	Approval Date <b>03/27/2021</b>	Approval Time <b>12:10:57</b>

## Summary Narrative

SUPPLEMENTAL REPORT #SP21-203 #1  
Sausalito Police Sergeant Steven Veveiros #SP5219  
Evidence/Property: 16Digital Photographs/ 1Digital Video

This supplemental report #1 documents the booking of sixteen (16) digital photographs and one (1) digital video. The photographs and video are of the interior of the houseboat that was unlawfully removed from the Army Corps of Engineers dock and illegally moored in Dunphy Park waters.

No further action required.

END.

## Property

Prop #	Involvement	Invl Date	Item In Custody?	Security	Tag No	Item No	Value	# Pieces
1	Evidence	03/27/2021	Yes	No	210000626	1	\$1.00	17
Description 16 digital photo/1 digital video (boat interior)							Typ A	Cat Other/Misc
Article Photographs	Model DIGITAL	Entered Date 03/27/2021	Entered Time 11:14	RMS Transfer Successful	Control SP5219	0327211211		

## Narrative

On Thursday, 03-25-2021, at approximately 0801 hours, I was on-duty in the City of Sausalito, in the County of Marin. I was in full police uniform and driving a marked patrol car. I arrived at 1600 Bridgeway, Dunphy Park, to investigate the illegal mooring of a delapidated houseboat. I was on-scene from 0801 to 1155 hours. I assisted with announcing a dispersal request, removing people trespassing on the houseboat, the arrest of POWELSON for violating California Penal Code 602(o)PC - Trespassing{refusing to leave structure after peace officer request}, and 148(a)(1)PC - Resisting, Delaying or Obstructing a Peace Officer.

I also helped *Parker Dive Servicetie* lines to the houseboat to tow it back to the Army Corps of Engineer dock. I remained on the houseboat until it was safely re-secured to the dock. The digital photographs and video show the condition of the interior of the houseboat on 03-25-2021. The digital photographs/video were booked at the police department on 03-27-2021.

## EVIDENCE

Sixteen (16) digital photographs and one (1) digital video of the inside of the houseboat. A copy of fifteen (15) photographs were scanned into *E-Files Tab*.

Report Officer <b>SP5219/VEVEIROS, STEVEN</b>	Printed At <b>03/29/2021 10:08</b>
--------------------------------------------------	---------------------------------------

**Incident Report  
SAUSALITO POLICE DEPARTMENT**

**21-203**

Supplement No  
**0001**

**Narrative**

END.

**EXHIBIT 5**



---

**From:** Havel, Curtis <CHavel@marincounty.org>  
**Sent:** Friday, March 26, 2021 2:20 PM  
**To:** Jill Hoffman <jhoffman@sausalito.gov>; Stephanie Moulton-Peters <smoultonpeters@comcast.net>  
**Cc:** Melissa Blaustein <mblaustein@sausalito.gov>; Marcia Raines <mraines@sausalito.gov>; John Rohrbacher <JRohrbacher@sausalito.gov>; Arthur Friedman <afriedman@sheppardmullin.com>; Mary Wagner <MWagner@sausalito.gov>  
**Subject:** Re: Diane Moyer Floating Home

Hi Jill,

That paragraph was describing the plan before the floating home was stolen from the USACE and in response/cooperation with Sausalito PD. When the floating home was stolen, the plan changed. My apologies for not making that more clear.

The RBRA does not currently have a plan to remove the floating home from the water at this time.

Curtis Havel  
Harbormaster  
Richardson's Bay Regional Agency  
3501 Civic Center Drive, Room 308  
San Rafael, CA 94903  
[chavel@marincounty.org](mailto:chavel@marincounty.org)  
(415) 971-3919  
rbra.ca.gov

---

**From:** Jill Hoffman <[jhoffman@sausalito.gov](mailto:jhoffman@sausalito.gov)>  
**Sent:** Friday, March 26, 2021 2:13 PM  
**To:** Stephanie Moulton-Peters; Havel, Curtis  
**Cc:** Melissa Blaustein; Marcia Raines; John Rohrbacher; 'afriedman@sheppardmullin.com'; Mary

Wagner

**Subject:** Fwd: Diane Moyer Floating Home

Hi Stephanie and Curtis,

Thanks very much for the update. The second to last paragraph indicates that the vessel was to be pulled today. My understanding was that the vessel was going to remain in the water until ownership could be determined. This is a significant issue, can you please advise on status?

Jill

Jill James Hoffman

Mayor, Sausalito

Sausalito City Council

---

**From:** Marcia Raines <[mraines@sausalito.gov](mailto:mraines@sausalito.gov)>

**Sent:** Friday, March 26, 2021 8:46:31 AM

**To:** City Council <[citycouncil@sausalito.gov](mailto:citycouncil@sausalito.gov)>

**Subject:** FW: Diane Moyer Floating Home

FYI

Marcia

---

**From:** Havel, Curtis [<mailto:CHavel@marincounty.org>]

**Sent:** Thursday, March 25, 2021 8:33 PM

**To:** Eilerman, Dan <[DEilerman@marincounty.org](mailto:DEilerman@marincounty.org)>; [gchanis@townoftiburon.org](mailto:gchanis@townoftiburon.org); Craig Middleton - City Manager <[cmiddleton@cityofbelvedere.org](mailto:cmiddleton@cityofbelvedere.org)>; Alan Piombo <[apiombo@cityofmillvalley.org](mailto:apiombo@cityofmillvalley.org)>; Marcia Raines <[mraines@sausalito.gov](mailto:mraines@sausalito.gov)>

**Cc:** Brady, Jenna <[JBrady@marincounty.org](mailto:JBrady@marincounty.org)>; [marty.l.plisch@usace.army.mil](mailto:marty.l.plisch@usace.army.mil); White, Daniel <[D\\_White@marinsheriff.org](mailto:D_White@marinsheriff.org)>; Chellson, David <[D\\_Chellson@marinsheriff.org](mailto:D_Chellson@marinsheriff.org)>; Malcolm, James <[jmalcolm@marincounty.org](mailto:jmalcolm@marincounty.org)>; Lieutenant Stacie Gregory <[SGregory@sausalito.gov](mailto:SGregory@sausalito.gov)>; Mike McKinley <[mmckinley@sausalito.gov](mailto:mmckinley@sausalito.gov)>; John Rohrbacher <[JRohrbacher@sausalito.gov](mailto:JRohrbacher@sausalito.gov)>; Maureen Parton <[mparton@marincounty.org](mailto:mparton@marincounty.org)>; EstesSmith, Sarah <[sestes-smith@marincounty.org](mailto:sestes-smith@marincounty.org)>; Klein, Adrienne@BCDC <[adrienne.klein@bcdc.ca.gov](mailto:adrienne.klein@bcdc.ca.gov)>; Njuguna, Priscilla@BCDC <[priscilla.njuguna@bcdc.ca.gov](mailto:priscilla.njuguna@bcdc.ca.gov)>; Donovan, Karen@BCDC <[karen.donovan@bcdc.ca.gov](mailto:karen.donovan@bcdc.ca.gov)>; Duffy, Krystyna M BM1 <[krystyna.m.Duffy@uscg.mil](mailto:krystyna.m.Duffy@uscg.mil)>; Ross, Craig C BOSN3 <[Craig.C.Ross@uscg.mil](mailto:Craig.C.Ross@uscg.mil)>

**Subject:** Diane Moyer Floating Home

**CAUTION:** External Sender

Greetings,

There was another death in the anchorage over the weekend. Diane Moyer was found deceased on her floating home on Monday, March 22, 2021. We knew Diane and had been supporting Marin County Social Services (Downtown Streets Team, St. Vincent's and Marin Health and Human Services) for some time in an effort to provide Diane with safe and secure

housing. We visited her regularly, bringing her fresh water, fruits, vegetables and cat food (for her many cats). We were all saddened upon learning of her passing.

On Tuesday, March 23<sup>rd</sup>, the Marin County Coroner's Office shared this information with the RBRA and put RBRA staff in contact with the next of kin, Diane's brother, Irwin Karasik. Staff contacted Mr. Karasik via telephone, identified ourselves, offered condolences, and inquired about plans for the floating home. Mr. Karasik indicated that he did not want the floating home nor any of its contents. However, he specifically identified Michael Ortega-Haas as an individual who might have a desire to retrieve belongings from the floating home.

Staff informed Mr. Karasik that the RBRA would like to remove the floating home from the anchorage, that we would accommodate the wishes of individuals wishing to retrieve belongings from the floating home, and that we would ultimately dispose of the floating home at no cost to the family. Mr. Karasik granted his consent for the RBRA to remove the floating home from the anchorage, but also indicated his interest in allowing Ortega-Haas (and possibly others) to retrieve belongings from the floating home.

The RBRA put together an operation order to retrieve the floating home given concerns about health and safety issues related to potential squatters moving on to an unsafe and unpermitted structure, numerous cats/animals aboard without food or water, and ongoing concerns about the structural integrity of the floating home.

On the morning of Wednesday, March 24<sup>th</sup>, RBRA staff contacted Mr. Karasik to inform him of our operation and again affirm his consent for the removal of the floating home from the anchorage. Mr. Karasik again provided his consent, as well as his desire to provide access to Michael Ortega-Haas.

At approximately 0800 hours on March 24<sup>th</sup>, the RBRA, Chief Jason Wu from the Belvedere Police Department and USCG stood by as Parker Diving Services towed the vessel to the Army Corps of Engineers (USACE). During the tow, Michael Ortega-Haas approached in a dinghy and was informed that the floating home was not immediately scheduled for demolition, and that he would have an opportunity to retrieve belongings from the vessel consistent with Mr. Karasik's wishes.

Upon arrival at the USACE, the floating home was secured to the east face of the debris dock. Officers from the Marin Humane Society boarded the floating home and successfully removed the numerous cats.

Staff was contacted by Mr. Karasik on the afternoon of the 24<sup>th</sup> after the floating home had been secured to the USACE debris dock. Mr. Karasik was seeking advice from staff as to whether he should "sign over" the floating home to Michael Ortega-Haas. Staff declined to

provide advice but clarified that even if the floating home were transferred to Michael Ortega-Haas, it would not be allowed back into the anchorage (staff explained that the floating home was unpermitted and unsafe to begin with, and it would be irresponsible to allow it back into the anchorage given its severely dilapidated condition). Staff also clarified that the plan was to pull the floating home up onto dry land to better and more safely enable individuals to retrieve belongings from the floating home.

Amid concerns about structural integrity (the floating home staying afloat) and possible theft of the floating home from the USACE, the plan was to pull the floating home up onto the ramp at the USACE (not for immediate demolition, but rather to provide better, safer access for individuals to retrieve belongings from the floating home). While making preparations to pull the floating home up the ramp in a way that would preserve the structure, Robbie Powelson entered the water on a kayak and proceeded to physically obstruct the operation.

A call was placed to 911 for law enforcement assistance because Mr. Powelson refused to leave, unknown individuals began throwing foreign objects over the fence at USACE staff, and Mr. Powelson and USACE staff engaged in argument. The Sausalito Police Department arrived at the USACE and de-escalated the situation by reassuring Mr. Powelson that the floating home was not being destroyed that day, and that individuals would be allowed to retrieve possessions from the floating home. It was also explained why the floating home was being pulled up onto dry land.

Pursuant to the “truce” established by the Sausalito Police Department, RBRA staff departed the USACE. The floating home was secured to the USACE debris dock with the understanding that the floating home would not be removed from the USACE debris dock, and that the floating home would be pulled up onto dry land the next day.

The floating home was taken from the USACE debris dock without permission overnight. Mr. Powelson was arrested today, March 25, while on board the floating home near the Sausalito encampment. As RBRA staff were not involved in this incident, any questions regarding Mr. Powelson’s arrest should be forwarded to Sausalito Police Department.

Curtis Havel

Harbormaster

Richardson's Bay Regional Agency (RBRA)

(415) 971-3919

[rbra.ca.gov](http://rbra.ca.gov)

The Richardson's Bay Regional Agency (RBRA) is a local government agency serving Belvedere, Mill Valley, Tiburon, and unincorporated Southern Marin. RBRA is dedicated to maintaining and improving the navigational waterways, open waters, and shoreline of Richardson's Bay.

Email Disclaimer: <https://www.marincounty.org/main/disclaimers>

Email Disclaimer: <https://www.marincounty.org/main/disclaimers>

**EXHIBIT 6**

**From:** [Arthur Friedman](#)  
**To:** [Anthony Prince](#)  
**Cc:** [Alex Merritt](#); [Mary Wagner](#)  
**Subject:** Response To Your Accusations Of Today  
**Date:** Thursday, March 25, 2021 11:27:59 AM

---

Mr. Prince

This morning, as you know I received a call from you asserting that the Sausalito Police Department was threatening to arrest persons at Dunphy Park for trespass, threatening to separate mothers from their children, and thus you demanded that the Sausalito Police Department stand down immediately or you would move for contempt sanctions.

I immediately contacted City officials to investigate, and can now provide the following summary of recent events. Apparently, Ms. Diane Moyer was recently discovered by RBRA as deceased on her house boat vessel located in RBRA waters. Ms. Moyer's brother instructed RBRA to tow and abate the vessel. RBRA in response towed the vessel to the Army Corp's abatement yard in Sausalito.

Last night, the vessel was stolen from the Army's Corp's yard and discovered this morning in protected waters near the Dunphy Park encampment. Upon arriving at the scene, the Sausalito Police Department secured the plank access to prevent persons from boarding the vessel. We understand, however, that a Mr. and Mrs. Ortega and their child boarded the vessel, as did your client, Mr. Paulson, who did so by swimming to it.

As there were concerns with the sea worthiness of the vessel, the Coast Guard was notified and arrived at the scene.

We understand that Mr. Paulson and the Ortega's wish to preserve the vessel and object to its destruction. In an effort to alleviate this situation, the City of Sausalito this morning obtained assurances from RBRA that it would not abate the vessel until resolution of this dispute among the interested parties.

Following this agreement, RBRA's retained tow company arrived at the scene to tow the vessel back to the Corp's yard. Sausalito police were assisting the Ortega family disembark from the vessel when your client, Robbie Paulson, interfered with their efforts. Sausalito police therefore arrested Mr. Paulson. I understand that he will be cited for this unlawful conduct and released today. The vessel has since been towed back to the Corp's yard.

The City of Sausalito has not in any way violated the terms of the Court's injunction, and your accusations and threats to the contrary are unfounded and improper. The City of Sausalito volunteered in this case to de-escalate a problem not of its making, which was brought to Sausalito and exacerbated by your client's unlawful actions.

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