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16 Attorneys for Defendants
 17 CITY AND COUNTY OF SAN FRANCISCO, et al.

18 UNITED STATES DISTRICT COURT
 19 NORTHERN DISTRICT OF CALIFORNIA

20 COALITION ON HOMELESSNESS; TORO
 21 CASTAÑO; SARAH CRONK; JOSHUA
 22 DONOHOE; MOLIQUE FRANK; DAVID
 23 MARTINEZ; TERESA SANDOVAL;
 NATHANIEL VAUGHN,

24 Plaintiffs,

25 vs.

26 CITY AND COUNTY OF SAN
 FRANCISCO, et al.,

27 Defendants.
 28

Case No. 4:22-cv-05502-DMR (LJC)

**DEFENDANTS' ANSWER TO SECOND
 AMENDED COMPLAINT FOR
 DECLARATORY AND INJUNCTIVE RELIEF
 (ECF NO. 135)**

Trial Date: April 15, 2024

1 Defendants City and County of San Francisco, et al. (collectively “San Francisco” or
2 “Defendants”) hereby respond to the Second Amended Complaint (“Complaint”) filed on June 6,
3 2023, by Plaintiffs Coalition On Homelessness, Toro Castaño, Sarah Cronk, Joshua Donohoe, Moliq
4 Frank, David Martinez, Teresa Sandoval, and Nathaniel Vaughn, as follows:

5 **INTRODUCTION**

6 1. Responding to paragraph 1 of the Complaint, denied.

7 2. Responding to paragraph 2 of the Complaint, denied.

8 3. Responding to paragraph 3 of the Complaint, to the extent the allegations in this
9 paragraph of the Complaint purport to describe or quote an extrinsic document, San Francisco avers
10 that the extrinsic document is the best source of its full content and context. San Francisco does not
11 necessarily adopt the truth of the facts or opinions expressed in the referenced extrinsic document. To
12 the extent that the allegations do not reflect the extrinsic document’s full content and context, San
13 Francisco denies the allegations. San Francisco denies the remaining allegations in this paragraph.

14 4. Responding to paragraph 4 of the Complaint, San Francisco admits it established an
15 interagency task force called the Healthy Streets Operation Center (“HSOC”), that agencies including
16 SFPD, DPW, DEM and HSH have participated in HOSC, and that Mayor Breed has celebrated the
17 HSOC program, praised its success, and sought additional funding for it. To the extent the allegations
18 in this paragraph of the Complaint purport to describe or quote an extrinsic document, San Francisco
19 avers that the extrinsic document is the best source of its full content and context. San Francisco does
20 not necessarily adopt the truth of the facts or opinions expressed in the referenced extrinsic document.
21 To the extent that the allegations do not reflect the extrinsic document’s full content and context, San
22 Francisco denies the allegations. San Francisco denies the remaining allegations in this paragraph.

23 5. Responding to paragraph 5 of the Complaint, denied.

24 6. Responding to paragraph 6 of the Complaint, San Francisco denies it is punishing
25 residents who have nowhere to go. The remaining allegations of this paragraph state legal conclusions
26 to which no response is required.

27 7. Responding to paragraph 7 of the Complaint, to the extent the allegations in this
28 paragraph of the Complaint purport to describe or quote an extrinsic document, San Francisco avers

1 that the extrinsic document is the best source of its full content and context. San Francisco does not
2 necessarily adopt the truth of the facts or opinions expressed in the referenced extrinsic document. To
3 the extent that the allegations do not reflect the extrinsic document's full content and context, San
4 Francisco denies the allegations. San Francisco denies the remaining allegations in this paragraph.

5 8. Responding to paragraph 8 of the Complaint, denied.

6 9. Responding to paragraph 9 of the Complaint, denied.

7 10. Responding to paragraph 10 of the Complaint, to the extent the allegations in this
8 paragraph of the Complaint purport to describe or quote an extrinsic document, San Francisco avers
9 that the extrinsic document is the best source of its full content and context. San Francisco does not
10 necessarily adopt the truth of the facts or opinions expressed in the referenced extrinsic document. To
11 the extent that the allegations do not reflect the extrinsic document's full content and context, San
12 Francisco denies the allegations. San Francisco denies the remaining allegations in this paragraph.

13 11. Responding to paragraph 11 of the Complaint, denied.

14 12. Responding to paragraph 12 of the Complaint, to the extent the allegations in this
15 paragraph of the Complaint purport to describe or quote an extrinsic document, San Francisco avers
16 that the extrinsic document is the best source of its full content and context. San Francisco does not
17 necessarily adopt the truth of the facts or opinions expressed in the referenced extrinsic document. To
18 the extent that the allegations do not reflect the extrinsic document's full content and context, San
19 Francisco denies the allegations. San Francisco denies the remaining allegations in this paragraph.

20 13. Responding to paragraph 13 of the Complaint, San Francisco admits the identity of the
21 eight plaintiffs in this action. San Francisco denies the remaining allegations of this paragraph.

22 **JURISDICTION AND VENUE**

23 14. Responding to paragraph 14 of the Complaint, admitted.

24 15. Responding to paragraph 15 of the Complaint, San Francisco denies Plaintiffs are
25 entitled to the relief they seek.

26 16. Responding to paragraph 16 of the Complaint, San Francisco denies the Court has
27 jurisdiction over this case because Plaintiffs lack Article III standing.

1 23. Responding to paragraph 23 of the Complaint, San Francisco admits the existence of
2 Plaintiff Nathaniel Vaughn, but lacks sufficient information as to the remaining allegations in the first
3 three sentences of this paragraph, and on that basis, denies the allegations. San Francisco denies either
4 the SFPD or DPW harassed Plaintiff. San Francisco admits it settled a small claims action with
5 Plaintiff Vaughn while his action was on appeal. The settlement on appeal of his claim vacated the
6 small claims court judgment in his favor and any factual findings of the small claims court. San
7 Francisco denies it participated in any unlawful conduct.

8 24. Responding to paragraph 24 of the Complaint, to the extent the allegations in this
9 paragraph of the Complaint purport to describe or quote an extrinsic document, San Francisco avers
10 that the extrinsic document is the best source of its full content and context. San Francisco does not
11 necessarily adopt the truth of the facts or opinions expressed in the referenced extrinsic document. To
12 the extent that the allegations do not reflect the extrinsic document's full content and context, San
13 Francisco denies the allegations. San Francisco lacks information and belief as to the remaining
14 allegations in this paragraph, and on that basis, denies the allegations.

15 25. Responding to paragraph 25 of the Complaint, San Francisco admits the existence of
16 Plaintiff Toro Castaño, but lacks sufficient information as to the remaining allegations in the first three
17 sentences of this paragraph, and on that basis, denies the allegations. San Francisco admits Mr.
18 Castaño was cited in August of 2020 after he rejected multiple offers of shelter and became verbally
19 and physically combative with San Francisco employees. San Francisco further admits it settled a
20 property claim with Mr. Castaño, including signing a release of all claims, both known and unknown,
21 against the City. San Francisco admits it settled a small claims action with Plaintiff Castaño while his
22 action was on appeal. The settlement on appeal of his claim vacated the small claims court judgment
23 in his favor and any factual findings of the small claims court. San Francisco denies either the SFPD or
24 DPW harassed Plaintiff or unlawfully destroyed his property. San Francisco denies they participated in
25 any unlawful conduct.

26 26. Responding to paragraph 26 of the Complaint, San Francisco lacks information and
27 belief as to the allegations in this paragraph, and on that basis, denies the allegations.

28

1 27. Responding to paragraph 27 of the Complaint, San Francisco admits the existence of
2 Plaintiff Molique Frank, but lacks information and belief as to the remaining allegations in this
3 paragraph, and on that basis, denies the allegations.

4 28. Responding to paragraph 28 of the Complaint, San Francisco denies any San Francisco
5 employee ever harassed or assaulted Plaintiff Frank. San Francisco admits it settled a small claims
6 action with Plaintiff Frank without an admission of liability. San Francisco denies it participated in
7 any unlawful conduct.

8 29. Responding to paragraph 29 of the Complaint, San Francisco admits that it provided
9 Plaintiff Frank housing during COVID-19 and that the City has sunsetted some of its COVID-19
10 specific policies now that the state of emergency has lifted. San Francisco denies that it evicted Mr.
11 Frank or any other resident in his building; when the Good Cohort Winter Shelter program closed in
12 October 2022, all qualified residents, including Mr. Frank, were offered transfers to an alternative site.
13 San Francisco lacks information and belief as to the remaining allegations in this paragraph, and on
14 that basis, denies the allegations.

15 30. Responding to paragraph 30 of the Complaint, San Francisco lacks information and
16 belief as to the allegations in this paragraph, and on that basis, denies the allegations.

17 31. Responding to paragraph 31 of the Complaint, San Francisco admits the existence of
18 Plaintiff Teresa Sandoval and denies that any City and County of San Francisco employee harassed
19 Plaintiff Sandoval or took their property in violation of the City's bag and tag policy. San Francisco
20 lacks information and belief as to the remaining allegations in this paragraph, and on that basis, denies
21 the allegations.

22 32. Responding to paragraph 32 of the Complaint, San Francisco lacks information and
23 belief as to the allegations in this paragraph, and on that basis, denies the allegations.

24 33. Responding to paragraph 33 of the Complaint, San Francisco lacks information and
25 belief as to the allegations in this paragraph, and on that basis, denies the allegations.

26 34. Responding to paragraph 34 of the Complaint, San Francisco denies that any employee
27 of the City and County of San Francisco harassed Plaintiff Martinez or that any City employee
28

1 unlawfully threatened him. San Francisco lacks information and belief as to the remaining allegations
2 in this paragraph, and on that basis, denies the allegations.

3 35. Responding to paragraph 35 of the Complaint, San Francisco lacks information and
4 belief as to the allegations in this paragraph, and on that basis, denies the allegations.

5 36. Responding to paragraph 36 of the Complaint, San Francisco admits the existence of
6 Plaintiff Sarah Cronk and Plaintiff Joshua Donahoe and denies that any City and County of San
7 Francisco employee harassed or unlawfully disturbed them or took their property in violation of the
8 City's bag and tag policy. San Francisco lacks information and belief as to the remaining allegations in
9 this paragraph, and on that basis, denies the allegations.

10 37. Responding to paragraph 37 of the Complaint, San Francisco lacks information and
11 belief as to the allegations in this paragraph, and on that basis, denies the allegations.

12 38. Responding to paragraph 38 of the Complaint, San Francisco admits the existence of
13 Plaintiff Joshua Donohoe and denies that any City and County of San Francisco employee harassed,
14 threatened, or unlawfully disturbed Plaintiff Donohoe or took his property in violation of the City's
15 bag and tag policy. San Francisco denies that Mr. Donohoe is homeless and lives in a tent; since
16 February 2023, Mr. Donohoe has had a place at the Ellis Semi-Congregate Shelter. San Francisco
17 lacks information and belief as to the remaining allegations in this paragraph, and on that basis, denies
18 the allegations.

19 39. Responding to paragraph 39 of the Complaint, San Francisco lacks information and
20 belief as to the allegations in this paragraph, and on that basis, denies the allegations.

21 40. Responding to paragraph 40 of the Complaint, San Francisco admits that the City and
22 County of San Francisco is a municipal corporation organized under the laws of the State of California
23 and denies the remaining allegations in this paragraph.

24 41. Responding to paragraph 41 of the Complaint, San Francisco admits it established an
25 interagency task force called the Healthy Streets Operation Center ("HSOC"). San Francisco denies
26 the remaining allegations in this paragraph.

27 42. Responding to paragraph 42 of the Complaint, admitted.
28

1 43. Responding to paragraph 43 of the Complaint, San Francisco admits that Mayor Breed
2 has celebrated the City’s practices, that she has invested, sought additional funding for, and praised
3 HSOC. To the extent the allegations in this paragraph of the Complaint purport to describe or quote an
4 extrinsic document, San Francisco avers that the extrinsic document is the best source of its full
5 content and context. San Francisco does not necessarily adopt the truth of the facts or opinions
6 expressed in the referenced extrinsic document. To the extent that the allegations do not reflect the
7 extrinsic document’s full content and context, San Francisco denies the allegations. San Francisco
8 denies the remaining allegations in this paragraph.

9 44. Responding to paragraph 44 of the Complaint, to the extent the allegations in this
10 paragraph of the Complaint purport to describe or quote an extrinsic document, San Francisco avers
11 that the extrinsic document is the best source of its full content and context. San Francisco does not
12 necessarily adopt the truth of the facts or opinions expressed in the referenced extrinsic document. To
13 the extent that the allegations do not reflect the extrinsic document’s full content and context, San
14 Francisco denies the allegations. San Francisco denies the remaining allegations in this paragraph.

15 45. Responding to paragraph 45 of the Complaint, San Francisco admits Mr. Sam Dodge is
16 the director of HSOC and denies the remaining allegations in this paragraph.

17 46. Responding to paragraph 46 of the Complaint, San Francisco admits the San Francisco
18 Police Department (“SFPD”) is an agency of the City and County of San Francisco. To the extent the
19 allegations in this paragraph of the Complaint purport to describe or quote an extrinsic document, San
20 Francisco avers that the extrinsic document is the best source of its full content and context. San
21 Francisco does not necessarily adopt the truth of the facts or opinions expressed in the referenced
22 extrinsic document. To the extent that the allegations do not reflect the extrinsic document’s full
23 content and context, San Francisco denies the allegations. San Francisco denies the remaining
24 allegations in this paragraph.

25 47. Responding to paragraph 47 of the Complaint, San Francisco admits that Mr. William
26 Scott is the Chief of Police. To the extent Plaintiffs allege Chief Scott is the final decision maker for
27 the SFPD, this paragraph contains mere characterizations of the Complaint, which do not require a
28 response. San Francisco denies the remaining allegations in this paragraph.

1 48. Responding to paragraph 48 of the Complaint, San Francisco admits that the San
2 Francisco Department of Public Works (“DPW”) is an agency of the City and County of San
3 Francisco and denies the remaining allegations in this paragraph.

4 49. Responding to paragraph 49 of the Complaint, San Francisco admits that Ms. Carla
5 Short is the Interim Director of DPW. To the extent Plaintiffs allege Ms. Short is the final decision
6 maker for DPW, this paragraph contains mere characterizations of the Complaint, which do not
7 require a response. San Francisco denies the remaining allegations in this paragraph.

8 50. Responding to paragraph 50 of the Complaint, San Francisco admits that the San
9 Francisco Department of Homelessness and Supportive Housing (“HSH”) is an agency of the City and
10 County of San Francisco and that the Homeless Outreach Team (“HOT”) assists other City agencies.
11 San Francisco denies the remaining allegations in this paragraph.

12 51. Responding to paragraph 51 of the Complaint, denied.

13 52. Responding to paragraph 52 of the Complaint, San Francisco admits that the San
14 Francisco Fire Department (“SFFD”) is an agency of the City and County of San Francisco that
15 participates in HSOC resolutions and denies the remaining allegations in this paragraph.

16 53. Responding to paragraph 53 of the Complaint, San Francisco admits SFFD participates
17 in HSOC resolutions and denies the remaining allegations in this paragraph.

18 54. Responding to paragraph 54 of the Complaint, San Francisco admits that the San
19 Francisco Department of Emergency Management (“DEM”) is an agency of the City and County of
20 San Francisco, which houses HSOC and employs its director, and hosts meetings regarding HSOC
21 resolutions. To the extent the allegations in this paragraph of the Complaint purport to describe or
22 quote an extrinsic document, San Francisco avers that the extrinsic document is the best source of its
23 full content and context. San Francisco does not necessarily adopt the truth of the facts or opinions
24 expressed in the referenced extrinsic document. To the extent that the allegations do not reflect the
25 extrinsic document’s full content and context, San Francisco denies the allegations. San Francisco
26 denies the remaining allegations in this paragraph.

27 55. Responding to paragraph 55 of the Complaint, San Francisco admits that Mary Ellen
28 Carol is the Director of DEM, that Director Carol has spoken publicly about HSOC resolutions, and

1 that she supervises HSOC. To the extent Plaintiffs allege Director Carol is the final decision maker for
2 DEM, this paragraph contains mere characterizations of the Complaint, which do not require a
3 response. San Francisco denies the remaining allegations in this paragraph.

4 **HISTORICAL AND FACTUAL BACKGROUND**

5 56. Responding to paragraph 56 of the Complaint, San Francisco admits San Francisco is
6 experiencing the national homelessness crisis and that there are persons experiencing homelessness in
7 San Francisco. The City and County of San Francisco admits that like many social ills the
8 homelessness crisis disproportionately impacts residents of color. To the extent the allegations in this
9 paragraph of the Complaint purport to describe or quote an extrinsic document, San Francisco avers
10 that the extrinsic document is the best source of its full content and context. San Francisco does not
11 necessarily adopt the truth of the facts or opinions expressed in the referenced extrinsic document. To
12 the extent that the allegations do not reflect the extrinsic document's full content and context, San
13 Francisco denies the allegations. San Francisco denies the remaining allegations in this paragraph.

14 57. Responding to paragraph 57 of the Complaint, the allegations in this paragraph of the
15 Complaint purport to describe or quote extrinsic documents. San Francisco avers that the extrinsic
16 documents are the best source of its full content and context. San Francisco does not necessarily adopt
17 the truth of the facts or opinions expressed in the referenced extrinsic document. To the extent that the
18 allegations do not reflect the extrinsic documents' full content and context, San Francisco denies the
19 allegations. San Francisco denies the remaining allegations in this paragraph.

20 58. Responding to paragraph 58 of the Complaint, the allegations in this paragraph of the
21 Complaint purport to describe or quote extrinsic documents. San Francisco avers that the extrinsic
22 documents are the best source of their full content and context. San Francisco does not necessarily
23 adopt the truth of the facts or opinions expressed in the referenced extrinsic document. To the extent
24 that the allegations do not reflect the extrinsic documents' full content and context, San Francisco
25 denies the allegations.

26 59. Responding to paragraph 59 of the Complaint, the allegations in this paragraph of the
27 Complaint purport to describe or quote extrinsic documents. San Francisco avers that the extrinsic
28 documents are the best source of their full content and context. San Francisco does not necessarily

1 adopt the truth of the facts or opinions expressed in the referenced extrinsic document. To the extent
2 that the allegations do not reflect the extrinsic documents' full content and context, San Francisco
3 denies the allegations.

4 60. Responding to paragraph 60 of the Complaint, the allegations in this paragraph of the
5 Complaint purport to describe or quote extrinsic documents. San Francisco avers that the extrinsic
6 documents are the best source of their full content and context. San Francisco does not necessarily
7 adopt the truth of the facts or opinions expressed in the referenced extrinsic document. To the extent
8 that the allegations do not reflect the extrinsic documents' full content and context, San Francisco
9 denies the allegations.

10 61. Responding to paragraph 61 of the Complaint, the allegations in this paragraph of the
11 Complaint purport to describe or quote extrinsic documents. San Francisco avers that the extrinsic
12 documents are the best source of their full content and context. San Francisco does not necessarily
13 adopt the truth of the facts or opinions expressed in the referenced extrinsic document. To the extent
14 that the allegations do not reflect the extrinsic documents' full content and context, San Francisco
15 denies the allegations.

16 62. Responding to paragraph 62 of the Complaint, the allegations in this paragraph of the
17 Complaint purport to describe or quote extrinsic documents. San Francisco avers that the extrinsic
18 documents are the best source of their full content and context. Francisco does not necessarily adopt
19 the truth of the facts or opinions expressed in the referenced extrinsic document. To the extent that the
20 allegations do not reflect the extrinsic documents' full content and context, San Francisco denies the
21 allegations.

22 63. Responding to paragraph 63 of the Complaint, the allegations in this paragraph of the
23 Complaint purport to describe or quote extrinsic documents. San Francisco avers that the extrinsic
24 documents are the best source of their full content and context. San Francisco does not necessarily
25 adopt the truth of the facts or opinions expressed in the referenced extrinsic document. To the extent
26 that the allegations do not reflect the extrinsic documents' full content and context, San Francisco
27 denies the allegations.

1 64. Responding to paragraph 64 of the Complaint, the allegations in this paragraph of the
2 Complaint purport to describe or quote extrinsic documents. San Francisco avers that the extrinsic
3 documents are the best source of their full content and context. San Francisco does not necessarily
4 adopt the truth of the facts or opinions expressed in the referenced extrinsic document. To the extent
5 that the allegations do not reflect the extrinsic documents' full content and context, San Francisco
6 denies the allegations.

7 65. Responding to paragraph 65 of the Complaint, the allegations in this paragraph of the
8 Complaint purport to describe or quote extrinsic documents. San Francisco avers that the extrinsic
9 documents are the best source of their full content and context. San Francisco does not necessarily
10 adopt the truth of the facts or opinions expressed in the referenced extrinsic document. To the extent
11 that the allegations do not reflect the extrinsic documents' full content and context, San Francisco
12 denies the allegations.

13 66. Responding to paragraph 66 of the Complaint, the allegations in this paragraph of the
14 Complaint purport to describe or quote extrinsic documents. San Francisco avers that the extrinsic
15 documents are the best source of their full content and context. San Francisco does not necessarily
16 adopt the truth of the facts or opinions expressed in the referenced extrinsic document. To the extent
17 that the allegations do not reflect the extrinsic documents' full content and context, San Francisco
18 denies the allegations.

19 67. Responding to paragraph 67 of the Complaint, the allegations in this paragraph of the
20 Complaint purport to describe or quote extrinsic documents. San Francisco avers that the extrinsic
21 documents are the best source of their full content and context. San Francisco does not necessarily
22 adopt the truth of the facts or opinions expressed in the referenced extrinsic document. To the extent
23 that the allegations do not reflect the extrinsic documents' full content and context, San Francisco
24 denies the allegations.

25 68. Responding to paragraph 68 of the Complaint, San Francisco admits that the Police and
26 Port Code sections cited in this paragraph are validly enacted laws. The remaining allegations in this
27 paragraph of the Complaint purport to describe or quote extrinsic documents. San Francisco avers that
28 the extrinsic documents are the best source of their full content and context. San Francisco does not

1 necessarily adopt the truth of the facts or opinions expressed in the referenced extrinsic document. To
2 the extent that the allegations do not reflect the extrinsic documents' full content and context, San
3 Francisco denies the allegations.

4 69. Responding to paragraph 69 of the Complaint, the allegations in this paragraph of the
5 Complaint purport to describe or quote extrinsic documents. San Francisco avers that the extrinsic
6 documents are the best source of their full content and context. San Francisco does not necessarily
7 adopt the truth of the facts or opinions expressed in the referenced extrinsic document. To the extent
8 that the allegations do not reflect the extrinsic documents' full content and context, San Francisco
9 denies the allegations. San Francisco admits that like most cities, Black and Brown communities are
10 overrepresented in San Francisco's homeless population. San Francisco denies the remaining
11 allegations in this paragraph.

12 70. Responding to paragraph 70 of the Complaint, to the extent the allegations in this
13 paragraph of the Complaint purport to describe or quote an extrinsic document, San Francisco avers
14 that the extrinsic document is the best source of its full content and context. San Francisco does not
15 necessarily adopt the truth of the facts or opinions expressed in the referenced extrinsic document. To
16 the extent that the allegations do not reflect the extrinsic document's full content and context, San
17 Francisco denies the allegations. San Francisco denies the remaining allegations in this paragraph.

18 71. Responding to paragraph 71 of the Complaint, the allegations in this paragraph of the
19 Complaint purport to describe or quote extrinsic documents. San Francisco avers that the extrinsic
20 documents are the best source of their full content and context. San Francisco does not necessarily
21 adopt the truth of the facts or opinions expressed in the referenced extrinsic document. To the extent
22 that the allegations do not reflect the extrinsic documents' full content and context, San Francisco
23 denies the allegations.

24 72. Responding to paragraph 72 of the Complaint, the allegations in this paragraph of the
25 Complaint purport to describe or quote extrinsic documents. San Francisco avers that the extrinsic
26 documents are the best source of their full content and context. San Francisco does not necessarily
27 adopt the truth of the facts or opinions expressed in the referenced extrinsic document. To the extent
28

1 that the allegations do not reflect the extrinsic documents’ full content and context, San Francisco
2 denies the allegations.

3 73. Responding to paragraph 73 of the Complaint, the allegations in this paragraph of the
4 Complaint purport to describe or quote extrinsic documents. San Francisco avers that the extrinsic
5 documents are the best source of their full content and context. San Francisco does not necessarily
6 adopt the truth of the facts or opinions expressed in the referenced extrinsic document. To the extent
7 that the allegations do not reflect the extrinsic documents’ full content and context, San Francisco
8 denies the allegations.

9 74. Responding to paragraph 74 of the Complaint, San Francisco states that the allegations
10 regarding a “prudent investment” is Plaintiffs’ opinion, to which no response is required. The
11 remaining allegations in this paragraph of the Complaint purport to describe or quote extrinsic
12 documents. San Francisco avers that the extrinsic documents are the best source of their full content
13 and context. San Francisco does not necessarily adopt the truth of the facts or opinions expressed in
14 the referenced extrinsic document. To the extent that the allegations do not reflect the extrinsic
15 documents’ full content and context, San Francisco denies the allegations.

16 75. Responding to paragraph 75 of the Complaint, denied.

17 76. Responding to paragraph 76 of the Complaint, the allegations in this paragraph of the
18 Complaint purport to describe or quote extrinsic documents. San Francisco avers that the extrinsic
19 documents are the best source of their full content and context. San Francisco does not necessarily
20 adopt the truth of the facts or opinions expressed in the referenced extrinsic document. To the extent
21 that the allegations do not reflect the extrinsic documents’ full content and context, San Francisco
22 denies the allegations.

23 77. Responding to paragraph 77 of the Complaint, the allegations in this paragraph of the
24 Complaint purport to describe or quote extrinsic documents. San Francisco avers that the extrinsic
25 documents are the best source of their full content and context. San Francisco does not necessarily
26 adopt the truth of the facts or opinions expressed in the referenced extrinsic document. To the extent
27 that the allegations do not reflect the extrinsic documents’ full content and context, San Francisco
28 denies the allegations.

1 83. Responding to paragraph 83 of the Complaint, the allegations in this paragraph of the
2 Complaint purport to describe or quote extrinsic documents. San Francisco avers that the extrinsic
3 documents are the best source of their full content and context. San Francisco does not necessarily
4 adopt the truth of the facts or opinions expressed in the referenced extrinsic document. To the extent
5 that the allegations do not reflect the extrinsic documents' full content and context, San Francisco
6 denies the allegations.

7 84. Responding to paragraph 84 of the Complaint, San Francisco admits that since March
8 2020, on-demand access to shelter has been limited, and San Francisco admits its 311 waitlist was
9 discontinued after March 2020. San Francisco denies the remaining allegations in this paragraph.

10 85. Responding to paragraph 85 of the Complaint, the allegations in this paragraph of the
11 Complaint purport to describe or quote extrinsic documents. San Francisco avers that the extrinsic
12 documents are the best source of their full content and context. San Francisco does not necessarily
13 adopt the truth of the facts or opinions expressed in the referenced extrinsic document. To the extent
14 that the allegations do not reflect the extrinsic documents' full content and context, San Francisco
15 denies the allegations. San Francisco denies the remaining allegations in this paragraph.

16 86. Responding to paragraph 86 of the Complaint, San Francisco admits that prior to March
17 2020, at times, not all persons in line for one-night shelter stays were accommodated. San Francisco
18 lacks information sufficient to admit or deny the remaining allegations in this paragraph, and on that
19 basis denies them.

20 87. Responding to paragraph 87 of the Complaint, San Francisco admits it closed the 311
21 waitlist after the start of the COVID-19 pandemic, and as of the date of this answer the 311 waitlist
22 remains closed. San Francisco admits that since April 2020, opportunities for self-referral to shelter
23 remain limited; self-referral to shelter is available through San Francisco's inclement weather
24 responses, the interfaith winter shelter program, and at sites that accept self-referral (e.g., Dolores
25 Adult Shelter, BVHM, Hamilton Pregnant Person Pilot, and Oasis Family Shelter Program). Shelter
26 self-referrals have also been available through the Tenderloin Linkage Center and through SFHOT
27 outreach activities. San Francisco denies the remaining allegations in this paragraph.

28

1 88. Responding to paragraph 88 of the Complaint, San Francisco admits on-demand access
2 to shelter is generally not available to all who seek it. Shelter is available to those who request it
3 through SFHOT outreach activities. Family shelter is available through Family Access Points, and
4 beds are regularly available in family congregate shelter. San Francisco denies the remaining
5 allegations in this paragraph.

6 89. Responding to paragraph 89 of the Complaint, denied.

7 90. Responding to paragraph 90 of the Complaint, denied.

8 91. Responding to paragraph 91 of the Complaint, San Francisco admits that SF Police
9 Code Section 168 was enacted in 2010, and that SF Park Code Section 3.13 was also enacted. These
10 codes are the best source of their contents. San Francisco denies the remaining allegations in this
11 paragraph.

12 92. Responding to paragraph 92 of the Complaint, the allegations in this paragraph of the
13 Complaint purport to describe or quote extrinsic documents. San Francisco avers that the extrinsic
14 documents are the best source of their full content and context. San Francisco does not necessarily
15 adopt the truth of the facts or opinions expressed in the referenced extrinsic document. To the extent
16 that the allegations do not reflect the extrinsic documents' full content and context, San Francisco
17 denies the allegations.

18 93. Responding to paragraph 93 of the Complaint, the allegations in this paragraph of the
19 Complaint purport to describe or quote extrinsic documents. San Francisco avers that the extrinsic
20 documents are the best source of their full content and context. San Francisco does not necessarily
21 adopt the truth of the facts or opinions expressed in the referenced extrinsic document. To the extent
22 that the allegations do not reflect the extrinsic documents' full content and context, San Francisco
23 denies the allegations.

24 94. Responding to paragraph 94 of the Complaint, this paragraph contains legal contentions
25 or conclusions, which do not require a response. To the extent a response is required, San Francisco
26 denies the allegations in this paragraph.

1 95. Responding to paragraph 95 of the Complaint, this paragraph contains legal contentions
2 or conclusions, which do not require a response. To the extent a response is required, San Francisco
3 denies the allegations in this paragraph.

4 96. Responding to paragraph 96 of the Complaint, this paragraph contains legal contentions
5 or conclusions, which do not require a response. To the extent a response is required, San Francisco
6 denies the allegations in this paragraph.

7 97. Responding to paragraph 97 of the Complaint, this paragraph contains legal contentions
8 or conclusions, which do not require a response. To the extent a response is required, San Francisco
9 denies the allegations in this paragraph.

10 98. Responding to paragraph 98 of the Complaint, this paragraph contains legal contentions
11 or conclusions, which do not require a response. To the extent a response is required, San Francisco
12 denies the allegations in this paragraph.

13 99. Responding to paragraph 99 of the Complaint, San Francisco admits it maintains
14 written policies consistent with applicable federal, state, and local standards. To the extent the
15 allegations in this paragraph of the Complaint purport to describe or quote an extrinsic document, San
16 Francisco avers that the extrinsic document is the best source of its full content and context. San
17 Francisco does not necessarily adopt the truth of the facts or opinions expressed in the referenced
18 extrinsic document. To the extent that the allegations do not reflect the extrinsic document's full
19 content and context, San Francisco denies the allegations. San Francisco denies the remaining
20 allegations in this paragraph.

21 100. Responding to paragraph 100 of the Complaint, the allegations in this paragraph of the
22 Complaint purport to describe or quote extrinsic documents. San Francisco avers that the extrinsic
23 documents are the best source of their full content and context. San Francisco does not necessarily
24 adopt the truth of the facts or opinions expressed in the referenced extrinsic document. To the extent
25 that the allegations do not reflect the extrinsic documents' full content and context, San Francisco
26 denies the allegations.

27 101. Responding to paragraph 101 of the Complaint, the allegations in this paragraph of the
28 Complaint purport to describe or quote extrinsic documents. San Francisco avers that the extrinsic

1 documents are the best source of their full content and context. San Francisco does not necessarily
2 adopt the truth of the facts or opinions expressed in the referenced extrinsic document. To the extent
3 that the allegations do not reflect the extrinsic documents' full content and context, San Francisco
4 denies the allegations.

5 102. Responding to paragraph 102 of the Complaint, the allegations in this paragraph of the
6 Complaint purport to describe or quote extrinsic documents. San Francisco avers that the extrinsic
7 documents are the best source of their full content and context. San Francisco does not necessarily
8 adopt the truth of the facts or opinions expressed in the referenced extrinsic document. To the extent
9 that the allegations do not reflect the extrinsic documents' full content and context, San Francisco
10 denies the allegations.

11 103. Responding to paragraph 103 of the Complaint, admitted. To the extent the allegations
12 in this paragraph of the Complaint purport to describe or quote an extrinsic document, San Francisco
13 avers that the extrinsic document is the best source of its full content and context. San Francisco does
14 not necessarily adopt the truth of the facts or opinions expressed in the referenced extrinsic document.
15 To the extent that the allegations do not reflect the extrinsic document's full content and context, San
16 Francisco denies the allegations.

17 104. Responding to paragraph 104 of the Complaint, San Francisco admits that the HSOC
18 Director is a city employee and directs HSOC's daily operations. To the extent the allegations in this
19 paragraph of the Complaint purport to describe or quote an extrinsic document, the extrinsic document
20 is the best source of its full content and context. San Francisco does not necessarily adopt the truth of
21 the facts or opinions expressed in the referenced extrinsic document. To the extent that the allegations
22 do not reflect the extrinsic document's full content and context, San Francisco denies the allegations.

23 105. Responding to paragraph 105 of the Complaint, San Francisco denies that HSOC
24 conducts "sweeps." HSOC conducts homeless outreach operations. San Francisco admits HSOC at
25 times coordinates with other City departments on various projects. To the extent the allegations in this
26 paragraph of the Complaint purport to describe or quote an extrinsic document, San Francisco avers
27 that the extrinsic document is the best source of its full content and context. San Francisco does not
28 necessarily adopt the truth of the facts or opinions expressed in the referenced extrinsic document. To

1 the extent that the allegations do not reflect the extrinsic document's full content and context, San
2 Francisco denies the allegations. San Francisco lacks information sufficient to admit or deny the
3 remaining allegations in this paragraph, and on that basis denies them.

4 106. Responding to paragraph 106 of the Complaint, San Francisco states that HSOC is a
5 compassionate, service-based response to homelessness. The remaining allegations in this paragraph
6 of the Complaint purport to describe or quote extrinsic documents. San Francisco avers that the
7 extrinsic documents are the best source of their full content and context. San Francisco does not
8 necessarily adopt the truth of the facts or opinions expressed in the referenced extrinsic document. To
9 the extent that the allegations do not reflect the extrinsic documents' full content and context, San
10 Francisco denies the allegations.

11 107. Responding to paragraph 107 of the Complaint, denied. To the extent the allegations in
12 this paragraph of the Complaint purport to describe or quote an extrinsic document, San Francisco
13 avers that the extrinsic document is the best source of its full content and context. San Francisco does
14 not necessarily adopt the truth of the facts or opinions expressed in the referenced extrinsic document.
15 To the extent that the allegations do not reflect the extrinsic document's full content and context, San
16 Francisco denies the allegations.

17 108. Responding to paragraph 108 of the Complaint, San Francisco admits HSOC focuses
18 on connecting unhoused people with services. San Francisco admits a significant number of
19 individuals who receive shelter offers at HSOC outreach operations decline those shelter offers. There
20 are many reasons an individual might decline a shelter offer. San Francisco maintains approximately
21 11,000 supportive housing units. To the extent the allegations in this paragraph of the Complaint
22 purport to describe or quote an extrinsic document, San Francisco avers that the extrinsic document is
23 the best source of its full content and context. San Francisco does not necessarily adopt the truth of the
24 facts or opinions expressed in the referenced extrinsic document. To the extent that the allegations do
25 not reflect the extrinsic document's full content and context, San Francisco denies the allegations. San
26 Francisco denies the remaining allegations in this paragraph.

27 109. Responding to paragraph 109 of the Complaint, this paragraph comprises argument to
28 which no response is required. To the extent any allegation in this paragraph requires a response, San

1 Francisco denies it. To the extent the allegations in this paragraph of the Complaint purport to describe
2 or quote an extrinsic document, San Francisco avers that the extrinsic document is the best source of
3 its full content and context. San Francisco does not necessarily adopt the truth of the facts or opinions
4 expressed in the referenced extrinsic document. To the extent that the allegations do not reflect the
5 extrinsic document's full content and context, San Francisco denies the allegations.

6 110. Responding to paragraph 110 of the Complaint, to the extent the allegations in this
7 paragraph of the Complaint purport to describe or quote an extrinsic document, San Francisco avers
8 that the extrinsic document is the best source of its full content and context. San Francisco does not
9 necessarily adopt the truth of the facts or opinions expressed in the referenced extrinsic document. To
10 the extent that the allegations do not reflect the extrinsic document's full content and context, San
11 Francisco denies the allegations.

12 111. Responding to paragraph 111 of the Complaint, San Francisco admits that an HSOC
13 homeless outreach operation typically extends for two hours or more. San Francisco admits the City
14 identifies the location for an HSOC outreach operation in advance. San Francisco admits that its
15 participating agencies typically coordinate daily. San Francisco denies the remaining allegations in this
16 paragraph.

17 112. Responding to paragraph 112 of the Complaint, San Francisco admits that some
18 encampment resolutions occur in the morning. San Francisco admits that DPW provides individuals at
19 an encampment resolution with time to pack and move their belongings when moving is necessary.
20 San Francisco denies the remaining allegations in this paragraph.

21 113. Responding to paragraph 113 of the Complaint, San Francisco admits that SFHOT
22 members extend shelter offers to unhoused individuals at HSOC outreach operations. HOT members
23 are first on scene to lead with services, offering shelter and CE Assessments.

24 114. Responding to paragraph 114 of the Complaint, denied.

25 115. Responding to paragraph 115 of the Complaint, San Francisco admits that SFHOT
26 outreach workers offer shelter and services to unhoused individuals at an encampment. San Francisco
27 denies the remaining allegations in this paragraph.

28

1 116. Responding to paragraph 116 of the Complaint, San Francisco admits that DPW
2 workers clean in and around encampment resolutions and in some instances that may involve power
3 washing the street and/or sidewalk. San Francisco denies the remaining allegations in this paragraph.

4 117. Responding to paragraph 117 of the Complaint, San Francisco admits that DPW
5 differentiates between trash and unattended property at an encampment resolution, that DPW discards
6 items from encampment resolutions consistent with its bag and tag policy, and that to do so DPW may
7 bring specialized vehicles to the resolution. San Francisco denies the remaining allegations in this
8 paragraph.

9 118. Responding to paragraph 118 of the Complaint, denied.

10 119. Responding to paragraph 119 of the Complaint, San Francisco admits that DPW
11 differentiates between trash and unattended property at an encampment resolution and that DPW
12 discards items from encampment resolutions consistent with its bag and tag policy. San Francisco
13 denies the remaining allegations in this paragraph.

14 120. Responding to paragraph 120 of the Complaint, San Francisco admits that DPW
15 differentiates between trash and unattended property at an encampment resolution and that DPW
16 discards items from encampment resolutions consistent with its bag and tag policy. To the extent the
17 allegations in this paragraph of the Complaint purport to describe or quote an extrinsic document, San
18 Francisco avers that the extrinsic document is the best source of its full content and context. San
19 Francisco does not necessarily adopt the truth of the facts or opinions expressed in the referenced
20 extrinsic document. To the extent that the allegations do not reflect the extrinsic document's full
21 content and context, San Francisco denies the allegations. San Francisco denies the remaining
22 allegations in this paragraph.

23 121. Responding to paragraph 121 of the Complaint, San Francisco admits that DPW
24 differentiates between trash an unattended property at an encampment resolution and that DPW
25 discards items from encampment resolutions consistent with its bag and tag policy. San Francisco
26 denies that DPW consistently finishes its operations around 9:30 a.m. San Francisco denies the
27 remaining allegations in this paragraph.

28

1 122. Responding to paragraph 122 of the Complaint, the allegations in this paragraph of the
2 Complaint purport to describe or quote an extrinsic document. San Francisco avers that the extrinsic
3 document is the best source of its full content and context. San Francisco does not necessarily adopt
4 the truth of the facts or opinions expressed in the referenced extrinsic document. To the extent that the
5 allegations do not reflect the extrinsic document’s full content and context, San Francisco denies the
6 allegations. San Francisco denies that it engages in “sweeps” or that SFPD routinely threaten unhoused
7 individuals. San Francisco denies the remaining allegations in this paragraph.

8 123. Responding to paragraph 123 of the Complaint, denied.

9 124. Responding to paragraph 124 of the Complaint, denied.

10 125. Responding to paragraph 125 of the Complaint, San Francisco admits that SFHOT
11 members offer shelter to all unhoused persons at an HSOC outreach operation. San Francisco denies
12 the remaining allegations in this paragraph.

13 126. Responding to paragraph 126 of the Complaint, San Francisco admits there are
14 occasions when the available shelter beds do not align with an individual’s needs, for example, when
15 the individual is not able to manage activities of daily living (“ADLs”), is incontinent, or if only top
16 bunks are available. San Francisco denies the remaining allegations in this paragraph.

17 127. Responding to paragraph 127 of the Complaint, denied.

18 128. Responding to paragraph 128 of the Complaint, denied.

19 129. Responding to paragraph 129 of the Complaint, denied.

20 130. Responding to paragraph 130 of the Complaint, this paragraph comprises legal
21 conclusions and argument to which no response is required. To the extent any allegation in this
22 paragraph requires a response, San Francisco denies it.

23 131. Responding to paragraph 131 of the Complaint, San Francisco denies there are no
24 opportunities for individuals to request access to shelter. San Francisco admits that since April 2020,
25 opportunities for self-referral to shelter remain limited; self-referral to shelter is available through San
26 Francisco’s inclement weather responses, the interfaith winter shelter program, and at sites that accept
27 self-referral (e.g., Dolores Adult Shelter, BVHM, Hamilton Pregnant Person Pilot, and Oasis Family
28 Shelter Program). Shelter self-referrals have also been available through the Tenderloin Linkage

1 Center and through SFHOT outreach activities. San Francisco declines to respond to the legal
2 conclusions and argument in this paragraph. San Francisco denies the remaining allegations in this
3 paragraph.

4 132. Responding to paragraph 132 of the Complaint, denied.

5 133. Responding to paragraph 133 of the Complaint, San Francisco admits it allocates
6 sufficient shelter beds to HSOC to accommodate the number of homeless individuals the City
7 reasonably expects to accept a shelter offer. To the extent the allegations in this paragraph of the
8 Complaint purport to describe or quote an extrinsic document, San Francisco avers that the extrinsic
9 document is the best source of its full content and context. San Francisco does not necessarily adopt
10 the truth of the facts or opinions expressed in the referenced extrinsic document. To the extent that the
11 allegations do not reflect the extrinsic document's full content and context, San Francisco denies the
12 allegations. San Francisco denies the remaining allegations in this paragraph.

13 134. Responding to paragraph 134 of the Complaint, denied.

14 135. Responding to paragraph 135 of the Complaint, San Francisco admits its policy
15 requires an offer of shelter or housing prior to ordering the permeant removal of a tent or encampment.
16 San Francisco denies the remaining allegations in this paragraph.

17 136. Responding to paragraph 136 of the Complaint, San Francisco admits its HSOC
18 homeless outreach operations occur more often than bi-weekly, offering shelter and services to
19 hundreds of unhoused people each year. San Francisco denies the remaining allegations in this
20 paragraph.

21 137. Responding to paragraph 137 of the Complaint, San Francisco admits that HSOC's
22 participating agencies generally coordinate daily, review past homeless outreach operations, and
23 discuss future operations. San Francisco denies the remaining allegations in this paragraph.

24 138. Responding to paragraph 138 of the Complaint, San Francisco states that its written
25 Bag and Tag Policies speak for themselves (See Dkt No. 62-1). To the extent the allegations in this
26 paragraph of the Complaint purport to describe or quote an extrinsic document, San Francisco avers
27 that the extrinsic document is the best source of its full content and context. San Francisco does not
28 necessarily adopt the truth of the facts or opinions expressed in the referenced extrinsic document. To

1 the extent that the allegations do not reflect the extrinsic document’s full content and context, San
2 Francisco denies the allegations. San Francisco denies the remaining allegations in this paragraph.

3 139. Responding to paragraph 139 of the Complaint, San Francisco admits its policies
4 provide for 72-hour notice of HSOC homeless outreach operations. San Francisco states that the notes
5 of an HSOC meeting speak for themselves. To the extent the allegations in this paragraph of the
6 Complaint purport to describe or quote an extrinsic document, San Francisco avers that the extrinsic
7 document is the best source of its full content and context. San Francisco does not necessarily adopt
8 the truth of the facts or opinions expressed in the referenced extrinsic document. To the extent that the
9 allegations do not reflect the extrinsic document’s full content and context, San Francisco denies the
10 allegations. San Francisco denies the remaining allegations in this paragraph.

11 140. Responding to paragraph 140 of the Complaint, San Francisco admits that DPW
12 differentiates between trash and unattended property at an encampment resolution, that DPW discards
13 items from encampment resolutions consistent with its bag and tag policy, and that to do so DPW may
14 bring specialized vehicles to the resolution. San Francisco denies the remaining allegations in this
15 paragraph.

16 141. Responding to paragraph 141 of the Complaint, denied. DPW discards items from
17 encampment resolutions consistent with its bag and tag policy.

18 142. Responding to paragraph 142 of the Complaint, denied. DPW discards items from
19 encampment resolutions consistent with its bag and tag policy.

20 143. Responding to paragraph 143 of the Complaint, denied. DPW discards items from
21 encampment resolutions consistent with its bag and tag policy.

22 144. Responding to paragraph 144 of the Complaint, this paragraph contains legal
23 contentions or conclusions, which do not require a response. To the extent a response is required, San
24 Francisco denies the allegations in this paragraph.

25 145. Responding to paragraph 145 of the Complaint, San Francisco states that DPW does
26 maintain a “bag and tag” policy and that DPW employees do bag and tag property consistent with that
27 policy. San Francisco denies the remaining allegations in this paragraph.

28 146. Responding to paragraph 146 of the Complaint, denied.

1 147. Responding to paragraph 147 of the Complaint, San Francisco denies that it conducts
2 any “sweeps.” San Francisco admits that it conducts homeless outreach outside of its HSOC
3 operations. San Francisco denies the remaining allegations in this paragraph.

4 148. Responding to paragraph 148 of the Complaint, the allegations in this paragraph of the
5 Complaint purport to describe or quote an extrinsic document. San Francisco avers that the extrinsic
6 document is the best source of its full content and context. San Francisco does not necessarily adopt
7 the truth of the facts or opinions expressed in the referenced extrinsic document. To the extent that the
8 allegations do not reflect the extrinsic document’s full content and context, San Francisco denies the
9 allegations. San Francisco admits that it receives calls for service regarding homeless individuals on a
10 daily basis and denies that it threatens unhoused or homeless individuals to arrest or cite them for
11 being homeless when no services are offered or available. Many calls for service entail unhoused
12 persons occupying private property, which does not always implicate SFPD Bulletin No. 10-080. San
13 Francisco denies the remaining allegations in this paragraph.

14 149. Responding to paragraph 149 of the Complaint, San Francisco admits that SFPD
15 enforces lawful statutes, ordinances, and codes across the City at all hours, but denies the remaining
16 allegations in this paragraph.

17 150. Responding to paragraph 150 of the Complaint, denied. To the extent the allegations in
18 this paragraph of the Complaint purport to describe or quote an extrinsic document, San Francisco
19 avers that the extrinsic document is the best source of its full content and context. San Francisco does
20 not necessarily adopt the truth of the facts or opinions expressed in the referenced extrinsic document.
21 To the extent that the allegations do not reflect the extrinsic document’s full content and context, San
22 Francisco denies the allegations.

23 151. Responding to paragraph 151 of the Complaint, San Francisco admits DPW performs
24 street cleaning in different neighborhoods across San Francisco on a daily basis and that this work
25 brings them into contact with tourists and residents, including persons experiencing homelessness. San
26 Francisco denies the remaining allegations in this paragraph.

1 152. Responding to paragraph 152 of the Complaint, this paragraph states a mere
2 characterization of the facts to which no response is required. To the extent a response is required, San
3 Francisco denies the allegations.

4 153. Responding to paragraph 153 of the Complaint, San Francisco denies that they do not
5 keep “appropriate records” of their activity. The remaining allegations in paragraph state a mere
6 characterization of the facts to which no response is required. To the extent a response is required, San
7 Francisco denies the allegations.

8 154. Responding to paragraph 154 of the Complaint, denied.

9 155. Responding to paragraph 155 of the Complaint, denied.

10 156. Responding to paragraph 156 of the Complaint, the allegations in this paragraph of the
11 Complaint purport to describe or quote an extrinsic document. San Francisco avers that the extrinsic
12 document is the best source of its full content and context. San Francisco does not necessarily adopt
13 the truth of the facts or opinions expressed in the referenced extrinsic document. To the extent that the
14 allegations do not reflect the extrinsic document’s full content and context, San Francisco denies the
15 allegations.

16 157. Responding to paragraph 157 of the Complaint, the allegations in this paragraph of the
17 Complaint purport to describe or quote an extrinsic document. San Francisco avers that the extrinsic
18 document is the best source of its full content and context. San Francisco does not necessarily adopt
19 the truth of the facts or opinions expressed in the referenced extrinsic document. To the extent that the
20 allegations do not reflect the extrinsic document’s full content and context, San Francisco denies the
21 allegations.

22 158. Responding to paragraph 158 of the Complaint, San Francisco denies that either SFPD
23 or DWP engage in unlawful “sweep operations.”

24 159. Responding to paragraph 159 of the Complaint, the allegations in this paragraph of the
25 Complaint purport to describe or quote an extrinsic document. San Francisco avers that the extrinsic
26 document is the best source of its full content and context. San Francisco does not necessarily adopt
27 the truth of the facts or opinions expressed in the referenced extrinsic document. To the extent that the
28 allegations do not reflect the extrinsic document’s full content and context, San Francisco denies the

1 allegations. San Francisco denies that SFPD engages in widespread enforcement of quality of life
2 offenses or criminalizes homelessness.

3 160. Responding to paragraph 160 of the Complaint, denied. Additionally, for the dispatches
4 that did occur during the referenced time period, the majority are logged as either Gone or Arrival or
5 Unable to Locate, indicating contact with an individual likely did not occur.

6 161. Responding to paragraph 161 of the Complaint, San Francisco admits that SFPD cited
7 or arrested an individual under California Penal Code section 647(e) at least 360 times during the
8 referenced period, but denies that each of those individuals was unhoused.

9 162. Responding to paragraph 162 of the Complaint, San Francisco cited or arrested fewer
10 than 2,652 individuals for a violation of California Penal Code section 148(a) during the referenced
11 time period. Additionally, San Francisco denies that all of those individuals were unhoused.

12 163. Responding to paragraph 163 of the Complaint, San Francisco admits that the previous
13 paragraphs do not contain citations for a violation of San Francisco Park Code or Penal Code sections
14 370 or 372, but deny Plaintiffs' description of those statutes as quality of life offenses targeting
15 unhoused individuals.

16 164. Responding to paragraph 164 of the Complaint, denied.

17 165. Responding to paragraph 165 of the Complaint, denied.

18 166. Responding to paragraph 166 of the Complaint, San Francisco admits that DPW crew
19 use bag and tag logs when property is collected and stored pursuant to department policy. San
20 Francisco denies the remaining allegations in this paragraph.

21 167. Responding to paragraph 167 of the Complaint, San Francisco admits the amount of
22 property logged by DPW during the time at issue, but denies that it ever removed individuals during
23 an encampment resolution.

24 168. Responding to paragraph 168 of the Complaint, denied.

25 169. Responding to paragraph 169 of the Complaint, the allegations in this paragraph of the
26 Complaint purport to describe or quote an extrinsic document. San Francisco avers that the extrinsic
27 document is the best source of its full content and context. Francisco does not necessarily adopt the
28 truth of the facts or opinions expressed in the referenced extrinsic document. To the extent that the

1 allegations do not reflect the extrinsic document's full content and context, San Francisco denies the
2 allegations.

3 170. Responding to paragraph 170 of the Complaint, San Francisco admits that the City
4 Attorney's Office receives government claim forms, including claim forms for individual alleging the
5 City destroyed their property. San Francisco admits that the City has settled some of these claims and
6 that the collective amount of those settlements exceeds \$100,000. San Francisco denies liability for the
7 claims alleged in these actions. San Francisco denies the remaining allegations in this paragraph.

8 171. Responding to paragraph 171 of the Complaint, to the extent the allegations in this
9 paragraph of the Complaint purport to describe or quote an extrinsic document, San Francisco avers
10 that the extrinsic document is the best source of its full content and context. San Francisco does not
11 necessarily adopt the truth of the facts or opinions expressed in the referenced extrinsic document. To
12 the extent that the allegations do not reflect the extrinsic document's full content and context, San
13 Francisco denies the allegations. San Francisco further states that after the small claims actions to
14 which Plaintiffs refer were appealed and then settled, the underlying small claims court judgments
15 were rendered void. San Francisco disputes the allegations Plaintiffs made in these claims.

16 172. Responding to paragraph 172 of the Complaint, the allegations in this paragraph of the
17 Complaint purport to describe or quote an extrinsic document, San Francisco avers that the extrinsic
18 document is the best source of its full content and context. San Francisco does not necessarily adopt
19 the truth of the facts or opinions expressed in the referenced extrinsic document. To the extent that the
20 allegations do not reflect the extrinsic document's full content and context, San Francisco denies the
21 allegations.

22 173. Responding to paragraph 173 of the Complaint, San Francisco lacks sufficient
23 information to determine the truth of the allegations in this paragraph and deny them on that basis.

24 174. Responding to paragraph 174 of the Complaint, San Francisco lacks sufficient
25 information to determine the truth of the allegations in this paragraph and deny them on that basis.

26 175. Responding to paragraph 175 of the Complaint, San Francisco lacks sufficient
27 information to determine the truth of the allegations in this paragraph and deny them on that basis.
28

1 176. Responding to paragraph 176 of the Complaint, San Francisco lacks sufficient
2 information to determine the truth of the allegations in this paragraph and deny them on that basis.

3 177. Responding to paragraph 177 of the Complaint, San Francisco denies that HSOC
4 resolutions displace individuals in large numbers on a daily basis. San Francisco lacks sufficient
5 information to determine the truth of the remaining allegations in this paragraph and deny them on that
6 basis.

7 178. Responding to paragraph 178 of the Complaint, San Francisco lacks sufficient
8 information to determine the truth of the allegations in this paragraph and deny them on that basis.

9 179. Responding to paragraph 179 of the Complaint, San Francisco lacks sufficient
10 information to determine the truth of the allegations in this paragraph and deny them on that basis.

11 180. Responding to paragraph 180 of the Complaint, San Francisco lacks sufficient
12 information to determine the truth of the allegations in this paragraph and deny them on that basis.

13 181. Responding to paragraph 181 of the Complaint, San Francisco lacks sufficient
14 information to determine the truth of the allegations in this paragraph and deny them on that basis.

15 182. Responding to paragraph 182 of the Complaint, San Francisco lacks sufficient
16 information to determine the truth of the allegations in this paragraph and deny them on that basis.

17 183. Responding to paragraph 183 of the Complaint, San Francisco lacks sufficient
18 information to determine the truth of the allegations in this paragraph and deny them on that basis.

19 184. Responding to paragraph 184 of the Complaint, San Francisco recognizes the existence
20 of Plaintiff Coalition on Homelessness. San Francisco lacks sufficient information to determine the
21 truth of the remaining allegations in this paragraph and deny them on that basis.

22 185. Responding to paragraph 185 of the Complaint, San Francisco lacks sufficient
23 information to determine the truth of the allegations in this paragraph and deny them on that basis.

24 186. Responding to paragraph 186 of the Complaint, San Francisco lacks sufficient
25 information to determine the truth of the allegations in this paragraph and deny them on that basis. San
26 Francisco denies it participated in any unlawful conduct.

1 187. Responding to paragraph 187 of the Complaint, San Francisco lacks sufficient
2 information to determine the truth of the allegations in this paragraph and deny them on that basis. San
3 Francisco denies they participated in any unlawful conduct.

4 188. Responding to paragraph 188 of the Complaint, San Francisco lacks sufficient
5 information to determine the truth of the allegations in this paragraph and deny them on that basis.

6 189. Responding to paragraph 189 of the Complaint, San Francisco denies it engaged in any
7 unlawful conduct during the encampment resolutions identified in this paragraph.

8 190. Responding to paragraph 190 of the Complaint, San Francisco lacks sufficient
9 information to determine the truth of the allegations in this paragraph and deny them on that basis.

10 191. Responding to paragraph 191 of the Complaint, San Francisco lacks sufficient
11 information to determine the truth of the allegations in this paragraph and deny them on that basis.

12 192. Responding to paragraph 192 of the Complaint, San Francisco lacks sufficient
13 information to determine the truth of the allegations in this paragraph and deny them on that basis.

14 193. Responding to paragraph 193 of the Complaint, San Francisco lacks sufficient
15 information to determine the truth of the allegations in this paragraph and deny them on that basis. San
16 Francisco denies they participated in any unlawful conduct.

17 194. Responding to paragraph 194 of the Complaint, San Francisco lacks sufficient
18 information to determine the truth of the allegations in this paragraph and deny them on that basis. San
19 Francisco denies they participated in any unlawful conduct.

20 195. Responding to paragraph 195 of the Complaint, San Francisco lacks sufficient
21 information to determine the truth of the allegations in this paragraph and deny them on that basis. San
22 Francisco denies they participated in any unlawful conduct.

23 196. Responding to paragraph 196 of the Complaint, San Francisco lacks sufficient
24 information to determine the truth of the allegations in this paragraph and deny them on that basis. San
25 Francisco denies they participated in any unlawful conduct.

26 197. Responding to paragraph 197 of the Complaint, San Francisco lacks sufficient
27 information to determine the truth of the allegations in this paragraph and deny them on that basis. San
28 Francisco denies they participated in any unlawful conduct.

1 198. Responding to paragraph 198 of the Complaint, San Francisco lacks sufficient
2 information to determine the truth of the allegations in this paragraph and deny them on that basis. San
3 Francisco denies they participated in any unlawful conduct.

4 199. Responding to paragraph 199 of the Complaint, San Francisco lacks sufficient
5 information to determine the truth of the allegations in this paragraph and deny them on that basis.

6 200. Responding to paragraph 200 of the Complaint, San Francisco admits that there are
7 some unhoused individuals in San Francisco living with a disability. To the extent the allegations in
8 this paragraph of the Complaint purport to describe or quote an extrinsic document, San Francisco
9 avers that the extrinsic document is the best source of its full content and context. San Francisco does
10 not necessarily adopt the truth of the facts or opinions expressed in the referenced extrinsic document.
11 To the extent that the allegations do not reflect the extrinsic document’s full content and context, San
12 Francisco denies the allegations. San Francisco lacks sufficient information to determine the truth of
13 the remaining allegations in this paragraph and deny them on that basis.

14 201. Responding to paragraph 201 of the Complaint, San Francisco denies it fails to provide
15 reasonable accommodations as required by state or federal disability law. San Francisco denies they
16 participated in any unlawful conduct.

17 202. Responding to paragraph 202 of the Complaint, San Francisco admits that DPW
18 differentiates between trash and unattended property at an encampment resolution and that DPW
19 discards items from encampment resolutions consistent with its bag and tag policy. San Francisco
20 denies the remaining allegations in this paragraph.

21 203. Responding to paragraph 203 of the Complaint, San Francisco admits DPW discards
22 items from encampment resolutions consistent with its bag and tag policy. San Francisco denies the
23 remaining allegations in this paragraph.

24 204. Responding to paragraph 204 of the Complaint, San Francisco lacks sufficient
25 information to determine what Coalition on Homelessness volunteers observed. San Francisco denies
26 it participated in any unlawful conduct. San Francisco admits that DPW differentiates between trash
27 and unattended property at an encampment resolution and that DPW discards items from encampment
28

1 resolutions consistent with its bag and tag policy. San Francisco denies the remaining allegations in
2 this paragraph.

3 205. Responding to paragraph 205 of the Complaint, denied.

4 206. Responding to paragraph 206 of the Complaint, the allegations in this paragraph of the
5 Complaint purport to describe or quote extrinsic documents. San Francisco avers that the extrinsic
6 documents are the best source of its full content and context. San Francisco does not necessarily adopt
7 the truth of the facts or opinions expressed in the referenced extrinsic document. To the extent that the
8 allegations do not reflect the extrinsic documents' full content and context, San Francisco denies the
9 allegations.

10 207. Responding to paragraph 207 of the Complaint, denied.

11 208. Responding to paragraph 208 of the Complaint, San Francisco lacks sufficient
12 information to determine how unhoused individuals use their property. San Francisco denies the any
13 remaining allegations in this paragraph.

14 209. Responding to paragraph 209 of the Complaint, the allegations in this paragraph of the
15 Complaint purport to describe or quote extrinsic documents. San Francisco avers that the extrinsic
16 documents are the best source of its full content and context. San Francisco does not necessarily adopt
17 the truth of the facts or opinions expressed in the referenced extrinsic document. To the extent that the
18 allegations do not reflect the extrinsic documents' full content and context, San Francisco denies the
19 allegations.

20 210. Responding to paragraph 210 of the Complaint, San Francisco admits that it discards
21 certain items in public spaces consistent with DPW policies. San Francisco denies it participated in
22 any unlawful conduct. To the extent the allegations in this paragraph of the Complaint purport to
23 describe or quote an extrinsic document, San Francisco avers that the extrinsic document is the best
24 source of its full content and context. San Francisco does not necessarily adopt the truth of the facts or
25 opinions expressed in the referenced extrinsic document. To the extent that the allegations do not
26 reflect the extrinsic document's full content and context, San Francisco denies the allegations. San
27 Francisco lacks information and belief as to the remaining allegations in this paragraph, and on that
28 basis, denies the allegations.

1 211. Responding to paragraph 211 of the Complaint, to the extent the allegations in this
2 paragraph of the Complaint purport to describe or quote an extrinsic document, San Francisco avers
3 that the extrinsic document is the best source of its full content and context. San Francisco does not
4 necessarily adopt the truth of the facts or opinions expressed in the referenced extrinsic document. To
5 the extent that the allegations do not reflect the extrinsic document's full content and context, San
6 Francisco denies the allegations. San Francisco denies the remaining allegations in this paragraph. San
7 Francisco lacks information and belief as to the remaining allegations in this paragraph, and on that
8 basis, denies the allegations.

9 212. Responding to paragraph 212 of the Complaint, to the extent the allegations in this
10 paragraph of the Complaint purport to describe or quote an extrinsic document, San Francisco avers
11 that the extrinsic document is the best source of its full content and context. San Francisco does not
12 necessarily adopt the truth of the facts or opinions expressed in the referenced extrinsic document. To
13 the extent that the allegations do not reflect the extrinsic document's full content and context, San
14 Francisco denies the allegations. San Francisco denies the remaining allegations in this paragraph. San
15 Francisco lacks information and belief as to the remaining allegations in this paragraph, and on that
16 basis, denies the allegations.

17 213. Responding to paragraph 213 of the Complaint, San Francisco denies that encampment
18 resolutions expose individuals to violent crime. The remaining allegations in this paragraph purport to
19 describe or quote an extrinsic document. San Francisco avers that the extrinsic document is the best
20 source of its full content and context. San Francisco does not necessarily adopt the truth of the facts or
21 opinions expressed in the referenced extrinsic document. To the extent that the allegations do not
22 reflect the extrinsic document's full content and context, San Francisco denies the allegations.

23 214. Responding to paragraph 214 of the Complaint, denied.

24 215. Responding to paragraph 215 of the Complaint, San Francisco denies it has a custom
25 and practice of criminalizing homelessness, or of exposing individuals to serious dangers that impact
26 their health, or that it carries out its activities without appropriately addressing the needs of unhoused
27 individuals who are disabled. The remaining allegations in this paragraph contain legal contentions or
28

1 conclusions, which do not require a response. To the extent a response is required, San Francisco
2 denies the allegations in this paragraph.

3 216. Responding to paragraph 216 of the Complaint, San Francisco admits that SFPD, DPW,
4 HSH, DEM, and SFFD participate in HSOC resolutions. San Francisco denies the remaining
5 allegations in this paragraph.

6 217. Responding to paragraph 217 of the Complaint, denied. San Francisco denies it
7 participated in any unlawful conduct.

8 218. Responding to paragraph 218 of the Complaint, denied. San Francisco denies it
9 participated in any unlawful conduct.

10 219. Responding to paragraph 219 of the Complaint, San Francisco admits its HOT team
11 members make shelter offers to homeless individuals. San Francisco denies the remaining allegations
12 in this paragraph.

13 220. Responding to paragraph 220 of the Complaint, San Francisco admits that DPW, SFPD,
14 and SFFD participate in HSOC resolutions. San Francisco denies the remaining allegations in this
15 paragraph.

16 221. Responding to paragraph 221 of the Complaint, San Francisco admits that the
17 Department of Emergency Management (“DEM”) coordinates multi-agency operations to perform
18 outreach and offer housing and other services to the unhoused population. San Francisco further
19 admits that DEM hosts daily and weekly HSOC meetings with, inter alia, the listed departments to
20 plan future HSOC operations. San Francisco denies this paragraph’s remaining allegations.

21 222. Responding to paragraph 222 of the Complaint, San Francisco admits that Samuel
22 Dodge takes an active role in coordinating HSOC operations. San Francisco denies this paragraph’s
23 remaining allegations.

24 223. Responding to paragraph 223 of the Complaint, San Francisco admits that Mayor Breed
25 has expressly called for law enforcement to remove unhoused individuals from public property and
26 that Mayor Breed has made public statements that the City does not have enough affordable housing
27 or shelter to meet its needs. To the extent the allegations in this paragraph of the Complaint purport to
28 describe or quote an extrinsic document, San Francisco avers that the extrinsic document is the best

1 source of its full content and context. San Francisco does not necessarily adopt the truth of the facts or
2 opinions expressed in the referenced extrinsic document. To the extent that the allegations do not
3 reflect the extrinsic document's full content and context, San Francisco denies the allegations. San
4 Francisco denies the remaining allegations in this paragraph.

5 224. Responding to paragraph 224 of the Complaint, denied. San Francisco denies they
6 participated in any unlawful conduct.

7 225. Responding to paragraph 225 of the Complaint, San Francisco denies it has engaged in
8 any unconstitutional conduct and admit that the City and County of San Francisco regularly engaged
9 with advocates to collaborate on modifications to City policy.

10 226. Responding to paragraph 226 of the Complaint, San Francisco lacks sufficient
11 information to verify the accuracy of the quotations attributed to City employees and therefore denies
12 them. San Francisco denies the remaining allegations in this paragraph.

13 227. Responding to paragraph 227 of the Complaint, to the extent the allegations in this
14 paragraph of the Complaint purport to describe or quote an extrinsic document, San Francisco avers
15 that the extrinsic document is the best source of its full content and context. San Francisco does not
16 necessarily adopt the truth of the facts or opinions expressed in the referenced extrinsic document. To
17 the extent that the allegations do not reflect the extrinsic document's full content and context, San
18 Francisco denies the allegations. San Francisco denies it participated in any unlawful conduct.

19 228. Responding to paragraph 228 of the Complaint, San Francisco lacks sufficient
20 information to verify the accuracy of the quotations attributed to City employees and therefore denies
21 them. San Francisco denies the remaining allegations in this paragraph.

22 229. Responding to paragraph 229 of the Complaint, San Francisco lacks sufficient
23 information to verify the accuracy of the quotation attributed to a former City employee and therefore
24 denies the remaining allegations in this paragraph.

25 230. Responding to paragraph 230 of the Complaint, San Francisco denies a "categorical
26 failure" of the bag and tag policy. To the extent the allegations in this paragraph of the Complaint
27 purport to describe or quote an extrinsic document, San Francisco avers that the extrinsic document is
28 the best source of its full content and context. San Francisco does not necessarily adopt the truth of the

1 facts or opinions expressed in the referenced extrinsic document. To the extent that the allegations do
2 not reflect the extrinsic document's full content and context, San Francisco denies the allegations.

3 231. Responding to paragraph 231 of the Complaint, San Francisco lacks sufficient
4 information to verify the accuracy of the quotation attributed to a former City employee and therefore
5 denies it. San Francisco denies the remaining allegations in this paragraph.

6 232. Responding to paragraph 232 of the Complaint, to the extent the allegations in this
7 paragraph of the Complaint purport to describe or quote an extrinsic document, San Francisco avers
8 that the extrinsic document is the best source of its full content and context. San Francisco does not
9 necessarily adopt the truth of the facts or opinions expressed in the referenced extrinsic document. To
10 the extent that the allegations do not reflect the extrinsic document's full content and context, San
11 Francisco denies the allegations. San Francisco denies the remaining allegations in this paragraph.

12 233. Responding to paragraph 233 of the Complaint, San Francisco lacks sufficient
13 information to verify the accuracy of the quotation attributed to a former City employee and therefore
14 denies it. San Francisco denies the remaining allegations in this paragraph

15 234. Responding to paragraph 234 of the Complaint, San Francisco responds that the
16 referenced document speaks for itself. San Francisco denies the remaining allegations in this
17 paragraph.

18 235. Responding to paragraph 235 of the Complaint, San Francisco responds that the
19 referenced documents speak for themselves. San Francisco denies the remaining allegations in this
20 paragraph.

21 236. Responding to paragraph 236 of the Complaint, San Francisco responds that the
22 referenced document speaks for itself. San Francisco denies the remaining allegations in this
23 paragraph.

24 237. Responding to paragraph 237 of the Complaint, to the extent the allegations in this
25 paragraph purport to describe or quote extrinsic documents, San Francisco avers that the extrinsic
26 documents are the best source of their full content and context. San Francisco does not necessarily
27 adopt the truth of the facts or opinions expressed in the referenced extrinsic document. To the extent
28

1 that the allegations do not reflect the extrinsic documents' full content and context, San Francisco
2 denies the allegations.

3 238. Responding to paragraph 238 of the Complaint, San Francisco admits that initial daily
4 HSOC shelter allocations are typically assigned at approximately 8:30 each morning, and those initial
5 allocations are adjusted as necessary to accommodate any unanticipated need. San Francisco denies
6 the remaining allegations in this paragraph.

7 239. Responding to paragraph 239 of the Complaint, the referenced documents speak for
8 themselves. San Francisco denies HSOC received no shelter allocation on October 30, 2020. San
9 Francisco denies the remaining allegations in this paragraph.

10 240. Responding to paragraph 240 of the Complaint, San Francisco denies that it enforces its
11 sit/lie/sleep laws against an individual without offering them shelter. To the extent the allegations in
12 this paragraph of the Complaint purport to describe or quote an extrinsic document, San Francisco
13 avers that the extrinsic document is the best source of its full content and context. San Francisco does
14 not necessarily adopt the truth of the facts or opinions expressed in the referenced extrinsic document.
15 To the extent that the allegations do not reflect the extrinsic document's full content and context, San
16 Francisco denies the allegations. San Francisco denies the remaining allegations in this paragraph.

17 241. Responding to paragraph 241 of the Complaint, to the extent the allegations in this
18 paragraph of the Complaint purport to describe or quote an extrinsic document, San Francisco avers
19 that the extrinsic document is the best source of its full content and context. San Francisco does not
20 necessarily adopt the truth of the facts or opinions expressed in the referenced extrinsic document. To
21 the extent that the allegations do not reflect the extrinsic document's full content and context, San
22 Francisco denies the allegations. San Francisco denies the allegations in this paragraph.

23 242. Responding to paragraph 242 of the Complaint, San Francisco denies that DPW's bag
24 and tag policy has not been updated since prior to 2021 or that DPW has not performed training on the
25 current bag and tag policy. San Francisco admits that DPW enforces its bag and tag policy. San
26 Francisco also denies that it had "repeated property destruction practices." San Francisco admits it has
27 entered into settlement agreements to resolve certain small claims action regarding property. To the
28 extent the allegations in this paragraph of the Complaint purport to describe or quote an extrinsic

1 document, San Francisco avers that the extrinsic document is the best source of its full content and
2 context. San Francisco does not necessarily adopt the truth of the facts or opinions expressed in the
3 referenced extrinsic document. To the extent that the allegations do not reflect the extrinsic
4 document's full content and context, San Francisco denies the allegations. San Francisco denies the
5 remaining allegations in this paragraph.

6 243. Responding to paragraph 243 of the Complaint, San Francisco lacks information and
7 belief as to the allegations in this paragraph, and on that basis, denies the allegations.

8 244. Responding to paragraph 244 of the Complaint, San Francisco denies that it unlawfully
9 destroyed Plaintiff Vaughn's property and admit the City settled a small claims action with Plaintiff
10 Vaughn while the action was on appeal. The settlement on appeal of his claim vacated the small
11 claims court judgment in his favor and any factual findings of the small claims court. San Francisco
12 denies it participated in any unlawful conduct. San Francisco lacks information and belief as to the
13 remaining allegations in this paragraph, and on that basis, denies the allegations.

14 245. Responding to paragraph 245 of the Complaint, San Francisco denies it threatened
15 Plaintiff Vaughn and lack information and belief as to the remaining allegations in this paragraph, and
16 on that basis, denies the allegations.

17 246. Responding to paragraph 246 of the Complaint, San Francisco admits that it enforces
18 the Department of Public Work's bag and tag policy and deny that it unlawfully destroyed Plaintiff
19 Castaño's property. San Francisco denies the remaining allegations in this paragraph.

20 247. Responding to paragraph 247 of the Complaint, San Francisco admits the settled a
21 small claims action with Plaintiff Castaño while is action was on appeal. The settlement on appeal of
22 his claim vacated the small claims court judgment in his favor and any factual findings of the small
23 claims court. San Francisco denies it participated in any unlawful conduct. San Francisco lacks
24 information and belief as to the remaining allegations in this paragraph, and on that basis, denies the
25 allegations.

26 248. Responding to paragraph 248 of the Complaint, San Francisco admits that it enforces
27 the Department of Public Work's bag and tag policy and deny that it unlawfully destroyed Plaintiff
28

1 Frank's property. San Francisco also denies its employees assaulted Plaintiff Frank. San Francisco
2 denies the remaining allegations in this paragraph.

3 249. Responding to paragraph 249 of the Complaint, San Francisco admits it settled a small
4 claims action with Plaintiff Frank. San Francisco denies it participated in any unlawful conduct. San
5 Francisco lacks information and belief as to the remaining allegations in this paragraph, and on that
6 basis, denies the allegations.

7 250. Responding to paragraph 250 of the Complaint, San Francisco admits that it enforces
8 the Department of Public Work's bag and tag policy and deny that it unlawfully destroyed Plaintiff
9 Sandoval's property. San Francisco lacks information and belief as to the remaining allegations in this
10 paragraph, and on that basis, denies the allegations.

11 251. Responding to paragraph 251 of the Complaint, San Francisco denies that it has
12 engaged in any unlawful conduct. San Francisco lacks information and belief as to the remaining
13 allegations in this paragraph, and on that basis, denies the allegations.

14 252. Responding to paragraph 252 of the Complaint, San Francisco admits that it enforces
15 the Department of Public Work's bag and tag policy and deny that it unlawfully destroyed Plaintiff
16 Martinez's property. San Francisco lacks information and belief as to the remaining allegations in this
17 paragraph, and on that basis, denies the allegations.

18 253. Responding to paragraph 253 of the Complaint, San Francisco denies that its employees
19 unlawfully engaged with Mr. Martinez. San Francisco lacks sufficient information to admit or deny
20 the remaining allegations in this paragraph, and on that basis denies them.

21 254. Responding to paragraph 254 of the Complaint, San Francisco denies that its employees
22 unlawfully engaged with Ms. Cronk or Mr. Donohoe on the dates alleged. San Francisco lacks
23 sufficient information to admit or deny the remaining allegations in this paragraph, and on that basis
24 denies them.

25 255. Responding to paragraph 255 of the Complaint, San Francisco lacks information and
26 belief as to the allegations in this paragraph, and on that basis, denies the allegations.

27 256. Responding to paragraph 256 of the Complaint, denied. San Francisco denies they
28 participated in any unlawful conduct.

1 282. Responding to paragraph 282 of the Complaint, denied.

2 **Fourth Cause of Action**

3 **No Probable Cause: Unreasonable Search and Seizure**
4 **Under Article I, § 13 of the California Constitution**

5 283. Responding to paragraph 283 of the Complaint, this paragraph contains mere
6 characterizations of the Complaint, which do not require a response. To the extent a response is
7 required, San Francisco denies the allegations in this paragraph.

8 284. Responding to paragraph 284 of the Complaint, this paragraph contains legal
9 contentions or conclusions, which do not require a response. To the extent a response is required, San
10 Francisco denies the allegations in this paragraph.

11 285. Responding to paragraph 285 of the Complaint, this paragraph contains legal
12 contentions or conclusions, which do not require a response. To the extent a response is required, San
13 Francisco denies the allegations in this paragraph.

14 **Fifth Cause of Action**

15 **Property Destruction: Unreasonable Search and Seizure**
16 **Under the Fourth Amendment to the U.S. Constitution**
17 **Pursuant to 42 U.S.C. § 1983**

18 286. Responding to paragraph 286 of the Complaint, this paragraph contains mere
19 characterizations of the Complaint, which do not require a response. To the extent a response is
20 required, San Francisco denies the allegations in this paragraph.

21 287. Responding to paragraph 287 of the Complaint, this paragraph contains legal
22 contentions or conclusions, which do not require a response. To the extent a response is required, San
23 Francisco denies the allegations in this paragraph.

24 288. Responding to paragraph 288 of the Complaint, denied.

25 289. Responding to paragraph 289 of the Complaint, denied.

26 290. Responding to paragraph 290 of the Complaint, denied.

27 291. Responding to paragraph 291 of the Complaint, San Francisco lacks information and
28 belief as to the allegations in this paragraph, and on that basis, denies the allegations.

Sixth Cause of Action

**Property Destruction: Unreasonable Search and Seizure
Under Article I, § 13 of the California Constitution**

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3 292. Responding to paragraph 292 of the Complaint, this paragraph contains mere
4 characterizations of the Complaint, which do not require a response. To the extent a response is
5 required, San Francisco denies the allegations in this paragraph.

6 293. Responding to paragraph 293 of the Complaint, this paragraph contains legal
7 contentions or conclusions, which do not require a response. To the extent a response is required, San
8 Francisco denies the allegations in this paragraph.

9 294. Responding to paragraph 294 of the Complaint, denied.

10 295. Responding to paragraph 295 of the Complaint, this paragraph contains legal
11 contentions or conclusions, which do not require a response. To the extent a response is required, San
12 Francisco denies the allegations in this paragraph.

Seventh Cause of Action

**Violation of Procedural Due Process
Under the Fourteenth Amendment to the U.S. Constitution
Pursuant to 42 U.S.C. § 1983**

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14
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16 296. Responding to paragraph 296 of the Complaint, this paragraph contains mere
17 characterizations of the Complaint, which do not require a response. To the extent a response is
18 required, San Francisco denies the allegations in this paragraph.

19 297. Responding to paragraph 297 of the Complaint, this paragraph contains legal
20 contentions or conclusions, which do not require a response. To the extent a response is required, San
21 Francisco denies the allegations in this paragraph.

22 298. Responding to paragraph 298 of the Complaint, this paragraph contains legal
23 contentions or conclusions, which do not require a response. To the extent a response is required, San
24 Francisco denies the allegations in this paragraph.

25 299. Responding to paragraph 299 of the Complaint, denied.

26 300. Responding to paragraph 300 of the Complaint, denied.

27 301. Responding to paragraph 301 of the Complaint, San Francisco lacks information and
28 belief as to the allegations in this paragraph, and on that basis, denies the allegations.

Eighth Cause of Action

**Violation of Procedural Due Process
Under Article I, §§ 7(a), 15 of the California Constitution**

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3 302. Responding to paragraph 302 of the Complaint, this paragraph contains mere
4 characterizations of the Complaint, which do not require a response. To the extent a response is
5 required, San Francisco denies the allegations in this paragraph.

6 303. Responding to paragraph 303 of the Complaint, this paragraph contains legal
7 contentions or conclusions, which do not require a response. To the extent a response is required, San
8 Francisco denies the allegations in this paragraph.

9 304. Responding to paragraph 304 of the Complaint, this paragraph contains legal
10 contentions or conclusions, which do not require a response. To the extent a response is required, San
11 Francisco denies the allegations in this paragraph.

12 305. Responding to paragraph 305 of the Complaint, this paragraph contains legal
13 contentions or conclusions, which do not require a response. To the extent a response is required, San
14 Francisco denies the allegations in this paragraph.

Ninth Cause of Action

**Exposure to a State-Created Danger
Under the Fourteenth Amendment to the U.S. Constitution
Pursuant to 42 U.S.C. § 1983**

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16
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18 306. Responding to paragraph 306 of the Complaint, this paragraph contains mere
19 characterizations of the Complaint, which do not require a response. To the extent a response is
20 required, San Francisco denies the allegations in this paragraph.

21 307. Responding to paragraph 307 of the Complaint, this paragraph contains legal
22 contentions or conclusions, which do not require a response. To the extent a response is required, San
23 Francisco denies the allegations in this paragraph.

24 308. Responding to paragraph 308 of the Complaint, this paragraph contains legal
25 contentions or conclusions, which do not require a response. To the extent a response is required, San
26 Francisco denies the allegations in this paragraph.

27 309. Responding to paragraph 309 of the Complaint, denied.

28 310. Responding to paragraph 310 of the Complaint, denied.

SEPARATE AFFIRMATIVE DEFENSES

1
2 San Francisco alleges on information and belief the following affirmative defenses. By setting
3 forth these affirmative defenses, San Francisco does not assume the burden of proving any fact, issue,
4 or element of a cause of action where such burden properly belongs with Plaintiffs. Moreover, nothing
5 stated in any of these affirmative defenses is intended or shall be construed as an acknowledgment that
6 any particular issue or subject matter is relevant to Plaintiffs’ allegations.

7 San Francisco presently has insufficient knowledge or information on which to form a belief as
8 to whether i may have additional, as yet unstated, defenses available. San Francisco reserves the right
9 to assert additional defenses in the event that discovery indicates that it would be appropriate.

FIRST AFFIRMATIVE DEFENSE

(Failure to State a Claim)

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11
12 The Complaint should be denied, in whole or in part, because Plaintiffs failed to state facts
13 sufficient to constitute a cause of action under applicable law.

SECOND AFFIRMATIVE DEFENSE

(Standing)

14
15
16 The Complaint, and all claims asserted therein, are barred in whole or in part to the extent that
17 Plaintiffs lack standing to assert the claims and/or seek the requested relief.

THIRD AFFIRMATIVE DEFENSE

(Assumption of Risk)

18
19
20 San Francisco alleges that Plaintiffs had full knowledge of the risks involved in the activity in
21 which they were engaged at the time of the incident set forth in the complaint herein; that Plaintiffs
22 voluntarily assumed all the risks incident to the activity engaged in at the time and place mentioned in
23 said complaint; and that the loss or damage, if any, sustained by the them was caused by said risks that
24 were accepted and voluntarily assumed by them.

FOURTH AFFIRMATIVE DEFENSE

(Not A Proximate Cause)

25
26
27 San Francisco states that any act or omission on the part of the answering defendants, their
28 agents or employees, was not the proximate cause of plaintiffs’ injury.

FIFTH AFFIRMATIVE DEFENSE

(Estoppel)

By reason of Plaintiffs' own acts and omissions Plaintiffs are estopped from seeking any recovery from San Francisco by reason of the allegations set forth in the complaint.

SIXTH AFFIRMATIVE DEFENSE

(Good Faith)

San Francisco alleges that the employees, officials and agents of defendants were at all times material hereto acting with both subjective and objective good faith, such that any claim for relief that plaintiffs may have is barred by law.

SEVENTH AFFIRMATIVE DEFENSE

(Unclean Hands)

As a separate and affirmative defense to the complaint and to each and every allegation set forth therein, San Francisco alleges that the complaint and each cause of action therein are barred by the doctrine of unclean hands.

EIGHTH AFFIRMATIVE DEFENSE

(Waiver)

The Complaint, and all claims asserted therein, are barred in whole or in part to the extent Plaintiffs waived such claims.

NINTH AFFIRMATIVE DEFENSE

(Statute of Limitations)

San Francisco alleges that the complaint is barred by the statute of limitations.

TENTH AFFIRMATIVE DEFENSE

(Res Judicata)

To the extent any of the allegations in the Complaint have been previously litigated, those allegations and/or the Complaint, and each cause of action therein, are barred by the doctrine of *res judicata* and collateral estoppel.

ELEVENTH AFFIRMATIVE DEFENSE

(Acts of Third Parties)

San Francisco states that Plaintiffs’ injuries were caused by the negligence or other act or omission of third parties, and San Francisco is entitled to equitable and statutory indemnity from such third parties.

TWELFTH AFFIRMATIVE DEFENSE

(Separation of Powers)

The Complaint, and all claims asserted therein, are barred to the extent the relief Plaintiffs seek would vest the judiciary with the power, right, or ability to expend public funds and/or deprive San Francisco’s legislative branch of the right to exercise its discretion to expend public funds.

THIRTEENTH AFFIRMATIVE DEFENSE

(Improper Allocation of Funds)

This court lacks jurisdiction over the subject matter of this action, which is to compel a reallocation of taxpayer funds within a fixed and limited City budget to favor a few citizens over all other citizens on the basis of recommendations from indefinite and conflicting professional judgments or standards or lay opinions.

FOURTEENTH AFFIRMATIVE DEFENSE

(State Law Provides Remedy)

The Complaint is barred because state law provides a remedy for the destruction of personal property by a government employee. *See Hudson v. Palmer*, 468 U.S. 517 (1984).

FIFTEENTH AFFIRMATIVE DEFENSE

(Defendants Not Proper Parties)

Defendants are not separate and distinct legal entities and thus not proper parties to this litigation.

SIXTEENTH AFFIRMATIVE DEFENSE

(Moot)

Plaintiffs’ Complaint is moot.

SEVENTEENTH AFFIRMATIVE DEFENSE

(Proper Enforcement of Law)

California Government Code Section 820.4 provides that a public employee is not liable for injuries inflicted by his or her acts or omissions committed "in the execution or enforcement of any law" while exercising due care.

EIGHTEENTH AFFIRMATIVE DEFENSE

(Fundamental Alteration)

Plaintiffs' Complaint is barred in that the relief sought would require San Francisco to alter fundamentally San Francisco's services and programs.

NINETEENTH AFFIRMATIVE DEFENSE

(Unreasonable Modification)

Plaintiffs' Complaint is barred in that the relief sought would place an undue financial and administrative burden or hardship on San Francisco and would require unreasonable modifications to the programs and services.

TWENTIETH AFFIRMATIVE DEFENSE

(Not Entities)

The Complaint is barred because Plaintiffs seek relief under the Americans with Disabilities Act allegedly because of acts or omissions of City employees who are not entities within the meaning of the Act.

TWENTY-FIRST AFFIRMATIVE DEFENSE

(Comprehensive System or Plan)

San Francisco have a comprehensive system or plan which is effectively providing appropriate services, programs, and facilities to Plaintiffs and any purported class.

TWENTY-SECOND AFFIRMATIVE DEFENSE

(Entitlement)

To the extent that Plaintiffs' Complaint alleges entitlement to services or programs that are not being provided, some or all plaintiffs or their representatives have themselves failed to demonstrate eligibility or entitlement to such services or programs.

TWENTY-THIRD AFFIRMATIVE DEFENSE

(Failure to Request)

Plaintiffs' Complaint is barred because plaintiffs have failed to request either reasonable accommodation or auxiliary aid(s) as contemplated by all applicable law.

TWENTY-FOURTH AFFIRMATIVE DEFENSE

(Historic Structures)

Plaintiffs' Complaint is barred because San Francisco is not required to make the requested modifications to historic structures.

TWENTY-FIFTH AFFIRMATIVE DEFENSE

(Structural Impracticability)

Plaintiffs' Complaint is barred because San Francisco is not required to make modifications that are structurally impracticable.

PRAYER

WHEREFORE, San Francisco prays for judgment as follows:

1. The Plaintiffs take nothing from San Francisco by way of this action;
2. The Complaint be dismissed with prejudice and judgment entered in favor of the San Francisco;
3. San Francisco be awarded costs of suit, attorneys' fees and any other relief which the Court deems proper.

Dated: June 20, 2023

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SAN FRANCISCO FIRE DEPARTMENT; SAN
FRANCISCO DEPARTMENT OF EMERGENCY
MANAGEMENT

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