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12

13 UNITED STATES DISTRICT COURT
14 NORTHERN DISTRICT OF CALIFORNIA

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

22 Plaintiffs,

23 v.

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

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

**DECLARATION OF JAMES MALCOLM IN
SUPPORT OF DEFENDANTS' MOTION TO
MODIFY PRELIMINARY INJUNCTION**

Date: May 14, 2021
Time: 1:30 p.m.
Courtroom: 5 – 17th Floor

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

DECLARATION OF JAMES MALCOLM

I, James Malcolm, declare as follows:

1. I am the Assistant Harbormaster for Richardson's Bay Regional Agency ("RBRA") and have held that position since December 2020. My duties as Assistant Harbormaster include, but are not limited to, waterside management and preservation of the waters of Richardson Bay, enforcement and administration of rules and regulations of the RBRA, oversight and administration of RBRA vessel, activities, and contractors to include administration of the temporary anchorage, administration and oversight of vessel abatement conducted by RBRA contractors, and administration and oversight of RBRA operations conducted at the Army Corps of Engineers Debris Yard. 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 supplemental Declaration is submitted in support of Defendants' Motion for Modification of the Preliminary Injunction.

2. I have personal knowledge of the events and issues stated herein, have debriefed with RBRA staff on these events and issues, and reviewed relevant RBRA records regarding these events.

3. On March 11, 2021, I was at the Army Corps of Engineers yard located at 2100 Bridgeway Sausalito, CA and provided access to Monte Deignan to observe the vessel abatement operations. Throughout the day, I intermittently observed the vessel abatement operations that took place. Attached hereto as **Exhibits 1(a)-1(b)** are true and correct copies of invoices relating to two of the three vessels abated that day. The invoices include photographs of the abated vessels, one of which was a fiberglass sailboat (Exhibit 1(b)).

4. RBRA also abated a third vessel, a small approximately seven-foot aluminum skiff which required no destruction prior to disposal and no receipt or invoice required for this disposal. Aside from receipts for contracted work, RBRA does not keep any logs or records of vessels abated.

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
4 Executed on this 10th day of May, 2021 in Sausalito, California.

5
6 
7 James Malcolm

EXHIBIT 1(a)







EXHIBIT 1(a)

