1 2 3 4 5 6 7 8 9	SHEPPARD, MULLIN, RICHTER & HAMPTO A Limited Liability Partnership Including Professional Corporations ARTHUR J. FRIEDMAN, Cal. Bar No. 160867 ALEXANDER L. MERRITT, Cal. Bar No. 277 Four Embarcadero Center, 17th Floor San Francisco, California 94111-4109 Telephone: 415.434.9100 Facsimile: 415.434.3947 E mail: afriedman@sheppardmullin.com amerritt@sheppardmullin.com MARY WAGNER, Cal. Bar No. 167214 CITY ATTORNEY FOR CITY OF SAUSALIT Sausalito City Hall 420 Litho Street Sausalito, CA 94965 E-mail: mwagner@sausalito.gov	867 277864 om n		
10 11	Attorneys for Defendants CITY OF SAUSALITO, JILL JAMES HOFFM			
12	ROHRBACHER, MARCIA RAINES, KENT BASSO			
13	UNITED STATES DISTRICT COURT			
14	NORTHERN DISTRICT OF CALIFORNIA			
15				
16	SAUSALITO/MARIN COUNTY CHAPTER OF THE CALIFORNIA HOMELESS UNION,	Case No. 3:21-cv		
17	on behalf of itself and those it represents; ROBBIE POWELSON; SHERI L. RILEY;	IN SUPPORT (ON OF MARY ANNE WAGNER OF DEFENDANTS' ON TO PLAINTIFFS' <i>EX PARTE</i>	
18	ARTHUR BRUCE; MELANIE MUASOU; SUNNY JEAN YOW; NAOMI	MOTION TO S	SHOW CAUSE WHY SHOULD NOT BE HELD IN	
19	MONTEMAYOR; MARK JEFF; MIKE NORTH; JACKIE CUTLER and MICHAEL	CONTEMPT F PRELIMINAR	OR VIOLATING THE Y INJUNCTION, FOR	
20 21	ARNOLD on behalf of themselves and similarly situated homeless persons,	SANCTIONS A PRELIMINAR	ND FOR MODIFICATION OF Y INJUNCTION; AND	
22	Plaintiffs,		MOTION TO MODIFY Y INJUNCTION	
23	·	Date:	December 9, 2021	
24	V.	Time: Courtroom:	1:30 p.m. 5 – 17 th Floor	
25	CITY OF SAUSALITO; MAYOR JILL JAMES HOFFMAN; POLICE CHIEF JOHN			
26	ROHRBACHER; CITY MANAGER MARCIA RAINES; DEPT. OF PUBLIC	Action Filed: Trial Date:	February 16, 2021 T.B.D.	
27	WORKS SUPERVISOR KENT BASSO, individually and in their respective official	Judge:	Hon. Edward M. Chen	
28	capacities, Defendants.			
	'	1	Case No. 3:21-cv-01143	
	SMRH-4861_6283_7252.2	-1-	WACNED DECLARATION	

WAGNER DECLARATION

SMRH:4861-6283-7252.2

DECLARATION OF MARY ANNE WAGNER

1. I am the City Attorney for the City of Sausalito and have held that position since 30, 2002. If called as a witness, I could and would competently testify to all facts stated

I, Mary Anne Wagner, declare as follows:

July 30, 2002. If called 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. On September 15, 2021, I received via email a letter from Plaintiffs' counsel, Anthony Prince, alleging certain activities with respect to an encampment resident, Holly Wild. Mr. Prince sent a replacement letter via email on September 16, 2021. In his letters, Mr. Prince indicated that there had been an incident at U.S. Army Corps property adjacent to the Marinship Park encampment and that an employee of the Sausalito Police Department, Mike McKinley, had thrown a rock in the direction of Ms. Wild.
- 3. Upon learning of the alleged incident, I informed the City Manager, Chris Zapata, and Chief of Police, John Rohrbacher, and requested that the Chief of Police look into the allegations.
- 4. Based on information and belief, I understand that Mr. McKinley is a civilian employee of the Police Department, not a sworn police officer, and he is not permitted to carry a firearm as part of his job.
- 5. The Chief of Police also reviewed the allegations that Officers Padilla and White failed to take a report of the incident and determined that the Officers would not be placed on administrative leave, but that an internal investigation of all of the allegations in Mr. Prince's letter would be conducted.
- 6. In keeping with standard practices, the Chief of Police contacted the Marin County Sherriff's Department and requested that they investigate the criminal allegations in Mr. Prince's letter. It is my understanding that the investigation is still on-going.

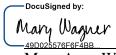
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7. Also in accordance with standard practices, the City's internal investigation will commence after the Sherriff's Department and the District Attorney's Office complete their investigations.

8. The City's internal investigation will be conducted by an independent third party.

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

Executed on this 18th day of November, 2021 in Princeton, New Jersey.



Mary Anne Wagner