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11 CITY OF SAUSALITO, JILL JAMES HOFFMAN, JOHN  
12 ROHRBACHER, MARCIA RAINES, KENT BASSO

13 UNITED STATES DISTRICT COURT  
14 NORTHERN DISTRICT OF CALIFORNIA

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

21 Plaintiffs,

22 v.

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

28 Defendants.

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

**NOTICE OF MOTION AND MOTION TO  
MODIFY 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 **TO THE COURT, ALL PARTIES AND THEIR ATTORNEYS OF RECORD:**

2 **PLEASE TAKE NOTICE** that on April 29, 2021, at 1:30 p.m. PST in Courtroom 5 of the  
3 United States District Court, Northern District of California, located at 450 Golden Gate Avenue,  
4 San Francisco, California 94102 before the Honorable Judge Edward M. Chen, Defendants City of  
5 Sausalito, Mayor Jill James Hoffman, Police Chief John Rohrbacher, City Manager Marcia  
6 Raines, and Dept. of Public Works Supervisor Kent Basso (“Defendants”) will, and hereby do,  
7 move the Court for an order modifying and/or partially dissolving the preliminary injunction  
8 previously issued by this Court in the above captioned matter, specifically part (2) of the  
9 injunction currently enjoins the City to move the encampment from Dunphy Park to Marinship  
10 Park. Defendants’ Motion for Modification of the Preliminary Injunction (“Motion”) is made on  
11 the following grounds:

12 First, a qualified expert conducted air and soil testing at Marinship Park during boat  
13 disposal operations at the adjacent boat yard and determined that all toxic materials were either not  
14 detectable or present at ordinary ambient levels and one of the samples came close to exceeding  
15 applicable regulatory limits.

16 Second, Sausalito can accomplish the move to Marinship Park safely, given additional  
17 planning and preparation it has undertaken, and improving Covid-19 conditions in Marin County.  
18 Sausalito has also provided for improvements to Marinship Park, including deep-cleaning,  
19 repairing, and repainting the restrooms; supplying portable toilets, handwashing stations, a  
20 dumpster, and personal protective equipment; regularly servicing and stocking the facilities; and  
21 installing social distancing markers for tents. Additionally, Sausalito is working with Marin  
22 County to bring vaccines directly to the Dunphy Park encampment by the end of April, and offer  
23 them free of charge to all residents who wish to be vaccinated. Meanwhile, the overall Covid-19  
24 situation continues to improve in Marin County, with reduced case rates, reduced positivity rates,  
25 and increased vaccinations. As a result of these improvements, the State recently moved Marin  
26 County from the “red” tier to the less restrictive “orange” tier.

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