

1 SHEPPARD, MULLIN, RICHTER & HAMPTON LLP
 A Limited Liability Partnership
 2 Including Professional Corporations
 ARTHUR J. FRIEDMAN, Cal. Bar No. 160867
 3 ALEXANDER L. MERRITT, Cal. Bar No. 277864
 Four Embarcadero Center, 17th Floor
 4 San Francisco, California 94111-4109
 Telephone: 415.434.9100
 5 Facsimile: 415.434.3947
 E mail: afriedman@sheppardmullin.com
 6 amerritt@sheppardmullin.com

7 MARY WAGNER, Cal. Bar No. 167214
 CITY ATTORNEY FOR CITY OF SAUSALITO
 8 Sausalito City Hall
 420 Litho Street
 9 Sausalito, CA 94965
 E-mail: mwagner@sausalito.gov

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

13 UNITED STATES DISTRICT COURT
 14 NORTHERN DISTRICT OF CALIFORNIA

15 SAUSALITO/MARIN COUNTY CHAPTER
 OF THE CALIFORNIA HOMELESS UNION,
 16 on behalf of itself and those it represents;
 ROBBIE POWELSON; SHERI L. RILEY;
 17 ARTHUR BRUCE; MELANIE MUASOU;
 SUNNY JEAN YOW; NAOMI
 18 MONTEMAYOR; MARK JEFF; MIKE
 19 NORTH; JACKIE CUTLER and MICHAEL
 20 ARNOLD on behalf of themselves and
 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
 26 WORKS SUPERVISOR KENT BASSO,
 27 individually and in their respective official
 capacities,

28 Defendants.

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

**DECLARATION OF ARTHUR FRIEDMAN
 IN SUPPORT OF DEFENDANTS’
 (1) OPPOSITION TO PLAINTIFFS’ *EX
 PARTE* MOTION TO SHOW CAUSE WHY
 DEFENDANTS SHOULD NOT BE HELD IN
 CONTEMPT FOR VIOLATING THE
 PRELIMINARY INJUNCTION, FOR
 SANCTIONS AND FOR MODIFICATION
 OF PRELIMINARY INJUNCTION; AND
 (2) *EX PARTE* MOTION TO MODIFY
 PRELIMINARY INJUNCTION**

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

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

DECLARATION OF ARTHUR FRIEDMAN

I, Arthur Friedman, declare as follows:

1. I am an attorney duly admitted to practice law in California. I am a partner at the law firm of Sheppard, Mullin, Richter & Hampton LLP, attorney of record for Defendants City of Sausalito, Jill James Hoffman, John Rohrbacher, Marcia Raines and Kent Basso (collectively “Defendants”). If called and sworn as a witness, I could and would competently testify to all facts stated herein based upon my personal knowledge except where stated upon information and belief. This Declaration is submitted in support of Defendants’ (1) Opposition to Plaintiffs’ *Ex Parte* Motion To Show Cause Why Defendants Should Not Be Held In Contempt for Violating the Preliminary Injunction, for Sanctions and for Modification of Preliminary Injunction; and (2) *Ex Parte* Motion to Modify Preliminary Injunction.

2. Attached here as **Exhibit D** is a true and correct copy of the Order Granting Stipulation for Entry of Preliminary Injunction, filed October 18, 2021, in *Marin County Homeless Union et al. v. City of Novato et al.* (Case No. 4:21-cv-05401-YGR) (“Novato Order”).

9. Attached here as **Exhibit E** is a true and correct copy of Defendants’ Proposed Order and Code of Conduct for the Marinship Encampment (“Proposed Marinship Code of Conduct”) that I provided to Mr. Prince to review on November 1. The Proposed Marinship Code of Conduct materially differs from the Novato Order by the addition of Paragraph 3, subsections h (prohibiting damage to the encampment’s tennis court or privacy fence) and i (prohibiting conduct that constitutes a nuisance), and paragraph 4, subsection d (prohibiting construction or assemblage of any permanent structures that would require a permit or which are unauthorized to construct or assemble on city property or which constitutes a public nuisance or threat to public health or safety.)

1 I declare under penalty of perjury under the laws of the United States of America that the
2 foregoing is true and correct.

3 Executed on this 18th day of November, 2021 in Sausalito, California.
4
5

6 

7 _____
8 Arthur Friedman
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28