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5 UNITED STATES DISTRICT COURT
6 NORTHERN DISTRICT OF CALIFORNIA

7 SAUSALITO/MARIN COUNTY CHAPTER
OF THE CALIFORNIA HOMELESS UNION,
8 et al.,

9 Plaintiffs,

10
11 v.

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13 CITY OF SAUSALITO, et al.

14 Defendants.
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Case Number: 3:21-cv-01143-EMC

**PLAINTIFFS SEPARATE STATUS
REPORT**

Judge: Hon. Judge Edward M. Chen
Dept.: Courtroom 5 – 17th Floor
Date: April 19, 2022
Time: 2:30 p.m.

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17 Due to a family medical obligation, Plaintiffs were not able to prepare an updated status for
18 inclusion in a joint status report and hereby submit the following statement.

19 1. Encampment Status

20 ***Plaintiffs' Statement:***

21 Defendants are violating the court order by constructively destroying the camp and
22 criminalizing unhoused people throughout the city of Sausalito using resolution .6009, which they
23 are enjoined from enforcing.

24 The city is kicking people out of the camp without due process of law, as shown in the
25 cases of Haley Allen, James McGann, Arthur Bruce, and Jennifer Moffit. The city is arbitrarily
26 creating hardships for campers who reside there, as was shown in the *pro se* complaint of Phil
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1 Deschamps. Defendants are engaging in first amendment retaliation against Union officers,
2 journalists as shown in the complaints of Arthur Bruce, and Robbie Powelson.

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4 First Amendment retaliation is also evident in the case *Jeremy Portje vs City of Sausalito*
5 who is a photojournalist and documentarian that was assaulted and battered by Sausalito police at
6 Marinship while filming a documentary on homelessness in Marin County and is now suing the
7 city.

8 More *pro se* complaints are likely to arise if the city continues to target, harass, seize
9 property from, threaten and, in some cases, assault internally displaced civilians living in the
10 Encampment as well as persons outside the encampment who live in vehicles, tents, or boat
11 because Defendant City of Sausalito has done nothing to provide or assist its unhoused residents in
12 obtaining alternative housing.

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15 2. Case Status

16 ***Plaintiffs' Statement:***

17 Plaintiffs oppose any effort to deprive individual members of the Homeless Union and/or
18 other unhoused persons of their right to file *pro se* claims whether or not they arise within or in the
19 proximity of the Marinship Park Encampment. While the Union represents its members in the
20 above-captioned matter and also has an interest as an organization in challenging the City's ban on
21 camping, it does not have the resources to provide legal representation to every individual member
22 or camp resident who may have suffered a particularized harm at the hands of the City of Sausalito
23 and/or its contractors and agents.

24 The filing of *pro se* suits for injunctive relief is not at variance with this Court's orders nor
25 does it constitute a deviation from the process of addressing issues that generally impact plaintiffs
26 as a group by way of using a meet and confer process and the intervention of Magistrate Judge
27 Illman. The fact that a particularized individual harm or incident may have arisen in or near the
28 Encampment does not mean that the only remedy available is resolution via that process.

1 The Union has every right to assist its members in filing *pro se* claims and is not doing so
2 “as part of an effort to overwhelm the capacity of the City of Sausalito” as Defendant falsely
3 claims. To the extent that defending such claims purportedly involves “significant expenditure of
4 limited public resources” Plaintiffs suggest that the City of Sausalito cease and desist from the
5 conduct that is giving rise to these suits. It is a matter of public record that the City has spent close
6 to if not more than a million dollars defending our lawsuit, paying city employees, police, and
7 contractors to “manage” the encampment, purchasing materials and modifying the tennis courts
8 rather than working cooperatively with Plaintiffs on durable housing solutions.

9 Plaintiffs are not necessarily opposed to a streamlined method for addressing *pro se* claims
10 as well as matters of a more general nature, but only if the rights of the *pro se* litigants are not
11 compromised in any manner. In any event, while the Union has standing to represent plaintiffs and
12 its own interests in the current lawsuit, it has no standing as an organization to direct the course of
13 an individual, whether or not they are a Union member or are represented by the Union in this
14 lawsuit, who files a *pro se* claim against the City.

15 Nevertheless, the Union is willing to discuss a “global,” comprehensive approach to
16 interactions between the homeless and the City that are at the root of both our civil rights lawsuit
17 and the growing number of *pro se* claims that arise from such interactions.

18 Dated: April 12, 2022

19 LAW OFFICES OF ANTHONY D. PRINCE

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21 By /s/ Anthony D. Prince
22 ANTHONY D. PRINCE
23 Attorneys for Plaintiffs
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