

1 Anthony D. Prince (SBN # 202892)
2 General Counsel, California Homeless Union/Statewide Organizing Council
3 Law Offices of Anthony D. Prince
4 2425 Prince Street, Ste. 100
5 Berkeley, CA 94705
6 Tel: 510-301-1472

7 Attorneys for Plaintiffs

UNITED STATES COURT

NORTHERN DISTRICT OF CALIFORNIA

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

18 Plaintiffs

19 vs.

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

27 Defendants.

Case No.: 3:21-cv-01143-EMC

**SUPPLEMENTAL DECLARATION OF
TIM LOGAN IN SUPPORT OF
PLAINTIFFS' MOTION FOR ORDER TO
SHOW CAUSE WHY DEFENDANTS
SHOULD NOT BE HELD IN CONTEMPT
AND FOR MODIFICATION OF
PRELIMINARY INJUNCTION**

DECLARATION OF TIMOTHY LOGAN

28 I, Timothy Logan, a plaintiff in the above-captioned case and a resident of the Marinship
Park Homeless Encampment, declare that the following is a true and correct statement based on
personal knowledge or otherwise upon information and belief which I believe to be true:

- 1 1. I am a resident of the Marinship Camp and was present and inside my tent when the
2 “bomb cyclone” rainstorm began the night of October 23, 2021. Although the storm had
3 been predicted days before, did nothing in advance. to either offer or actually provide
4 indoor shelter or effectively protect us from rain and the predicted near-hurricane force
5 wind. The only thing the City did was to drop off about fifteen or twenty 4x4 pallets
6 which we were supposed to somehow place under our tents. The person who dropped off
7 the pallets offered no help and left the camp. The number of pallets was totally
8 insufficient since it would take at least four or six such pallets to elevate each tent, of
9 which there were approximately forty (40) in the encampment.
10
- 11 2. It was only *after* the storm had flattened the encampment, tore up nearly every tent,
12 toppled fencing which fell into the park and caused further destruction and damage and
13 the camp was flooded with nearly five inches of water that a notice was posted about a
14 Red Cross shelter. However, by that time, we were already clearing the damage,
15 spreading wood chips provided by a neighborhood landscaping company and cleaning
16 up the camp with help from members of the broader Sausalito Community. Attached
17 hereto as Exhibit A is a true and correct copy of a series of photographs depicting the
18 aftermath of the storm. Exhibit B is a true and correct copy of a number of photographs
19 depicting our clean up efforts.
20
- 21 3. At no time did anyone from the City offer or provide any assistance or materials and no
22 replacement tents were provided although more storms were predicted. I began bringing
23 the pallets to female residents. City Councilmember Melissa Blaustein showed up and
24 asked me how progress was going and what all we needed. As I had previously, I
25 informed her again that what we needed were durable tiny homes or real housing or
26 hotel rooms. She walked away.
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- 1 4. The rain started around 11:00 pm on October 23rd, and then from there it steadily
2 increased into a torrential downpour. The ground started to saturate. We were stepping
3 into puddles going up into our ankles. Fearful that the flood waters would aggravate and
4 expose others to his highly transmissible scabies condition, resident James "White" Le
5 Blanc left and set up his tent at Dunphy Park on higher ground. (See Declaration of
6 James "White" Le Blanc.)
- 7 5. Around 3am the wind really started to pick up and when the wind picked it just started
8 knocking stuff over. People were screaming from their tents collapsing on them. I came
9 out and I had to push out of my spot because the tent canopy fell in front of it. It looked
10 like a tornado had passed through. Half of the tents were already flattened. People were
11 scrambling around in the rain. People were trying to save their possessions getting
12 ruined and wet. I had to go and help someone whose tent had fallen in on him and he
13 basically asked me to cover him over with a sail because he had just a heart attack a few
14 weeks ago and didn't have the strength to get out.
- 15 6. I continued walking the camp and went back to my area. I'm stressing out because
16 water is getting inside of everything, and I thought the walls of my structure were going
17 to fall in onto me. By 5:00 or 6:00 am October 24, almost every tent was down, only five
18 tents in the whole encampment were still up. Everyone was just walking around in a
19 daze. People started congregating in the bathroom. It was still pouring rain with no end
20 in sight. If you took a step, the water would cover your shoe. By now the water was
21 dirty. We were all trying to help each other out. There were no city workers or county
22 workers. No police, no nothing for us. No downtown streets team. No Urban Alchemy.
23 7. We managed to carry on this way until about 3pm when were congregated when Mayor
24 Jill Hoffman showed up. She told us the County of Marin was coming, that a County
25 Supervisor was coming to talk about a game plan for the camp. When a camp member
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1 tried to record the conversation, she immediately stopped talking and walked away,
2 saying that she was not supposed to be there because she and our Homeless Union
3 Robbie Powelson “had a legal matter and could not interact” with one another. She did
4 not give any of us her number, or any way to contact her.

5 8. By that time, the camp being flooded and the tents destroyed with more rain on the way,
6 the Homeless Union and concerned community members had already gotten most people
7 a hotel room for the night. When I came back to camp on October 26th, there was no
8 Urban Alchemy, no City representative, no sign or information about emergency shelter.

9 9. A local grocer did come by a dropped off some food. The only food we get on a regular
10 basis is from that grocer.

11 10. Emilio Pineda, a professional construction designer and builder, came to the camp and
12 began erecting a code-compliant shed widely known as a “tiny home” which cities are
13 permitting in homeless encampments across California and the whole country. However,
14 as the shed was nearly halfway completed, a City Building inspector posted a Stop Work
15 Order and a second notice 48-hours later announcing that unless camp residents
16 dismantled the shed, the City would enter the camp and demolish it. Attached hereto as
17 Exhibits C and D are true and correct copies of the notices. (The first notice instructed
18 that the builder should file an application for a retroactive permit, which Mr. Pineda did
19 and said nothing about taking the structure down.) By the time of the second notice, the
20 City’s own homeless services contractor, Urban Alchemy, was using the shed, covered
21 by a heavy tarp, to store food, clothing and other donated items and keep them dry. The
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1 shed belongs to us, it was donated to us. It's our property. If the City takes it down, we will
2 have nothing to safely protect donated survival items from the winter storms and many here
3 will be hungry and cold.

4 I swear under penalty of perjury under the laws of the United States and the State of
5 California that the foregoing is true and correct statement based on personal knowledge or upon
6 information and belief which I believe to be true.

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8 Dated: November 2, 2021
9 Executed at Sausalito, California

/s/ Timothy Logan

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Exhibit A

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PLEADING TITLE - 6

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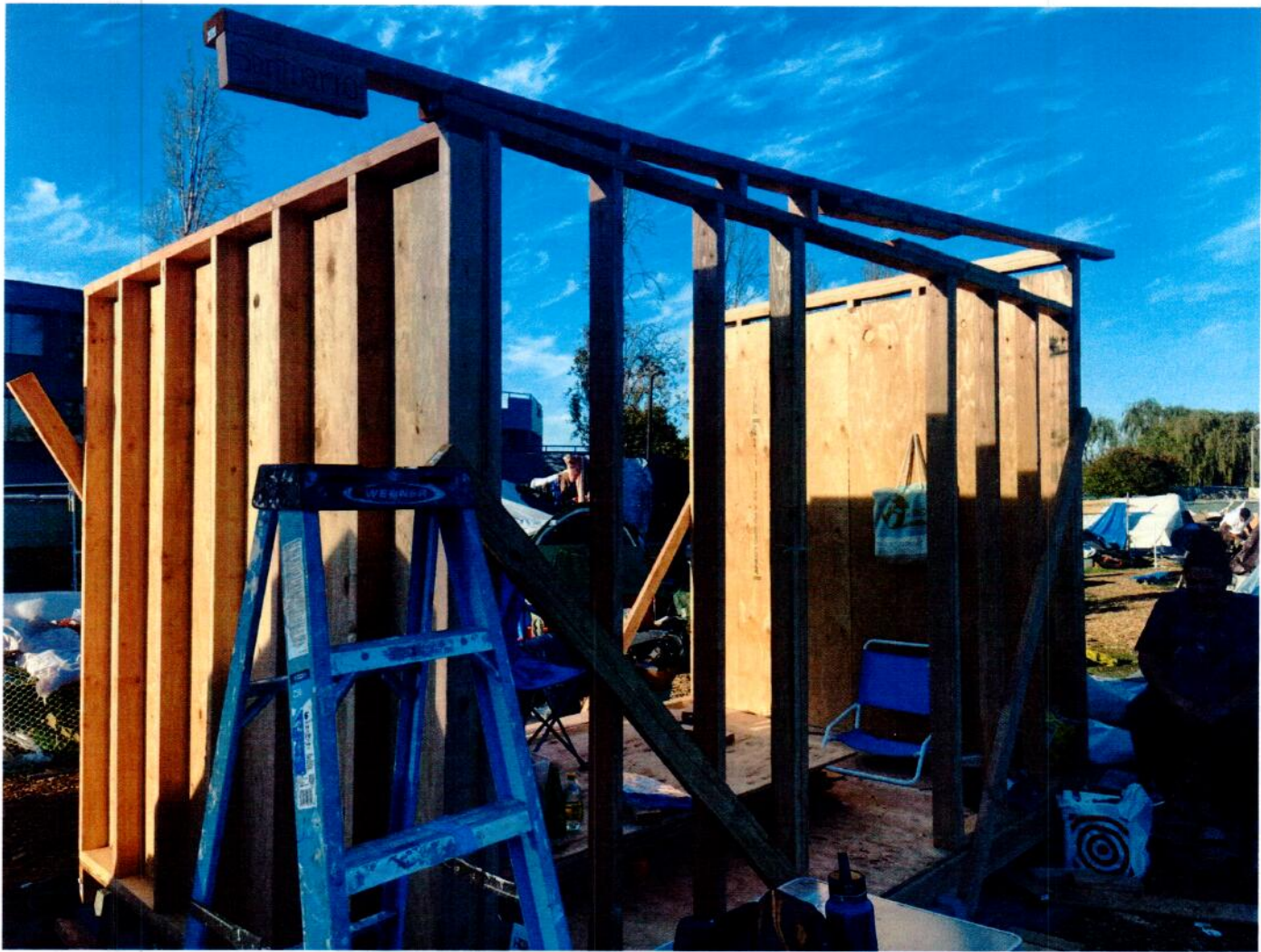
PLEADING TITLE - 7



Exhibit B











Footage from Jason: Urban Alchemy utilizes shed for dry storage of food donations in rain

From: Robbie .Powelson (robbiepowelson@gmail.com)

To: princetonlawoffices@yahoo.com; spacin101@gmail.com

Date: Monday, November 1, 2021, 01:39 PM PDT





Exhibit C

STOP WORK ORDER

Pursuant to Section 115 of the 2016 California Building Code and Section R114 of the 2016 California Residential Code, it is hereby ordered that all construction work cease immediately.

Project Address: MARIN SHIP F. TENT CITY

For violation of the following: WORK PROGRESS WITHOUT A PERMIT. FINDINGS:

NEW STRUCTURE, FRAMING, FLOOR SYSTEM WALLS, ROOF REPAIR IS INTENDED FOR HABITATION.

NEXT STEP: WOOD STRUCTURE

NOT APPROVED STRUCTURE

TENTING CONCRETS

Any person who continues such work in violation of this order shall be prosecuted to the fullest extent of the law. Penalties can include fines up to \$500 for each offense. Please contact the Community Development Department to begin the permitting process.

CITY OF SAUSALITO
Community Development Department
420 Litho Street, Sausalito, CA 94965
(415) 289-4128

Kenneth Henry
Building Inspector
Date: 10-29-2021

THIS NOTICE SHALL NOT BE REMOVED WITHOUT EXPRESS WRITTEN APPROVAL FROM THE BUILDING DIVISION

CITY OF SAUSALITO
www.sausalito.gov
KENNETH HENRY
Community Development Department
Building Inspector

Main: (415) 289-4128
Direct: (415) 289-4136
khenry@sausalito.gov

KEEP DOCUMENT IN A SAFE PLACE
REVISION OR ERASURE VOIDS THIS CERTIFICATE

DD:Forms/Building/Stop Work Order 08.20.17

Exhibit D

City of Sausalito
Cease and Desist Order
And
72-Hour Notice to Remove
Unauthorized Structure

DATE and TIME OF POSTING: 1st day, November, 2021, at 3:20 p.m.

BUILDING LOCATION: Marinship Park Encampment, located on Testa Street at Marinship Way

PURSUANT TO SECTIONS 105, 114, 115 and 116 OF THE 2019 CALIFORNIA BUILDING CODE, AS ADOPTED BY THE CITY OF SAUSALITO; SECTION 13.28.010 OF THE SAUSALITO MUNICIPAL CODE; AND CITY COUNCIL RESOLUTION NO. 6009 AND EXHIBIT A;

THE CHIEF BUILDING OFFICIAL HEREBY FINDS AND DECLARES THIS UNPERMITTED STRUCTURE ON CITY PROPERTY TO BE UNLAWFUL AND UNAUTHORIZED AND ORDERS AS FOLLOWS:

Immediately stop any and all construction of this unpermitted structure.

Remove the unpermitted structure and all building materials, and restore the site to its original condition, within 72 hours.

THE PUBLIC WORKS DEPARTMENT WILL CLEAR AND CLOSE THIS STRUCTURE AND SITE AT APPROXIMATELY 8:00 AM ON NOVEMBER 5, 2021.

Property left at the time of cleanup will be removed from the site and stored by the City and can be retrieved by contacting 415-289-4170. Property that is unsafe or hazardous will be immediately discarded.

IT IS A MISDEMEANOR TO REMOVE OR DEFACE THIS NOTICE without the written permission of the Chief Building Official, and NO PERSON SHALL OCCUPY THE BUILDING IN VIOLATION OF THIS NOTICE. Non-compliance with this order is unlawful and may subject you to criminal, civil and other legal remedies under applicable law including without limitation Sausalito Municipal Code Chapter 1.05 and Section 8.02.010.

IF YOU HAVE ANY QUESTIONS OR CONCERNS PLEASE CALL 415-289-4170

Thomas Ahrens; Chief Building Official



Date: November 1, 2021

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14 MONTEMAYOR; MARK JEFF; MIKE)
15 NORTH; JACKIE CUTLER and MICHAEL)
16 ARNOLD on behalf of themselves and)
17 similarly situated homeless persons,

18 Plaintiffs

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24 WORKS SUPERVISOR KENT BASSO,)
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26 capacities,

27 Defendants.

Case No.: 3:21-cv-01143-EMC

**DECLARATION OF DANIEL EGGINK
IN SUPPORT OF PLAINTIFFS' MOTION
FOR ORDER TO SHOW CAUSE WHY
CITY OF SAUSALITO SHOULD NOT BE
HELD IN CONTEMPT AND MOTION TO
MODIFY PRELIMINARY INJUNCTION**

DECLARATION OF DANIEL EGGINK

28 I, Daniel Eggink, declare the following to be true:

- 29 1. I am an 83-year old military veteran and resident of the Marinship Park
30 homeless encampment.
- 31 2. My house was completely wiped out by the storm. Everything I had was completely
32 destroyed and is either wet or lost.

1 3. Although the storm had been predicted several days before it hit, nobody from the
2 City of Sausalito came to the camp to help prepare us to weather the storm. They did
3 nothing and have still done nothing to help in the recovery of our camp. All they
4 have done is put up an orange plastic fence and a sign reading “Authorized Persons
5 Only”.

6 4. After the storm, someone from the City Manager’s office came to the camp. I asked
7 him “What are you doing here?” and he said, “I’m trying to help.” I told him that he
8 was a little late and to quit trying and that I was the one who was helping. He then
9 walked away and left the camp.

10 I swear and affirm under penalty of perjury under the laws of the United States and the State
11 of California that the foregoing is a true and correct statement based on personal knowledge or
12 otherwise on information and belief which I believe to be true.

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14 Dated: November 1, 2021

/s/ Daniel Eggink

15 Executed at Sausalito, CA
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24 WORKS SUPERVISOR KENT BASSO,)
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27 Defendants.

Case No.: 3:21-cv-01143-EMC

**DECLARATION OF RUDY WYATT IN
SUPPORT OF PLAINTIFFS' MOTION
FOR ORDER TO SHOW CAUSE WHY
CITY OF SAUSALITO SHOULD NOT BE
HELD IN CONTEMPT AND MOTION TO
MODIFY PRELIMINARY INJUNCTION**

DECLARATION OF RUDY WYATT

28 I, Rudy Wyatt, declare the following to be true:

1. I am a 53-year old resident of the Marinship Park homeless encampment. On the day of the storm, I was in my tent when around 11:00 pm the wind began to howl. I got out of my tent around 4:00 am and when I emerged I there was hardly anything standing. Everything was pancaked.

- 1 2. The winds continued to gust at 50 or 60 miles an hour. I was afraid the force of te
2 wind and rain would cause the fence to fall down and go flying and just as I was
3 thinking this, the fence started to fall and to fall on people, too.
- 4 3. I had a tripod in my tent to keep it up, but as it got lower and lower and the tent came
5 down, I had to crawl out of bed.
- 6 4. My medications that were prescribed for me after a heart attack I suffered a few
7 weeks ago were destroyed, turned to mush. This includes medication that I need to
8 keep my alive and keep the stents clear that I received during my heart surgery.
- 9 5. During the storm, nobody from the City came to assist us in any way. Many of us
10 went to the restroom for shelter. It got too crowded and so I went to my friend's car.
11 It would have been impossible to stay dry otherwise.
- 12 6. Finally, thanks to efforts by the Homeless Union and local donors, I was able to get a
13 hotel room for two nights.
- 14 7. Nobody from the City came out to help us either before, during or after the storm.
15 The only thing the City did was to put up orange plastic fencing.

16 I swear and affirm under penalty of perjury under the laws of the United States and the State
17 of California that the foregoing is a true and correct statement based on personal knowledge or
18 otherwise on information and belief which I believe to be true.

19
20 Dated: November 1, 2021

/s/ Rudy Wyatt

21 Executed at Sausalito, CA
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Case No.: 3:21-cv-01143-EMC

**DECLARATION OF JAMES "WHITE"
Le'BLANC IN SUPPORT OF
PLAINTIFFS' MOTION FOR ORDER TO
SHOW CAUSE WHY DEFENDANTS'
SHOULD NOT BE HELD IN CONTEMPT
AND FOR MODIFICATION OF
PRELIMINARY INJUNCTION**

DECLARATION OF JAMES "WHITE" Le'BLANC

I, James "White" Le Blanc hereby declare as follows:

1. I am a resident of the Marinship Park encampment. I was previously camped in Dunphy Park, which was and is on substantially higher ground than Marinship Park which was flooded last week due to the big storm.

Declaration of James LeBlanc

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2. There are many people at Marinship Park who are extremely stressed out due to the widespread damage and personal suffering from the storm and by not receiving any help from the City.
3. During the night of October 28, 2021 one such resident became very loud and upset which made it impossible for me to sleep and to engage in my spiritual practice of reading my bible and other religious texts and meditating.
4. In addition, I suffer from the highly contagious condition known as scabies. The dirty flood waters in Marinship Park posed a significant risk to me and others as they walked through the camp. For these reasons, the following morning, October 2, 2021, I took my tent and possessions and went to Dunphy Park to camp. I was the only person there and I observed that no changes had been made to the area since the original camp was cleared.
5. Shortly after I set up camp that morning, I was briefly away and when I returned, someone had entered my tent without permission and taped a "Notice to Vacate" attached hereto as Exhibit A, which read "Date and Time of Posting; 29th day, October, 2021, at 3:15 p.m." The Notice stated: **"THE PUBLIC WORKS DEPARTMENT WILL REMOVE AND CLEAR THIS TENT AT APPROXIMATELY 3:15 P.M. ON November 1, 2021."**
6. The Notice also stated that the removal was under the Sausalito Municipal Code which prohibits *night-time* camping even though it was *day* time when I moved there and will be daytime today at 3:15 p.m. when they say they are going to take my tent.
7. I cannot return to Marinship Park due to the conditions there, which are aggravating my scabies condition and could cause others to contract this highly contagious and debilitating disease. In addition, there are no other shelters available and none were

1 provided during the storm.

2 8. Attached hereto as Exhibits B, C and D are true and correct copies of photographs of
3 my tent, the notice posted in my tent and the religious shrine and bible inside my tent.

4 9. Attached hereto as Exhibit E is a true and correct copy of an information sheet from
5 the CDC regarding scabies.

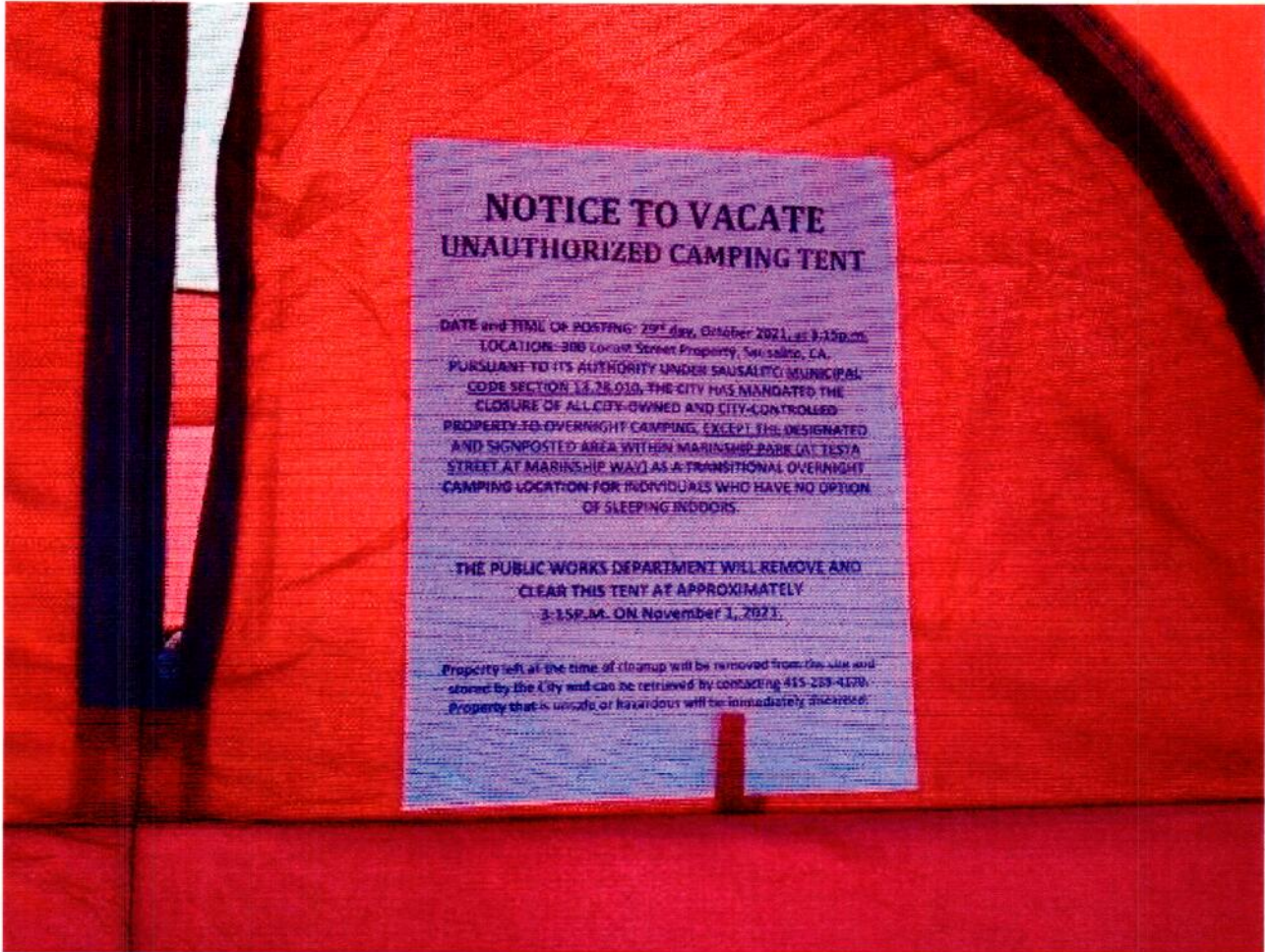
6 I swear and affirm under penalty of perjury under the laws of the State of California and the
7 United States that the foregoing is a true and correct statement based on personal knowledge
8 and otherwise on information and belief which I believe to be true.
9

10 Dated: November 1, 2021

/s/ James "White" LeBlanc

11 Executed at Sausalito, CA
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Exhibit A



**NOTICE TO VACATE
UNAUTHORIZED CAMPING TENT**

DATE and TIME OF POSTING: 29th day, October 2021, at 9:30p.m.
LOCATION: 380 Locust Street Property, Sausalito, CA.
PURSUANT TO ITS AUTHORITY UNDER SAUSALITO MUNICIPAL
CODE SECTION 14.28.010, THE CITY HAS MANDATED THE
CLOSURE OF ALL CITY-OWNED AND CITY-CONTROLLED
PROPERTY TO OVERNIGHT CAMPING, EXCEPT THE DESIGNATED
AND SIGNPOSTED AREA WITHIN MARINSHIP PARK (AT TESTA
STREET AT MARINSHIP WAY) AS A TRANSITIONAL OVERNIGHT
CAMPING LOCATION FOR INDIVIDUALS WHO HAVE NO OPTION
OF SLEEPING INDOORS.

**THE PUBLIC WORKS DEPARTMENT WILL REMOVE AND
CLEAR THIS TENT AT APPROXIMATELY
3:15P.M. ON November 1, 2021.**

Property left at the time of cleanup will be removed from the site and
stored by the City and can be retrieved by contacting 415-289-4170.
Property that is unsafe or hazardous will be immediately disposed.

Exhibit B

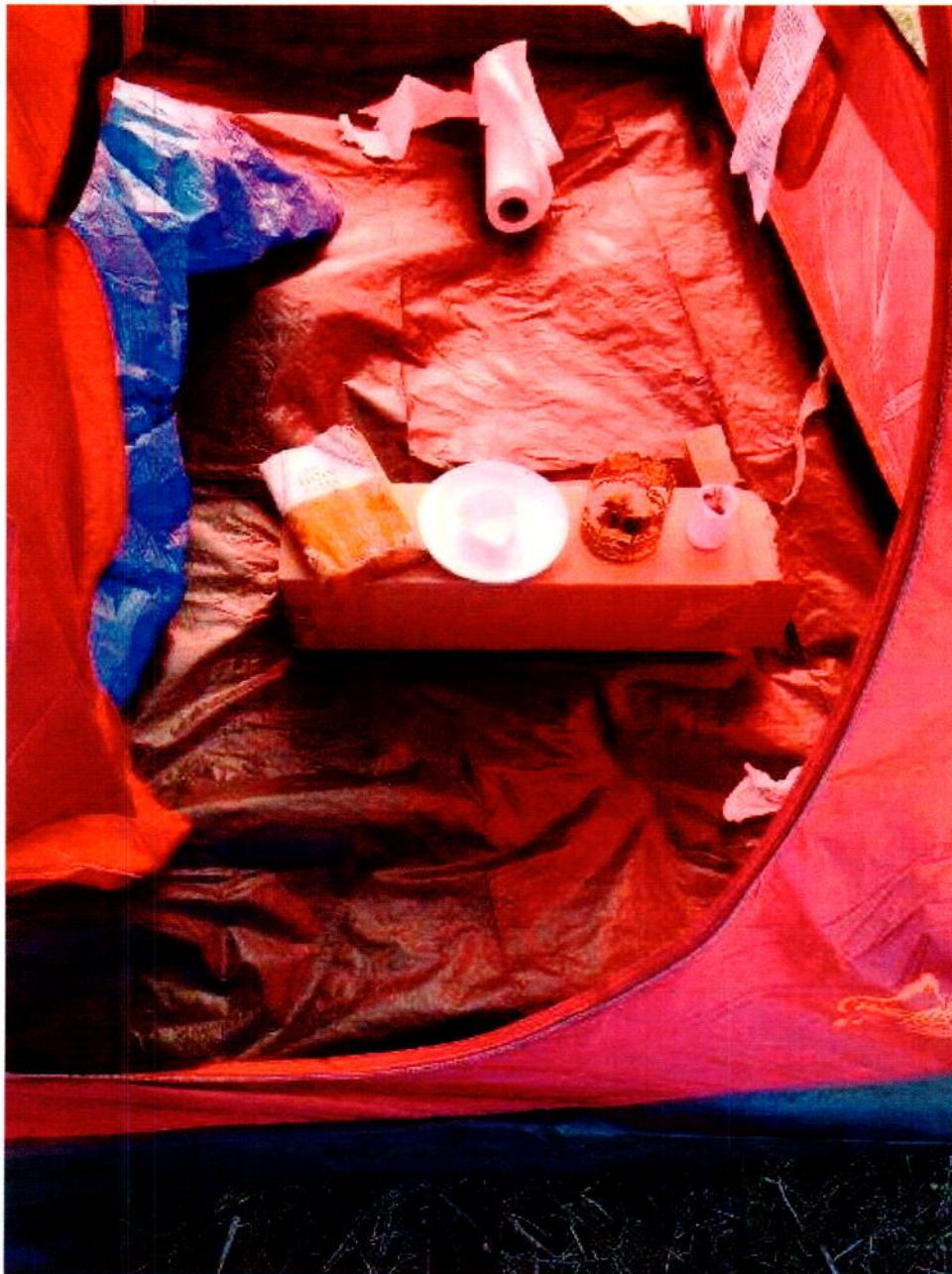
**NOTICE TO VACATE
UNAUTHORIZED CAMPING TENT**

DATE and TIME OF POSTING: 29th day, October 2021, at 3:15p.m.
LOCATION: 300 Locust Street Property, Sausalito, CA.
PURSUANT TO ITS AUTHORITY UNDER SAUSALITO MUNICIPAL
CODE SECTION 13.28.010, THE CITY HAS MANDATED THE
CLOSURE OF ALL CITY-OWNED AND CITY-CONTROLLED
PROPERTY TO OVERNIGHT CAMPING, EXCEPT THE DESIGNATED
AND SIGNPOSTED AREA WITHIN MARINSHIP PARK (AT TESTA
STREET AT MARINSHIP WAY) AS A TRANSITIONAL OVERNIGHT
CAMPING LOCATION FOR INDIVIDUALS WHO HAVE NO OPTION
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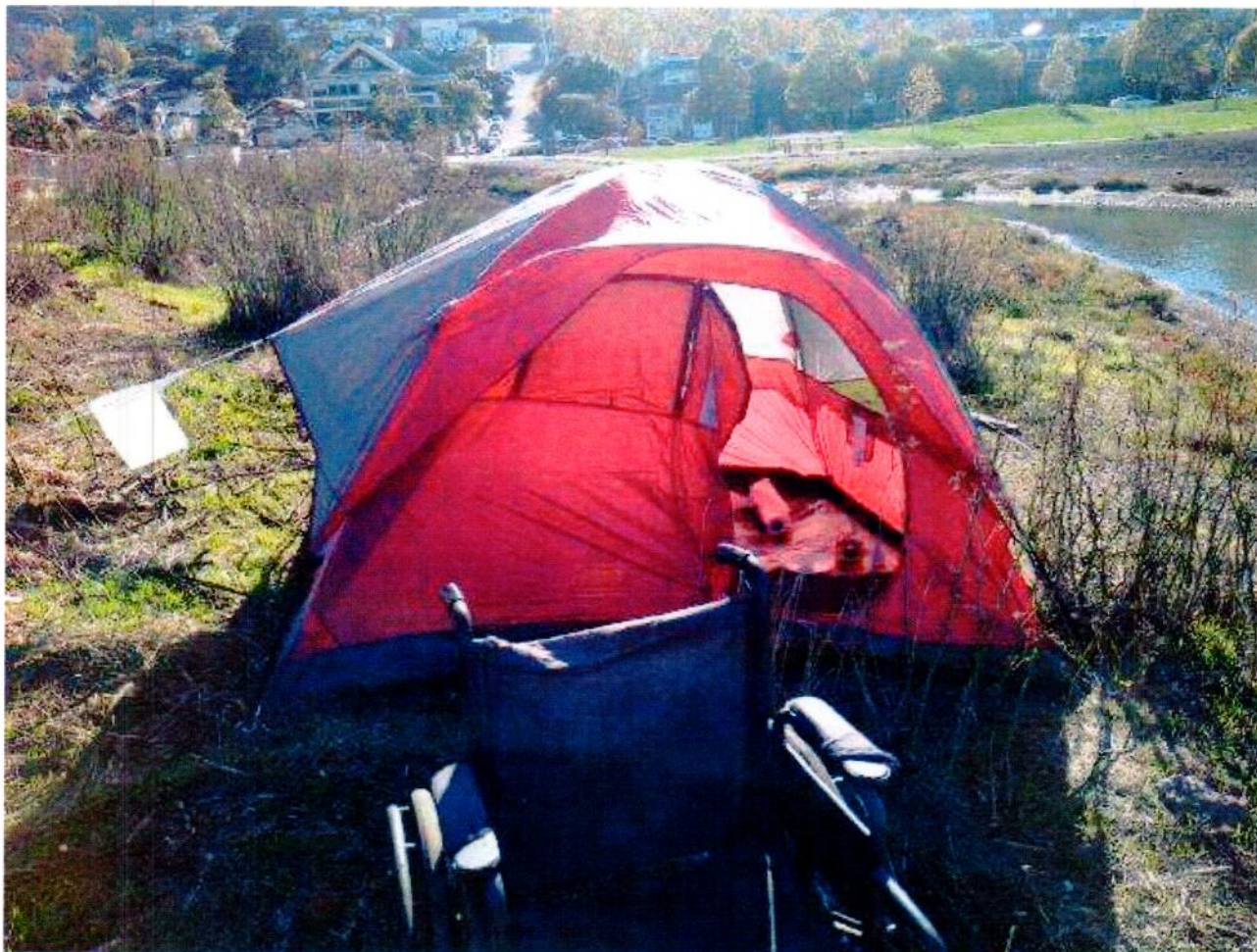
*Property left at the time of cleanup will be removed from the site and
stored by the City and can be retrieved by contacting 415-289-4170.
Property that is unsafe or hazardous will be immediately discarded.*

Exhibit C



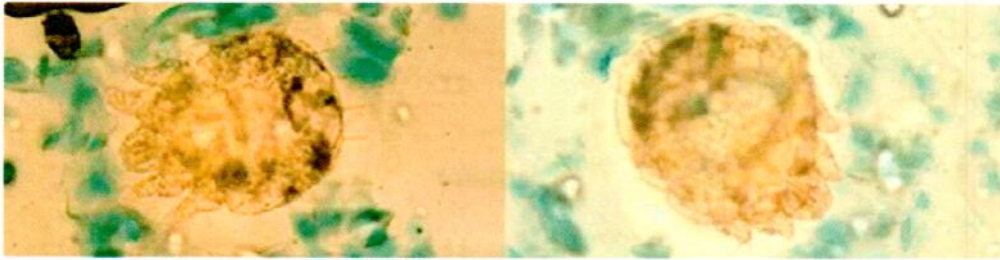
Small Shrine showing bible

Exhibit D



--
Gender pronouns He/Him/They

Exhibit E



Human scabies is caused by an infestation of the skin by the human itch mite (*Sarcoptes scabiei* var. *hominis*). The microscopic scabies mite burrows into the upper layer of the skin where it lives and lays its eggs. The most common symptoms of scabies are intense itching and a pimple-like skin rash. The scabies mite usually is spread by direct, prolonged, skin-to-skin contact with a person who has scabies. Scabies occurs worldwide and affects people of all races and social classes. Scabies can spread rapidly under crowded conditions where close body contact is frequent. Institutions such as nursing homes, extended-care facilities, and prisons are often sites of scabies outbreaks.

Images: *Sarcoptes scabiei* mites in a skin scraping, stained with lactophenol cotton-blue. (Credit: [DPDx](#))



About Scabies

Most common questions answered...



Diagnosis

Tests for infection...



Epidemiology & Risk Factors

Who gets it and how...



Treatment

Medication and steps to take...



Biology

Stages of parasite development...



Prevention & Control

How to stay healthy or get better...



Disease

Signs and symptoms of the disease...



Resources for Health Professionals

What you need to know...

1 Anthony D. Prince (SBN # 202892)
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27 Defendants.

Case No.: 3:21-cv-01143-EMC

DECLARATION OF ANTHONY D. PRINCE IN SUPPORT OF PLAINTIFFS' MOTION FOR ORDER TO SHOW CAUSE WHY DEFENDANTS SHOULD NOT BE HELD IN CONTEMPT AND FOR MODIFICATION OF PRELIMINARY INJUNCTION

DECLARATION OF ANTHONY D. PRINCE

28 I, Anthony D. Prince, declare as follows:

1. I am General Counsel for the California Homeless Union and attorney for the Sausalito Homeless Union.

1 On November 4, 2021, I sent the email attached hereto as Exhibit A to Arthur Friedman, Esq. and
2 Alex Merritt, Esq, of the ShepardMullin firm, attorneys for Defendant City of Sausalito and to Mary
3 Wagner, Esq., Sausalito City Attorney.

4 I swear under penalty of perjury under the laws of the United States and the State of
5 California that the foregoing is true and correct statement based on personal knowledge or upon
6
7 information and belief which I believe to be true.

8
9 Dated: November 4, 2021
10 Executed at Berkeley, CA



Anthony D. Prince

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Exhibit A

Notice of Ex Parte Motion

From: Anthony Prince (princelawoffices@yahoo.com)

To: afriedman@sheppardmullin.com; amerritt@sheppardmullin.com; mwagner@sausalito.gov

Date: Thursday, November 4, 2021, 12:46 PM PDT

Counsel, as you are well aware, we have repeatedly advised you that we would seek the intervention of the Court on the issues of the unsafe conditions in Marinship Park. Given that our meet and confer efforts to resolve these matters have proved unavailing, this is to once again serve notice that we intend to file, as soon as practicable, *Ex Parte* Motions for an Order to Show Cause re Contempt and for Modification of the Preliminary Injunction.

Very truly yours,

Anthony Prince,
Attorney for Plaintiffs

Anthony D. Prince (SBN # 202892)
General Counsel, California Homeless Union/Statewide Organizing Council
Law Offices of Anthony D. Prince
2425 Prince Street, Ste. 100
Berkeley, CA 94705
Tel: 510-301-1472

Attorneys for Plaintiffs

UNITED STATES COURT

NORTHERN DISTRICT OF CALIFORNIA

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

Plaintiffs

vs.

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

Defendants.

Case No.: 3:21-cv-01143-EMC

**[Proposed] ORDER GRANTING
PLAINTIFFS' EX PARTE MOTION FOR
ORDER TO SHOW CAUSE WHY
DEFENDANTS SHOULD NOT BE
FOUND IN CONTEMPT AND FOR
MODIFICATION OF PRELIMINARY
INJUNCTION**

GOOD CAUSE APPEARING THEREFORE Plaintiffs' Motion for

an Order to Show Cause is **GRANTED**. The Court will schedule a hearing on

_____. Defendants shall file a response by _____.

Plaintiffs shall be permitted to file a reply brief by _____.

1 In addition, **GOOD CAUSE APPEARING THEREFORE**, Plaintiffs' Motion to Modify
2 the Preliminary Injunction is **GRANTED** as follows:

- 3 1. The Court extends the Preliminary Injunction to prohibit the City of Sausalito from
4 enforcing that portion of Resolution 6009 that prohibits overnight camping.
- 5 2. The Court enjoins the City of Sausalito, its employees, agents and contractors, from
6 interfering with efforts of the campers to better protect their individual campsites and
7 themselves and permit them, as well as their supporters to construct more protective
8 structures for campers and items donated to campers so long as they increase and do not
9 decrease safety.
- 10 3. The Court instructs the City to take immediate steps to secure the fencing, elevate the height
11 of tents and pathways above flood level and/or create a flood-diversion system and
12 immediately repair any storm-related damage to adjacent sewer lines, infrastructure etc.
- 13 4. The Court will appoint a special master or other appropriate officer of the Court to
14 investigate the conduct of the Sausalito Police Department's conduct within the Marinship
15 Park encampment and, particularly the acts of Officers Edgar Padilla and Nick White in the
16 incidents involving Holly Wild and Erin Lee Fowler.
- 17 5. The special master or other appropriate officer of the Court shall also investigate the City's
18 handing off of Holly Wild's criminal complaint to the Marin County Sheriffs' Department;
19 and the City's failure to initiate an internal affairs investigation of the failure of responding
20 Sausalito police officers Edgar Padilla and Nick White to take a criminal complaint from
21 police assault victim Holly Wild.

22 Dated: November ____, 2021

23 _____
24 Hon. Edward M. Chen
25 District Court Judge
26
27
28