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 14 CITY AND COUNTY OF SAN FRANCISCO, et al.

15 UNITED STATES DISTRICT COURT
 16 NORTHERN DISTRICT OF CALIFORNIA
 17

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

21 Plaintiffs,

22 vs.

23 CITY AND COUNTY OF SAN
 24 FRANCISCO, et al.,

25 Defendants.

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

**DEFENDANTS' OPPOSITION TO
 PLAINTIFFS' ADMINISTRATIVE MOTION
 FOR STATUS CONFERENCE ON
 PRELIMINARY INJUNCTION
 NONCOMPLIANCE AND NEED FOR
 MONITORING**

Trial Date: None set.

INTRODUCTION

1
2 San Francisco¹ has complied with this Court’s Preliminary Injunction Order (“Order”) since its
3 issuance. San Francisco has not enforced or threatened to enforce any of the enumerated enjoined
4 laws. Plaintiffs’ declarations confirm San Francisco’s compliance. Plaintiffs do not describe a single
5 example of San Francisco threatening to enforce the sit/lie/sleep laws identified in the Order.
6 Plaintiffs do not describe a single instance of San Francisco departing from its own bag-and-tag
7 policy. Rather, Plaintiffs infer threatened enforcement of specific laws from the fact that SFPD
8 officers are present during outreach to protect City workers, but the Order does not bar police from
9 being present at encampment resolutions. Instead, the Order enjoins specific conduct, namely threats
10 to enforce enumerated laws. Plaintiffs offer no evidence the City has made any such threats.

11 What San Francisco has done, before and after the Court issued its Order, is to continue
12 outreach to people experiencing homelessness, offering them shelter and services. Since December
13 23, 2022, San Francisco has linked 410 persons voluntarily to shelter, 56 of those through HSOC.
14 Piastunovich Decl., ¶¶9 & Exh. F; Simmons Decl., ¶¶5.² Everyone who requested shelter at these
15 recent resolutions was linked to shelter. Morales Decl., ¶¶6-9; Nakanishi Decl., ¶¶8, 13, 17. Absent
16 San Francisco’s outreach to these individuals, they would have remained outdoors. Plaintiffs
17 mischaracterize San Francisco’s outreach operations as sweeps; they are not.

18 If Plaintiffs wish to pursue their allegations of noncompliance and seek remedies for those
19 alleged violations, they should do so through a noticed motion for contempt. For these reasons, set
20 forth more fully below, San Francisco urges this Court to deny this motion and find that Plaintiffs have
21 not demonstrated the appointment of a Special Master is necessary or appropriate in this case. Nor
22 have they made the showing necessary to justify imposing interim disclosure or reporting requirements
23 on San Francisco.

24
25
26
27 ¹ This brief refers to defendants collectively as “San Francisco.”

28 ² Through January 6, 2023.

ARGUMENT

I. San Francisco Is Complying with this Court’s December 23 Order.

In their motion, Plaintiffs claim that San Francisco has failed to comply with the Order at four recent HSOC encampment resolutions between December 27, 2022 and January 4, 2023.³ Plaintiffs argue that San Francisco has not complied with the Order because “SFPD is still among the first to arrive.” Dkt #75, at 1:17. But this Court did not dictate order in which City agencies must arrive at HSOC resolutions.

Moreover, police officers do not accompany outreach workers during their initial engagements assessing interest in shelter, or at any time during an encampment resolution. Police officers keep their distance from client engagements during HSOC resolutions, and they avoid threatening or intimidating behavior. See, e.g., Hoang Decl., ¶¶3-5; Peralta Decl., ¶¶5, 11; Morales Decl., ¶¶6-9; Manitsoudis Decl., ¶¶6-7; Dodge Decl., ¶¶4, 6, 7. There have been no arrests or threats of arrest. Hardiman Decl., ¶6; Hoang Decl., ¶4; Nazzareta Decl., ¶¶6, 9; Peralta Decl., ¶10. Police officers are detailed to encampment resolutions for a specific and limited purpose: to ensure the safety of San Francisco’s outreach workers, clients, and the public. Hoang Decl., ¶3. Police use the lights on their police vehicles for traffic control and to protect pedestrians, not to intimidate clients. Hoang Decl., ¶3; Nakanishi Decl., ¶15; Peralta Decl., ¶3.

At HSOC resolutions, outreach workers – not the police – ask clients to move temporarily to allow the sidewalks and streets in the encampment area to be cleaned. Nakanishi Decl., ¶¶7, 9, 12, 16. Clients who accept shelter are encouraged to collect their belongings so they can be transported to shelter. Manitsoudis Decl., ¶¶8, 12. There is no demand to “move along.” The Encampment Resolution Team specifically communicates to clients they are allowed back to the area after cleaning. Nakanishi Decl., ¶¶7, 9, 12, 16. Demonstrating that clients understand they may return, clients who have declined shelter offers remain with their tents and other shelter structures after the resolution is concluded. Nakanishi Decl., ¶14 & Exhs A, B; Nazzareta Decl., ¶¶8-9.

³ The parties met and conferred over Plaintiffs’ concerns about compliance at the December 27, 2022 resolution at 17th Street near Hampshire Street and Mariposa Street. Do Decl., Exh 2; Emery Decl., Exh A. The City rebutted Plaintiffs’ unfounded assertions of noncompliance at the December 27 resolution, and Plaintiffs have not repeated those assertions here. Plaintiffs have not engaged in a comparable meet-and-confer effort regarding their allegations about the subsequent resolutions that are the subject of their motion; these new allegations are likewise unfounded.

1 San Francisco adheres to its bag-and-tag policy, as the Order requires. Dilworth Decl., ¶¶4-6
 2 & Exhs. A-D; Nazzareta Decl., ¶¶8, 9. San Francisco even retrieved from an unattended and
 3 waterlogged tent personal belongings that were intermixed with used needles and discarded food.
 4 Dodge Decl., ¶5 & Exs. A, B; Nakanishi Decl., ¶6.

5 Plaintiffs' assertions that HSOC personnel have threatened warrant checks or have disparaged
 6 a client based on ethnicity or national origin are false, and in any event, they do not implicate the
 7 Order. E.g. Hardiman Decl., ¶¶7, 9; Dodge Decl., ¶¶8-9; Manitsoudis Decl., ¶¶13, 14; Hoang Decl.,
 8 ¶7; Morales Decl., ¶10; Nakanishi Decl., ¶18; Nazzareta Decl., ¶7; Peralta Decl., ¶8.

9 **II. Plaintiffs' Requested Relief is Unwarranted and Improvident.**

10 Not only is Plaintiffs' motion unsupported by evidence. It is procedurally deficient. Plaintiffs'
 11 allegations and requested relief are not the appropriate subject of an administrative motion. Local
 12 Civil Rule 7-11 specifies that motions for administrative relief are proper for "miscellaneous
 13 administrative matters, not otherwise governed by a federal statute, Federal Rule, local rule, or
 14 standing order of the assigned Judge." A motion for contempt, or for a declaration of noncompliance
 15 with the December 23 Order, by contrast, should be brought under Local Civil Rule 7-2, with a
 16 minimum notice period of 35 days, and an evidentiary hearing.

17 Further, under Rule 53(a)(1)(C) of the Federal Rules of Civil Procedure, a court may appoint a
 18 special master to "address pretrial ... matters that cannot be effectively and timely addressed by an
 19 available district judge or magistrate judge of the district." *Id.* As the Advisory Committee Notes to
 20 Rule 53 make clear, a master "should be appointed only in limited circumstances," and "only when the
 21 need is clear." Adv. Com. Notes, 2003 Amendment to Rule 53, subd. (a)(1). "[T]he appointment of a
 22 Special Master is reserved for exceptional circumstances[.]" *Fraihat v. U.S. Immgr. & Customs Enf't.*,
 23 2021 WL 9696760 at *2 (C.D.Cal 2021). Where "there is no history of Defendants failing to comply
 24 with Court orders, no difficult legal issues involved, and relatively few measures for Defendants to
 25 take" under a preliminary injunction order, appointment of a special master is inappropriate.
 26 *Richardson v. Trump*, 496 F. Supp. 3d 165, 190 (D.D.C. 2020).⁴

27 ⁴ Plaintiffs rely on cases where truly exceptional circumstances justified appointment of a special
 28 master. Mot. at 5 (citing, *inter alia*, *Nat'l Ass'n of Radiation Survivors v. Turnage*, 115 F.R.D. 543,
 560 (N.D. Cal. 1987) (special master appointed to supervise discovery after defendant's "discovery

1 Plaintiffs have not demonstrated that a Special Master is necessary or appropriate in this case.
 2 Plaintiffs have failed to demonstrate that there are any exceptional circumstances here that justify the
 3 appointment of a master. Indeed, the Order was issued scarcely two weeks ago, and Plaintiffs fail to
 4 show *any* serious question regarding San Francisco’s compliance with it. See Part I, *supra*. Since
 5 Plaintiffs propose that San Francisco bear the entire cost of any Special Master, the appointment of
 6 such a master would impose a significant burden on San Francisco and would subtract from resources
 7 available to provide services to the population Plaintiffs wish to help.

8 **III. The Record Does Not Support Plaintiffs’ Demand for Interim Disclosures and**
 9 **Compliance Reports.**

10 To obtain the interim disclosures they seek, Plaintiffs must show there are significant, serious
 11 questions as to whether San Francisco has complied with this Court’s injunction. “If significant
 12 questions regarding noncompliance [with a court order or decree] have been raised, appropriate
 13 discovery should be granted.” *California Dept. of Social Services v. Leavitt*, 523 F.3d 1025, 1034 (9th
 14 Cir. 2008); *Blackberry Limited v. Typo Products LLC*, 2014 WL 4136586 at *5 (N.D.Cal. 2014)
 15 (granting discovery request based on “serious questions ... regarding ... possible violations of the
 16 preliminary injunction.”); *Damus v. Nielsen*, 328 F.R.D. 1, 3 (D.D.C. 2018) (“appropriate discovery
 17 should be granted where significant questions regarding noncompliance with a court order have been
 18 raised.”) (internal quotes, brackets omitted).

19 Here, Plaintiffs demand this increased disclosure and reporting in a summary administrative
 20 motion and without facts to support the request. San Francisco has already voluntarily agreed to
 21 resume 72-hour notice of “planned homeless encampment resolution[s],” as the Court directed on an

22 _____
 23 abuses found by the court include destruction of documents [and] incorrect or false responses to
 24 discovery requests” and defendant had “demonstrated that it is either incapable or unwilling” to
 25 comply with discovery rules); *Nat’l Org. for Reform of Marijuana L. (NORML) v. Mullen*, 112 F.R.D.
 26 120, 121 (N.D. Cal. 1986), *prior opinion*, 608 F. Supp. 945 (N.D. Cal. 1985) (special master appointed
 27 to oversee compliance with injunction issued almost a year earlier, which court had already clarified,
 28 in suit challenging constitutionality of joint federal/state law enforcement marijuana eradication
 program operating in 37 California counties); *Fraihat, supra*, 2021 WL 9696760 at *1, *2 (special
 master appointed to supervise compliance with preliminary injunction issued more than 10 months
 earlier, after court granted motion to enforce injunction, clarified injunction order, and issued
 enforcement order more than five months earlier); *Coleman v. Wilson*, 912 F.Supp.1282, 1324 (E.D.
 Cal. 1995) (special master appointed in class action challenging sufficiency of mental health services
 at nearly all state-run prisons in California.) No remotely comparable exceptional circumstances are
 present here.

1 interim basis in its October 18 Order (Dkt #34). Do Decl., Exh. 3. San Francisco further agreed “to
2 provide promptly upon publication non-privileged departmental policy bulletins and directives
3 addressing (1) enforcement of sit/lie/sleep laws against people experiencing homelessness; or (2) bag-
4 and-tag.” *Id.* The additional items plaintiffs demand on a weekly or periodic basis are unfairly
5 burdensome, and available to Plaintiffs through ordinary discovery tools. Indeed, Plaintiffs have
6 served comprehensive requests for documents, directed to the same categories of documents, Emery
7 Decl., Exh. B, and Plaintiffs have made ready use of the Public Records Act. E.g., Dkt ##50-11 thru
8 50-17.

9 Plaintiffs have not met and conferred over compliance reports, either their frequency or their
10 content.

11 **CONCLUSION**

12 For the foregoing reasons, the Court should deny Plaintiffs’ administrative motion.

13 Dated: January 10, 2023

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23 By: s/James M. Emery
24 JAMES M. EMERY

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27 FRANCISCO POLICE DEPARTMENT; SAN
28 FRANCISCO DEPARTMENT OF PUBLIC WORKS;
FRANCISCO DEPARTMENT OF
HOMELESSNESS AND SUPPORTIVE HOUSING;
SAN FRANCISCO FIRE DEPARTMENT; SAN
FRANCISCO DEPARTMENT OF EMERGENCY
MANAGEMENT; MAYOR LONDON BREED; SAM
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Case No. 4:22-cv-05502-DMR (LJC)

**DECLARATION OF DARRYL DILWORTH IN
 SUPPORT OF DEFENDANTS' OPPOSITION
 TO PLAINTIFFS' ADMINISTRATIVE
 MOTION FOR STATUS CONFERENCE ON
 PRELIMINARY INJUNCTION
 NONCOMPLIANCE AND NEED FOR
 MONITORING**

Trial Date: None set.

Attachments: Exhibit A - D

1 I, Darryl Dilworth, hereby declare:

2 1. I have personal knowledge of the matters stated herein, and if called and sworn as a
3 witness could and would competently testify thereto. I submitted a previous declaration in this case on
4 November 15, 2022.

5 2. I am currently an operations Supervisor II of the San Francisco Department of Public
6 Works (“SFDPW” or “Public Works”). I am currently the supervisor of the “Hot Spots” Team. I have
7 held this position since May 28, 2022. I also previously held the same position from 2018 to 2019.

8 3. I was present at HSOC operations on December 27, 2022, at 17th Street near
9 Hampshire Street and Mariposa Street; and on January 3, 2023, at the Embarcadero near Washington
10 Street and Don Chee Way. I was not present at the December 27, 2022 resolution at Taylor Street and
11 Eddy Street, or the January 4, 2023 resolution near Erie Street.

12 **December 27, 2022 – 17th Street Near Hampshire Street And Mariposa Street**

13 4. Attached hereto as **Exhibit A** are true and correct copies of photographs of the HSOC
14 operation at 17th Street near Hampshire Street and Mariposa Street that I took on December 27, 2022.

15 5. I collected and bagged and tagged unattended items at the operation. Attached hereto as
16 **Exhibit B** is a true and correct copy of the related “bag-and-tag” form. A photograph of the notice of
17 removal of property left at the location is included in Exhibit A. An abandoned tent that was torn and
18 soiled with urine, feces, and water saturated was discarded. Attached hereto as **Exhibit C** is a true and
19 correct copy of a service request, which I created, related to the unattended and abandoned property.

20 **January 3, 2023 – Embarcadero Near Washington Street and Don Chee Way**

21 6. Attached hereto as **Exhibit D** are true and correct copies of photographs related to the
22 HSOC operation at the Embarcadero near Washington Street and Don Chee Way that I took on the
23 January 3, 2023.

24 I declare under penalty of perjury under the laws of the United States and the State of
25 California that the foregoing is true and correct. Executed January 10, 2023 in San Francisco,
26 California.

27 s/ Darryl Dilworth
DARRYL DILWORTH

EXHIBIT A

TO

**DECLARATION OF DARRYL DILWORTH IN SUPPORT OF DEFENDANTS'
OPPOSITION TO PLAINTIFFS' ADMINISTRATIVE MOTION FOR STATUS
CONFERENCE ON PRELIMINARY INJUNCTION NONCOMPLIANCE AND NEED
FOR MONITORING**









CRUNCHY

CHICOS P

WIPER

81





**SAN FRANCISCO PUBLIC WORKS
NOTICE OF REMOVAL OF PROPERTY**

Be advised that unattended personal property has been removed from this area because it was stored on City or State property in violation of California Penal Code Sections 372 and/or 647(e), and/or San Francisco Police Code Section 22.

Date and approximate time of removal: 12/27/22

Location of removal: Mind Bloch Hampshire @
17th & 18th (Westside)

General description of items removed: _____

1 - BLUE & GREEN PLaid suit CASE.

1 - Red White & blue lounge bag

You may retrieve your belongings at the **Public Works Operations Yard** located at **2323 Cesar Chavez Street (use the Kansas Street entrance, at Marin Street)**, 415-695-2134. For the first 72 hours after items are collected, they can be claimed 24 hours a day. Afterwards, owners may retrieve their items Monday through Friday, 9 a.m. to 3 p.m. There is no fee for storage or retrieval. Although you are not required to present official I.D., you must provide a reasonably specific and detailed description of the property in order to retrieve it. Property not claimed **within 90 days** of the date of removal will be deemed abandoned and will be destroyed.

EXHIBIT B

TO

**DECLARATION OF DARRYL DILWORTH IN SUPPORT OF DEFENDANTS'
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HOMELESS PROPERTY INFORMATION

(PLEASE PRINT CLEARLY)

UNATTENDED ITEMS

Pick Up Date: 12/27/22

Pick Up Time: 10:45am

Intake Date: _____

of Carts or Bags: 1 - BLK BAG, 1 - Red, White,
a BLUE bag, & 1 - BLUE/GREEN plaid
Suitcase

(Detailed description please)

Pick Up Location: Hamshire

Street Address: @ 17th & 18th

Cross Street: _____

(Include # of building, if it applies)

Circle what corner, if it applies:

N/W

S/W

N/E

S/E

SFPD Star #: N/A

Picked up by: (SFPW Personnel name) D. Dilworth

Public Works Employee Radio #: 007

Tag #: 124 Tag Color: BLUE

Service Request #: 2730220

Retrieval Date: _____ Disposal Date: _____

Distribution:

White Page to Log Book

Yellow Page to Radio Room

Pink page to remain with items brought in

EXHIBIT C

TO

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Service Request**DPW**Request ID No: **2730220**Status: **Done**

Bureau of Street Environmental Services

12/27/2022 1:13:44 PM

Email: 28clean@sfgov.org

Telephone: 28Clean (282-5326)

Fax: 415-695-2019

Tuesday

Department of Public Works Neighborhood Service Center received the following information.

Please fill in the appropriate assignment and action that was taken to complete this request and forward it back to DPW's Customer Service Center by Email, fax or contacting our Customer Service personnel at 28Clean, using the above numbers, within one(1) week.

Source: **SES Internal**Entered By: **Eric Butler**Priority: **Normal**Location: **Hampshire St at 17th St / 18th St**Caller: **Darryl Dilworth**

Callback Needs:

Second Calls: **12/27/2022 1:17:02 PM**Zone or Shift: **D****Mickels, Alison**Zone: **D**Category: **Bag & Tag**Request: **Unattended items collected on site:****1 Black Bag with Electronics****1 Red/White/Blue bag****1 Blue/Green Plaid suitcase**

Secure by Darryl Dilworth: Discarded Items: 1-Blk & Blue torn soiled tent with extensive water damage & feces

Assignment InformationWork Assignd To/Inspctd by: **Dilworth, Darryl**

Truck No:

Assigned date: **December 27, 2022**

at this time:

1:16 PM

Callback Assigned To:

Called Customer Back:

Date Called Back: _____

TAG # 124 BLUE

Transfer to:

Instructions:

Action TakenWork Status: **Done**Resolution: **Transferred**Completed By: **Eric Butler**Completed on this date: **December 27, 2022**

at this time:

1:17 PMEntered by: **Eric Butler**Date: **12/27/2022**

Time:

1:17 PM

EXHIBIT D

TO

**DECLARATION OF DARRYL DILWORTH IN SUPPORT OF DEFENDANTS'
OPPOSITION TO PLAINTIFFS' ADMINISTRATIVE MOTION FOR STATUS
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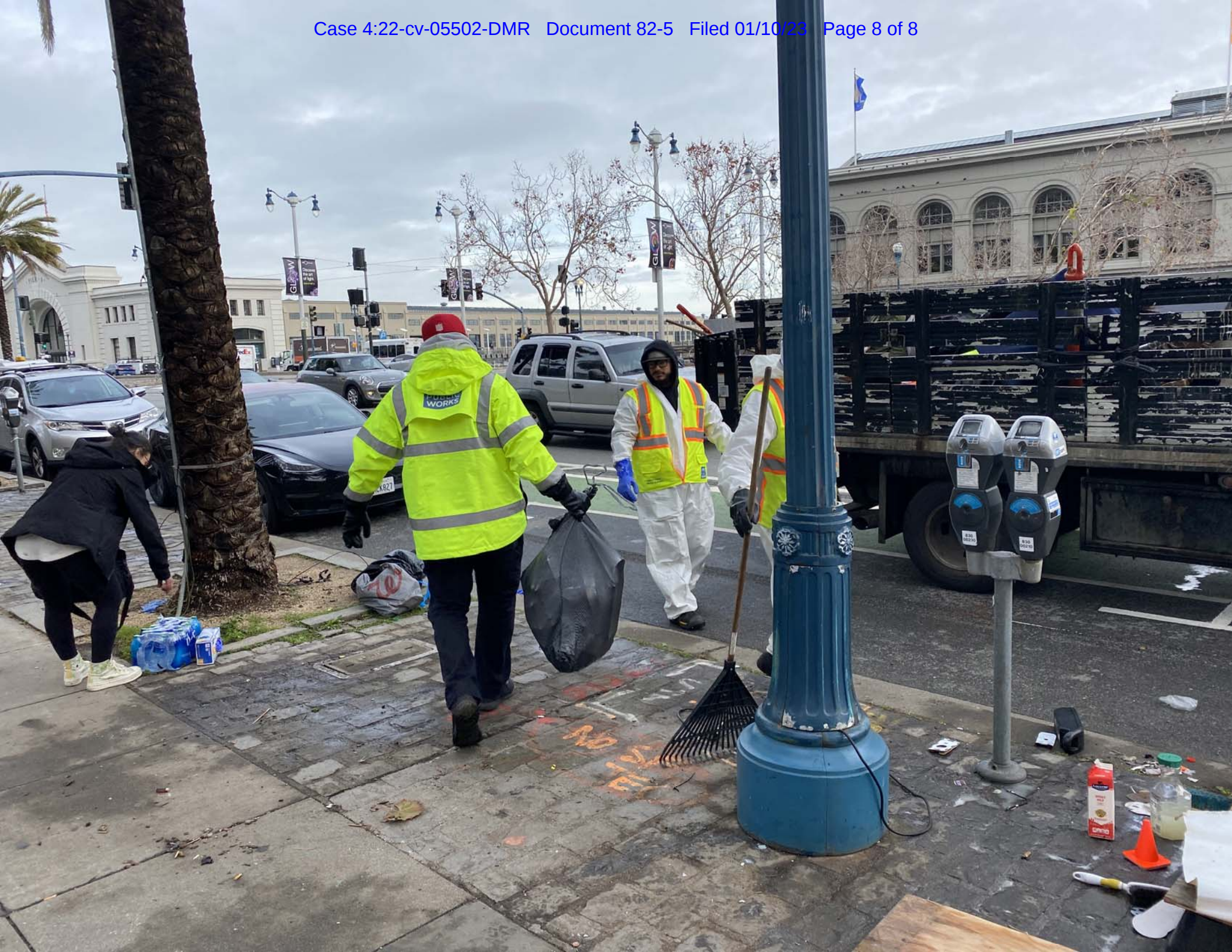


NO PARKING
12:01 A.M. TO 6 A.M.
EVERYDAY
INCLUDING HOLIDAYS
STREET CLEANING

1117245







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21 Plaintiffs,

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 24 FRANCISCO, et al.,

25 Defendants.

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

**DECLARATION OF SAMUEL DODGE IN
 SUPPORT OF DEFENDANTS' OPPOSITION
 TO PLAINTIFFS' ADMINISTRATIVE
 MOTION FOR STATUS CONFERENCE ON
 PRELIMINARY INJUNCTION
 NONCOMPLIANCE AND NEED FOR
 MONITORING**

Trial Date: None set.

Attachments: Exhibits A - B

1 I, Sam Dodge, hereby declare:

2 1. I have personal knowledge of the matters stated herein, and if called and sworn as a
3 witness could and would competently testify thereto. I submitted a previous declaration in this case on
4 November 15, 2022.

5 2. Shortly after I submitted my previous declaration in this case, I was named Director of
6 the Department of Emergency Management's Division of Street Response Coordination. San
7 Francisco's Healthy Streets Operations Center ("HSOC") director reports to me. My duties also
8 include leading interagency teams of participating departments to address and resolve complex and
9 unhealthy conditions by focusing on residential placements for people in crisis.

10 3. I was present at HSOC resolutions on December 27, 2022, at 17th Street near
11 Hampshire Street and Mariposa Street; on January 3, 2023, at the Embarcadero near Washington
12 Street and Don Chee Way; and on January 4, 2023, at Erie Street. For each of these three resolutions,
13 I was present for 1-2 hours, but I was not present for the entire time of the resolution.

14 **December 27, 2022 – 17th Street and Hampshire Street**

15 4. While I was observing SFHOT outreach engagements with clients at this resolution,
16 police officers never approached clients. Officers kept their distance at all times and never
17 participated in the outreach engagements.

18 5. Attached hereto as **Exhibit A** is a photograph of an unattended tent we encountered at
19 the 17th Street resolution. It had uncapped syringes and was waterlogged inside, having a soaked rug
20 and some discarded food on the floor. Attached hereto as **Exhibit B** is a photograph of the interior of
21 that tent. The tent was vacant the entire morning and at the end of our morning efforts, I went in and
22 collected a suitcase, a computer, a bag of clothing, some toiletries, some electronics, and a battery for
23 storage with Public Works. The couple from up the block who we placed in shelter that day knew the
24 person who had been occupying the tent. They confirmed that they had received notice the previous
25 Saturday of the upcoming resolution.

EXHIBIT A

TO

**DECLARATION OF SAMUEL DODGE IN SUPPORT OF DEFENDANTS'
OPPOSITION TO PLAINTIFFS' ADMINISTRATIVE MOTION FOR STATUS
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EXHIBIT B

TO

**DECLARATION OF SAMUEL DODGE IN SUPPORT OF DEFENDANTS'
OPPOSITION TO PLAINTIFFS' ADMINISTRATIVE MOTION FOR STATUS
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 NATHANIEL VAUGHN,

21 Plaintiffs,

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25 Defendants.

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**DECLARATION OF JAMES M. EMERY IN
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 NONCOMPLIANCE AND NEED FOR
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Trial Date: None set.

Attachments: Exhibits A and B

1 I, James M. Emery, hereby declare:

2 1. I am a member of the bar of the state of California and counsel of record for defendants
3 in this action (collectively, "the City"). I submit this declaration in support of San Francisco's
4 Opposition to Plaintiffs' Administrative Motion for Status Conference on Preliminary Injunction
5 Noncompliance and Need for Monitoring. If called as a witness, I could and would testify
6 competently to the matters set forth herein.

7 2. Attached hereto as **Exhibit A** is a true and correct copy of an email string between
8 plaintiffs' counsel and me, commenced on December 27, 2022 and continuing through December 28,
9 2023, reflecting our meet-and-confer efforts over Plaintiffs' assertions of noncompliance with the
10 Court's December 23, 2023 Order at the December 27, 2023 HSOC resolution.

11 3. Attached hereto as **Exhibit B** is a true and correct copy of Plaintiffs' First Request for
12 Production of Documents, which Plaintiffs served on December 21, 2022.

13 I declare under penalty of perjury under the laws of the State of California that the foregoing is
14 true and correct. Executed January 10, 2023 in San Francisco, California.

15
16 s/James M. Emery
17 JAMES M. EMERY
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EXHIBIT A

TO

**DECLARATION OF JAMES M. EMERY IN SUPPORT OF DEFENDANTS'
OPPOSITION TO PLAINTIFFS' ADMINISTRATIVE MOTION FOR STATUS
CONFERENCE ON PRELIMINARY INJUNCTION NONCOMPLIANCE AND NEED
FOR MONITORING**

From: [Emery, Jim \(CAT\)](#)
To: "John Do"; [Wang, Edmund \(CAT\)](#)
Cc: [Zal Shroff](#); [Joseph.Lee@lw.com](#); [Al.Pfeiffer@lw.com](#); [SF.PROBONO.UNHOUSED.PERSONS.LITIGATION@lw.com](#)
Bcc: [Mere, Yvonne \(CAT\)](#); [Steeley, Tara \(CAT\)](#)
Subject: RE: Activity in Case 4:22-cv-05502-DMR Coalition on Homelessness et al v. City and County of San Francisco et al Order on Motion for Preliminary Injunction
Date: Wednesday, December 28, 2022 3:20:20 PM
Attachments: [image010.png](#)
[image008.png](#)

Hi John,

I have inquired regarding your concerns about yesterday's HSOC activity. I am confident San Francisco is in full compliance with the Court's injunction.

- The advice I give my clients is privileged, and ultimately irrelevant to the question whether HSOC personnel are complying with the Court's injunction order.
- In light of SF's "operational questions," SF is proceeding cautiously and conservatively, without any enforcement threat of sit/lie/sleep laws against any individual, even after the individual has declined a specific and appropriate shelter bed. Through HSOC yesterday, 10 individuals accepted shelter offers and escaped the weather.
- Several people at the encampment acknowledged they had seen the notices that SFHOT had posted the previous Saturday.
- HSOC outreach workers requested people move temporarily and remove their belongs to allow the City to abate an unhealthy nuisance condition of accumulated trash, needles, feces, and other debris. The mere presence of police officers does not constitute a threat of enforcement of any specific laws.
- It is apparent the individuals at the encampment understood they were not required to vacate the area. Those who declined shelter beds simply relocated around the corner while SF cleaned the street to abate the unhealthy nuisance condition.
- Sam Dodge personally inspected the tent in the photo you attach. The tent had uncapped syringe litter and was waterlogged inside having a soaked rug and some discarded food on the floor. The tent was vacant all morning. At the end of the morning outreach operation, Mr. Dodge entered the vacant tent and collected items for bag-and-tag (a suit case, a computer, a bag of clothing, some toiletries, some electronics, and a battery).
- The scooter was towed, not discarded. If the owner has proof of ownership and the license plate info, they could request to have it returned, and if they are unhoused, they can go thru Problem solving, and get it returned without fees.
- Three separate individuals at the encampment confirmed the bicycle frame was abandoned before a fourth person approached DPW to claim it. DPW then gave the bike frame to the person who wanted it.
- If you have any other specific concerns regarding bag-and-tag compliance yesterday, please share them with me.

I believe I've responded to all the points in your email below about yesterday's HSOC outreach.

Since the Court has rescheduled the case management conference, and the parties' joint 26(f) statement is now due on Jan 5, I see no need for us to meet this afternoon and then again tomorrow

morning. So I suggest we plan to talk tomorrow at 10. Will you circulated call-in info or a video link?

Jim Emery

Deputy City Attorney
Office of City Attorney David Chiu
(415) 554-4628 Direct
www.sfcityattorney.org

From: John Do <JDo@aclunc.org>

Sent: Wednesday, December 28, 2022 10:34 AM

To: Emery, Jim (CAT) <Jim.Emery@sfcityatty.org>; Wang, Edmund (CAT) <Edmund.Wang@sfcityatty.org>

Cc: Zal Shroff <zshroff@lccrsf.org>; Joseph.Lee@lw.com; Al.Pfeiffer@lw.com; SF.PROBONO.UNHOUSED.PERSONS.LITIGATION@lw.com

Subject: RE: Activity in Case 4:22-cv-05502-DMR Coalition on Homelessness et al v. City and County of San Francisco et al Order on Motion for Preliminary Injunction

Jim,

Thank you for your attention to these urgent matters. We are all confirmed for a 12/29 10am meet and confer regarding compliance with the preliminary injunction, ongoing disclosures, and settlement dates. The joint case management statement (which touches upon these issues), however, presents an opportunity for an omnibus meet and confer this afternoon. We wait for you to confirm your availability.

December 28, 2022 Sweeps

In advance of our meet and confer, we remain alarmed by the City's response to the Court Order. We detailed likely noncompliance with the 7 am operation, so we are troubled the City elected to continue with the 1pm operation. You recently noted that the City has "operational questions" on the Court Order, and we would expect that the City would pause any operations until those questions have been resolved. The City's continued sweep operations are all the more concerning. We now have additional troubling reports from the 1pm operation, continuing the unlawful trend Plaintiffs established in the PI briefing.

At both operations, City staff with SFPD present instructed people to depart and warned that their belongings would be taken. This was before actual offers of appropriate shelters were available and made. Coalition monitors found no indication that the City's commands were without the threat of enforcement or that any move of persons and belongings was temporary.

The City also appears to still summarily confiscate or destroy people's unabandoned belongings in violation of the City's policies. For example, the depicted (photo attached) tent and tarp (with clothes, a chair, and bedding) were trashed in the midst of a rainstorm at the 7am operation. At the 1pm operation, a bike frame and scooter were placed in a DPW truck instead of being bagged and tagged. DPW workers initially refused to return them and only relented after prolonged advocacy

from the owners.

Compliance with the Preliminary Injunction

Although you have represented the City takes its duty to comply with the Court Order seriously, we ask *for the third time* that you identify how Defendants do so. If the City's practices remain unchanged, please explain how they are compliant with the preliminary injunction. If the City has undertaken changes or provided different instructions to its employees, please identify those and their basis.

Quoting and applying *Martin* and *Johnson*, the preliminary injunction enjoins enforcement of the specific ordinances against homeless people "as long as there are more homeless individuals in San Francisco than there are shelter beds available." And to be clear, the Court has expressly found that San Francisco's unhoused population has no real voluntary access to shelter prior to enforcement—both at our hearing and in the Court's robust order directly addressing these issues. *See e.g.*, Dkt. No. 65 at 4:8-9 ("It is undisputed that San Francisco does not have enough available shelter beds for all homeless San Franciscans"); *Id.* at 25:15-16 ("At the hearing, they conceded that since April 2020, homeless individuals have not been able to access shelter"); *Id.* at 41:26-27 ("As previously noted, Defendants conceded at the hearing that '[v]oluntary access to shelter has been functionally inaccessible to unhoused people in San Francisco since the onset of the pandemic in April 2020"). Already essentially full and without enough capacity, San Francisco shelters are closed to self-referrals of any kind, and San Francisco has left 1000 people waiting on the shelter waitlist despite the fact that they have expressed their desire for immediate shelter. This precludes the forced displacement of unhoused people, whether individuals are offered shelter incident to enforcement or not. Until at least an appropriate shelter system is open and available to all—all displacement operations are precluded under the Court's order.

You say "there was no threat of enforcement of sit/lie/sleep laws, or of any other laws."

We also question the City's assertion that there has been no threat of enforcement. In the City's view, how is telling people to depart not done under a threat of enforcement? Are you suggesting that City staff and SFPD are only making voluntary asks? What indicators would unhoused people have to know such requests are voluntary?

You purport that individuals were "offered" shelter yesterday. At the hearing, you represented that an initial question to an unhoused person at the beginning of an operation (hours before the City actually knows what shelter is available) is an offer of shelter. Does the City maintain that position, and is this what you are referring to as "offers" of shelter?

You note that any move was "temporary." What do you consider being asked to move "temporarily"? How is an unhoused person to understand the temporary nature of the removal? What is communicated by the City, verbally or by notice? Who is scheduling HSOC sweeps and on what basis are they being conducted if not the mere existence of unhoused people outside and no laws are to be enforced at the operations?

Please confirm that Defendants will no longer be asking unhoused individuals to "move along" at

HSOC operations and during SFPD dispatches, will not seek to remove unhoused individuals from the area on the basis that they are in public, and will not seek to enforce any of the ordinances prescribed by the Court's preliminary injunction order.

Ongoing Productions and Disclosures

This pattern of "business as usual" is why ongoing notice and productions are so crucial. They promote transparency, are not overly onerous, better safeguard the constitutional rights of unhoused people, and help to mitigate a traumatic experience. At our meet and confer, we'd like to discuss ongoing 72-hour notices, SFPD and DPW dispatch documents, incident reports, shelter availability reports, bag and tags, among others. But in light of the above observations will you provide the related documents, such as notices, bag and tag logs, and shelter availability, from yesterday's operations?

Again, we appreciate your prompt attention to this matter and will speak with you later today.

Regards,
John



JOHN THOMAS H. DO
SENIOR STAFF ATTORNEY
RACIAL & ECONOMIC JUSTICE PROGRAM

39 DRUMM ST., SAN FRANCISCO, CA 94111
415-293-6333 | JDO@ACLUNC.ORG | [HE/HIM](#)

From: Emery, Jim (CAT) <Jim.Emery@sfcityatty.org>
Sent: Tuesday, December 27, 2022 2:10 PM
To: John Do <JDo@aclunc.org>; Wang, Edmund (CAT) <Edmund.Wang@sfcityatty.org>
Cc: Zal Shroff <zshroff@lccrsf.org>; Joseph.Lee@lw.com; Al.Pfeiffer@lw.com;
SF.PROBONO.UNHOUSED.PERSONS.LITIGATION@lw.com
Subject: RE: Activity in Case 4:22-cv-05502-DMR Coalition on Homelessness et al v. City and County of San Francisco et al Order on Motion for Preliminary Injunction

Hi John,

Thank you for your email this morning and for giving me the opportunity to respond. After I received your email, I consulted with my clients who were on the ground at this morning's resolution. I have learned that everyone present at the encampment was offered shelter and services. They were asked to move temporarily by the encampment resolution team (not SFPD), so that DPW could clean the area, but there was no threat of enforcement of sit/lie/sleep laws, or of any other laws. Indeed, those who did not accept shelter remained in the immediate vicinity. Throughout the morning's activity, your client Jennifer Friedenbach consulted repeatedly with David Nakanishi. Ms. Friedenbach did not express to David the concerns you've included in your email. If you have more specific information about alleged noncompliance with the Court's injunction, please

share it with me so I can look into this further. San Francisco takes very seriously its obligation to comply with the Court order. Based on the information we have now, San Francisco intends to proceed with the planned resolutions.

It is my goal to circulate the 26(f) statement before close of business today. If circumstances continue to interrupt my work on the 26(f) statement, I may not get it to you until tomorrow morning.

I suggest we meet and confer about all these topics on 12/29 at 10am. With the additional day, I'm more likely to have coordinated calendars with folks who should attend the settlement conference.

Jim Emery

Deputy City Attorney
Office of City Attorney David Chiu
(415) 554-4628 Direct
www.sfcityattorney.org

From: John Do <JDo@aclunc.org>

Sent: Tuesday, December 27, 2022 11:30 AM

To: Emery, Jim (CAT) <Jim.Emery@sfcityatty.org>; Wang, Edmund (CAT) <Edmund.Wang@sfcityatty.org>; Garcia, Sophia (CAT) <Sophia.Garcia@sfcityatty.org>; Cheeseborough, Pamela (CAT) <Pamela.Cheeseborough@sfcityatty.org>

Cc: Zal Shroff <zshroff@lccrsf.org>; Joseph.Lee@lw.com; Al.Pfeiffer@lw.com; SF.PROBONO.UNHOUSED.PERSONS.LITIGATION@lw.com

Subject: RE: Activity in Case 4:22-cv-05502-DMR Coalition on Homelessness et al v. City and County of San Francisco et al Order on Motion for Preliminary Injunction

Jim:

We will need to meet and confer with you urgently as it appears that Defendants have already violated the Court's preliminary injunction order. We will make ourselves available for a meet and confer on at the following times: 12/28: 9-12PM; 12/29: 9-11AM.

Today, Defendants proceeded with an HSOC sweep operation at Hampshire and 17th Street. Police were among the first to arrive from 7-7:30am. DPW pick-up trucks arrived before 8am. As the Court has already found, the individuals onsite were all homeless because San Francisco shelters are essentially full, do not have enough capacity, and are effectively closed. Nonetheless, SFPD and HOT walked around to inform every unhoused individual that they would need to leave the area. When asked what shelter was available, Defendants told unhoused individuals that HSOC did not know yet what shelter they would have. All individuals were made to pack up their belongings well before any report from city staff regarding shelter availability. In short, there has been absolutely no change to Defendants' practice of forced displacement at HSOC operations under threat of citation and arrest and absent voluntary access to appropriate shelter. In light of this information, we expect that Defendants will immediately stop this afternoon's HSOC sweep and the remaining HSOC sweep operations scheduled for this week. Please confirm.

Indeed, it is unclear how a standard HSOC encampment resolution can possibly be carried out in compliance with the Court's preliminary injunction order, given that such encampment resolutions are conducted under enforcement and threat of enforcement of the laws and ordinances set forth in the Court's order. If Defendants maintain that its existing encampment resolution practices comply with the Court's preliminary injunction order, please explain the basis for that position prior to the meet and confer so Plaintiffs can consider it. If, on the other hand, Defendants purport to have modified their practices and believe those modifications are in compliance with the Court's order, please identify those changes (which were not evident to any observers) and provide the basis for Defendants' belief prior to the meet and confer. Without any information regarding Defendants' proposed steps to achieve compliance at each of these individual agencies, Plaintiffs have no way to begin identifying changes to Defendants' past noncompliance—which has persisted for years and has continued even during the pendency of the PI Motion. *See* Dkt. No. 48 at 5:1-10.

Please respond as soon as possible to address these critical points regarding compliance with the Court's preliminary injunction order. These issues are particularly urgent given the cold and rain. These circumstances do necessitate ongoing productions from Defendants, which we will expect to discuss at our meet and confer. We can also address the proposed dates for the Court-ordered settlement conference when we meet.

Thank you for confirming your consent to electronic service. You may effect service by copying all email addresses included on this email (jdo@aclunc.org; zshroff@lccrsf.org; Joseph.Lee@lw.com; Al.Pfeiffer@lw.com). In particular, please be sure to include sf.probono.unhoused.persons.litigation@lw.com on all correspondence.

Finally, please provide us Defendants' portion of the Rule 26(f) statement by close of business today. As you know, it is due tomorrow, and Plaintiffs will need time to consider any edits Defendants propose.

Best regards,



JOHN THOMAS H. DO
SENIOR STAFF ATTORNEY
RACIAL & ECONOMIC JUSTICE PROGRAM

39 DRUMM ST., SAN FRANCISCO, CA 94111
415-293-6333 | JDO@ACLUNC.ORG | HE/HIM

From: Emery, Jim (CAT) <Jim.Emery@sfcityatty.org>

Sent: Monday, December 26, 2022 7:15 PM

To: John Do <JDo@aclunc.org>; Wang, Edmund (CAT) <Edmund.Wang@sfcityatty.org>

Cc: Zal Shroff <zshroff@lccrsf.org>; Joseph.Lee@lw.com; Al.Pfeiffer@lw.com; Garcia, Sophia (CAT) <Sophia.Garcia@sfcityatty.org>; Cheeseborough, Pamela (CAT) <Pamela.Cheeseborough@sfcityatty.org>

Subject: RE: Activity in Case 4:22-cv-05502-DMR Coalition on Homelessness et al v. City and County

of San Francisco et al Order on Motion for Preliminary Injunction

Hi John,

The City Attorney's Office has advised all affected departments of the terms of the Court's preliminary injunction. Tomorrow's HSOC resolutions will proceed, in compliance with the Court's order.

With the issuance of the injunction on Friday, the Court's orders requiring 72-hour notice and weekly updated document productions has expired. We are happy to meet and confer on the issue if plaintiffs perceive a continuing need for the information.

Yes, San Francisco will accept electronic service, if you include Sophia Garcia and Pamela Cheeseborough, copied here, on the distribution list. I want to avoid a situation where San Francisco does not timely learn of an e-mail service. Please let me know who on your team should receive electronic service.

Ed and I will provide you feedback tomorrow on plaintiffs' draft 26(f) statement. And we are planning to serve San Francisco's initial disclosure on Wednesday.

I believe this covers the points in your email below.

Jim Emery

Deputy City Attorney
Office of City Attorney David Chiu
(415) 554-4628 Direct
www.sfcityattorney.org

From: John Do <JDo@aclunc.org>

Sent: Monday, December 26, 2022 11:42 AM

To: Emery, Jim (CAT) <Jim.Emery@sfcityatty.org>; Wang, Edmund (CAT) <Edmund.Wang@sfcityatty.org>

Cc: Zal Shroff <zshroff@lccrsf.org>; Joseph.Lee@lw.com; Al.Pfeiffer@lw.com

Subject: RE: Activity in Case 4:22-cv-05502-DMR Coalition on Homelessness et al v. City and County of San Francisco et al Order on Motion for Preliminary Injunction

Jim and Ed:

Please advise what immediate steps Defendants have taken to comply with the Court's preliminary injunction. Specifically, please confirm whether HSOC plans to continue carrying out its daily sweep operations, and what instruction has been given to SFPD and DPW staff regarding their enforcement/cleaning operations and interactions with unhoused individuals. Further, please confirm whether Defendants will continue to provide the prior 72-hour notices and DPW/SFPD productions.

Most immediately, we received notice of HSOC sweep operations that are set to take place

tomorrow. Please advise whether those sweep operations are going forward.

Attached is an updated draft Rule 26(f) report. Our report is due on Wednesday, and so we would appreciate receiving your edits by Tuesday afternoon so that the parties can finalize.

You have not advised whether you accept electronic service for the purposes of discovery, a first round of which was served on Defendants last week by both email and mail. Please advise. Plaintiffs consent to electronic service for the duration of this case if Defendants make the same agreement.

Finally, we remind Defendants that the parties are to exchange initial disclosures by Wednesday.

Best regards,



[JOHN THOMAS H. DO](#)
[SENIOR STAFF ATTORNEY](#)
[RACIAL & ECONOMIC JUSTICE PROGRAM](#)

39 DRUMM ST., SAN FRANCISCO, CA 94111
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From: ECF-CAND@cand.uscourts.gov <ECF-CAND@cand.uscourts.gov>

Sent: Friday, December 23, 2022 6:36 PM

To: efiling@cand.uscourts.gov

Subject: Activity in Case 4:22-cv-05502-DMR Coalition on Homelessness et al v. City and County of San Francisco et al Order on Motion for Preliminary Injunction

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U.S. District Court

California Northern District

Notice of Electronic Filing

The following transaction was entered on 12/23/2022 at 6:36 PM PST and filed on 12/23/2022

Case Name: Coalition on Homelessness et al v. City and County of San Francisco et al

Case Number: [4:22-cv-05502-DMR](#)

Filer:

Document Number: [65](#)

Docket Text:

Order by Magistrate Judge Donna M. Ryu granting in part and denying in part [9] Plaintiffs' Motion for Preliminary Injunction. Signed on 12/23/2022.(dmrlc1, COURT STAFF) (Filed on 12/23/2022)

4:22-cv-05502-DMR Notice has been electronically mailed to:

Alfred Carroll Pfeiffer , Jr Al.Pfeiffer@lw.com, #sflitigationsservices@lw.com, al-pfeiffer-0552@ecf.pacerpro.com, Linda.Tam@lw.com

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Zal Kotval Shroff zshroff@lccrsf.org

4:22-cv-05502-DMR Please see [Local Rule 5-5](#); Notice has NOT been electronically mailed to:

The following document(s) are associated with this transaction:

Document description:Main Document

Original filename:C:\fakepath\22-cv-05502-dmr-
filed_prelim_inj_122322.638062058215984499.pdf

Electronic document Stamp:

[STAMP CANDStamp_ID=977336130 [Date=12/23/2022] [FileNumber=19843413-0
] [5419e76e1a3dae93d166baf8ec3cd53717fc3ca2f9b3a6be4b982d7c613ce304cd8
8846cc7e05689b1a94048b2c38be6a86a53925f74292e40d4f978d151c226]]

EXHIBIT B

TO

**DECLARATION OF JAMES M. EMERY IN SUPPORT OF DEFENDANTS'
OPPOSITION TO PLAINTIFFS' ADMINISTRATIVE MOTION FOR STATUS
CONFERENCE ON PRELIMINARY INJUNCTION NONCOMPLIANCE AND NEED
FOR MONITORING**

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14 ACLU FOUNDATION OF NORTHERN CALIFORNIA
15 John Thomas H. Do, SBN 285075
16 39 Drumm Street
17 San Francisco, CA 94111
18 Telephone: (415) 293-6333
19 jdo@aclunc.org

20 *Attorneys for Plaintiffs*

21 *Additional Counsel on Signature Page*

22 **UNITED STATES DISTRICT COURT**
23 **NORTHERN DISTRICT OF CALIFORNIA**
24 **OAKLAND DIVISION**

25 COALITION ON HOMELESSNESS, et al.,
26 Plaintiffs.

27 v.

28 CITY AND COUNTY OF SAN FRANCISCO,
et al.,
Defendants.

Case No. 4:22-cv-05502-DMR

**PLAINTIFFS' FIRST SET OF
REQUESTS FOR PRODUCTION TO
DEFENDANTS CITY AND COUNTY OF
SAN FRANCISCO, SAN FRANCISCO
POLICE DEPARTMENT, SAN
FRANCISCO DEPARTMENT OF
PUBLIC WORKS, SAN FRANCISCO
DEPARTMENT OF HOMELESSNESS
AND SUPPORTIVE HOUSING, SAN
FRANCISCO FIRE DEPARTMENT,
AND SAN FRANCISCO DEPARTMENT
OF EMERGENCY MANAGEMENT**

Hon. Judge Donna M. Ryu

1 including Rules 26 and 34. The term “Document” shall be interpreted in the broadest sense possible
2 and includes Documents in any form, including by way of example and without limitation,
3 originals and copies of letters, memoranda, notes, records, minutes, reports, notebooks, messages,
4 emails, telegrams, ledgers, legal instruments, legal opinions to the extent that they are not protected
5 by the attorney client privilege or attorney work product doctrines, agreements, manuals,
6 procedures, graphs, rough drafts, secretarial notes, work pads, films or videos, photographs,
7 computer disks and other electronic media, books, publications, advertisements, literature,
8 brochures, announcements, press releases, and includes without limitation all tangible things
9 which come within the meaning of the terms “writings and records” used in Federal Rule of
10 Evidence 1001 and all electronically stored information, and includes data and data files, and
11 underlying data or data files, whether in raw or processed form. A draft or non-identical copy is a
12 separate document within the meaning of this term. The term “Document” also includes the term
13 “Thing” construed under the broadest possible construction under the Federal Rules of Civil
14 Procedure.

15 3. “Homeless Person,” refers to persons who are both “unhoused,” without a fixed
16 residence, and “unsheltered,” both unhoused and without physical shelter.

17 4. “Homeless Encampment” refers to one or more Homeless Persons and/or their
18 property present on public property.

19 5. “Move-Along” refers to any action taken by any Defendant to require a Homeless
20 Person and their property to move off of public property to another location under threat of the
21 issuance of a citation or arrest.

22 6. “Person” includes both natural persons and entities, without limitation, including
23 all predecessors in interest, groups, associations, partnerships, corporations, agencies, or any other
24 legal, business, or governmental entity. The acts “of” a Person are defined to include the acts of
25 directors, officers, members, employees, agents, or attorneys acting on the Person’s behalf.

26 7. “Thing” has the meaning prescribed in the Federal Rules of Civil procedure,
27 including Rules 26 and 34. The term “Thing” specifically includes, by way of example but not
28 limitation, any disc, tape, or other electronic media storage device.

1 requires Defendants to correct or supplement Defendants' response when necessary to reflect
2 events occurring and information becoming available subsequent to the serving of Your initial
3 response.

4 2. All DOCUMENTS and COMMUNICATIONS produced in response to these
5 Requests shall be identified with the specific request number to which the DOCUMENTS and
6 COMMUNICATIONS correspond.

7 3. These requests shall apply to all DOCUMENTS and COMMUNICATIONS in
8 Your possession, custody, or control, wherever located at the present time, or coming into
9 Defendants' possession, custody, or control prior to the date of the production. If Defendants
10 know of the existence, past or present, of any DOCUMENTS or COMMUNICATIONS requested
11 below, but are unable to produce such DOCUMENTS or COMMUNICATIONS because they are
12 not presently in Defendants' possession, custody, or control, Defendants shall so state and shall
13 identify such DOCUMENTS or COMMUNICATIONS, and the Person who has possession,
14 custody, or control of the DOCUMENTS or COMMUNICATIONS.

15 4. If no DOCUMENTS or COMMUNICATIONS are response to a particular request,
16 Defendants are to state in the response that no responsive DOCUMENTS or
17 COMMUNICATIONS exist.

18 5. For purposes of these Requests, so as to provide the broadest possible construction
19 of the Requests: the singular shall be read to include the plural and vice versa, the present tense
20 shall be read to include the past tense and vice versa, the term "any" shall be ready to include the
21 term "all" and vice versa, and the term "and" shall be ready to include the term "or" and vice versa.

22 6. If any part of a DOCUMENT or COMMUNICATION is responsive to any Request
23 herein, produce the entire DOCUMENT OR COMMUNICATION.

24 7. Where a privilege objection is asserted to any Request or part thereof and
25 information is not provided on the basis of such assertion, the following information should be
26 provided in a privilege log served with the objection, if known or reasonably available: (a) the type
27 of Document for which the privilege is claimed; (b) the date of the Document; (c) the author(s),
28 address(es), custodian(s), and any other recipient of the Document, and where not apparent, the

1 relationships of the author(s), address(es), custodian(s), and any other recipient to each other; (d)
2 the subject matter of the information requested or the Document withheld; and (e) the nature of
3 the privilege asserted and the basis upon which it is claimed.

4 8. The Time Period for Documents responsive to each Request shall be January 1,
5 2018 to the Present.

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REQUESTS FOR PRODUCTION

REQUEST FOR PRODUCTION NO. 1:

Any and all DOCUMENTS and COMMUNICATIONS relied upon or considered by Defendants in preparing, drafting, or reviewing any declaration relied on by Defendants, including without limitation the Declaration of Sam Christ (Dkt. No. 45-1), Declaration of Emily Cohen (Dkt. No. 45-2), Declaration of Darryl Dilworth (Dkt. No. 45-3), Declaration of Sam Dodge (Dkt. No. 45-4), Declaration of Charles Hardiman (Dkt. No. 45-7), Declaration of Allison Horky (Dkt. No. 45-8), and Declaration of Mark Mazza (Dkt No. 45-9).

REQUEST FOR PRODUCTION NO. 2:

Any and all DOCUMENTS and COMMUNICATIONS identified in any response to a discovery request or other document filed or served by YOU.

REQUEST FOR PRODUCTION NO. 3:

Any and all DOCUMENTS and COMMUNICATIONS regarding or relating to YOUR identification and documentation of HOMELESS PERSONS or HOMELESS ENCAMPMENTS in the City and County of San Francisco.

REQUEST FOR PRODUCTION NO. 4:

Any and all DOCUMENTS and COMMUNICATIONS regarding or relating to YOUR coordination, planning, preparation, conduct at, and execution of YOUR response to a HOMELESS ENCAMPMENT, including but not limited to your participation and involvement in SWEEP OPERATIONS and HSOC ENCAMPMENT RESOLUTIONS.

REQUEST FOR PRODUCTION NO. 5:

Any and all DOCUMENTS and COMMUNICATIONS regarding or relating to any encounters, interactions, or incidents involving YOUR employees and one or more HOMELESS PERSONS or a HOMELESS ENCAMPMENT, including but not limited to when YOUR EMPLOYEES have been dispatched to address HOMELESS PERSONS or a HOMELESS ENCAMPMENT or have participated in or attended a SWEEP OPERATION or HSOC ENCAMPMENT RESOLUTION.

REQUEST FOR PRODUCTION NO. 6:

1 Any and all DOCUMENTS and COMMUNICATIONS regarding or relating to the
2 Healthy Street Operations Center (“HSOC”), its operations, and YOUR participation in,
3 involvement, and coordination with the HSOC and its operations, including but not limited to
4 schedules, reports, plans, and summaries of HSOC ENCAMPMENT RESOLUTIONS.

5 **REQUEST FOR PRODUCTION NO. 7:**

6 Any and all DOCUMENTS and COMMUNICATIONS regarding or relating to SWEEP
7 OPERATIONS or HSOC ENCAMPMENT RESOLUTIONS that YOUR employees are
8 dispatched to, participate in, are involved in, or attend.

9 **REQUEST FOR PRODUCTION NO. 8:**

10 Any and all DOCUMENTS and COMMUNICATIONS regarding or relating to any notice
11 or offer of shelter provided by YOU to a HOMELESS PERSON or a HOMELESS
12 ENCAMPMENT prior to YOUR participation, involvement, or attendance at a SWEEP
13 OPERATION or HSOC ENCAMPMENT RESOLUTION.

14 **REQUEST FOR PRODUCTION NO. 9:**

15 Any and all DOCUMENTS and COMMUNICATIONS regarding or relating to YOUR
16 formal or informal policies, practices, and procedures for responding to or addressing HOMELESS
17 ENCAMPMENTS in the City and County of San Francisco and any and all DOCUMENTS AND
18 COMMUNICATIONS regarding or relating to encounters, interactions, dispatches, or incidents
19 between YOUR employees and HOMELESS PERSONS or HOMELESS PERSONS at a
20 HOMELESS ENCAMPMENT, including but not limited to your formal or informal policies,
21 practices, and procedures for (a) making offers of service or shelter to individuals present at
22 HOMELESS ENCAMPMENTS, (b) cleaning and resolving HOMELESS ENCAMPMENTS and
23 collecting, processing, removing, storing, and/or disposing of a HOMELESS PERSON’S property
24 and belongings (informally known as “bag and tag”), and (c) enforcing state and municipal laws
25 governing lodging and encampments on streets or sidewalks.

26 **REQUEST FOR PRODUCTION NO. 10:**

27 Any and all DOCUMENTS and COMMUNICATIONS regarding or relating to any
28 complaint, inquiry, correspondence, action, request for information, investigation, claim,

1 litigation, or proceeding regarding the (a) collection, confiscation, or destruction of a HOMELESS
2 PERSON'S property, belongings, or items and/or (b) removal, displacement, or SWEEP
3 OPERATION involving a HOMELESS PERSON.

4 **REQUEST FOR PRODUCTION NO. 11:**

5 Any and all DOCUMENTS and COMMUNICATIONS regarding or relating to the 2019
6 and 2022 Point-In-Time Counts.

7 **REQUEST FOR PRODUCTION NO. 12:**

8 Any and all DOCUMENTS and COMMUNICATIONS regarding complaints, incidents,
9 or correspondence, including but not limited to 311 calls, regarding HOMELESS PERSONS or
10 HOMELESS ENCAMPMENTS, and any and all DOCUMENTS and COMMUNICATIONS
11 regarding Your response, or lack thereof.

12 **REQUEST FOR PRODUCTION NO. 13:**

13 Any and all DOCUMENTS and COMMUNICATIONS regarding or relating to the number
14 of shelter beds available in the County and City of San Francisco, including but not limited to
15 information regarding daily shelter bed availability, the type of shelter available, and criterias for
16 shelter.

17 **REQUEST FOR PRODUCTION NO. 14:**

18 Any and all DOCUMENTS and COMMUNICATIONS regarding or relating to services
19 or shelter beds offered, accepted, declined, requested, or provided, or the lack or unavailability of
20 such services, as part of YOUR response to a HOMELESS ENCAMPMENT, including but not
21 limited to SWEEP OPERATIONS and HSOC ENCAMPMENT RESOLUTIONS.

22 **REQUEST FOR PRODUCTION NO. 15:**

23 Any and all DOCUMENTS and COMMUNICATIONS regarding or relating to
24 Coordinated Entry forms completed by HOMELESS PERSONS during YOUR response to a
25 HOMELESS ENCAMPMENT, including but not limited to SWEEP OPERATIONS and HSOC
26 ENCAMPMENT RESOLUTIONS.

27 **REQUEST FOR PRODUCTION NO. 16:**

28 Any and all DOCUMENTS and COMMUNICATIONS regarding or relating to any

1 encounter, interaction, dispatch, or incident involving San Francisco Police Department officers
2 and a HOMELESS PERSON or a person at a HOMELESS ENCAMPMENT, including but not
3 limited to when officers are dispatched to, participate in, or attend a SWEEP OPERATION or a
4 HSOC ENCAMPMENT RESOLUTION—or otherwise interact with a HOMELESS PERSON
5 while on patrol. DOCUMENTS responsive to this Request should include but are not limited to
6 SFPD citation and arrest records, incident reports, complaints, incident tickets, and dispatch logs.
7 For clarity, dispatch logs that are responsive to this Request should at a minimum include, but are
8 not limited to, 915 (homeless complaints), 917 (suspicious person), 919 (person sitting/lying on a
9 sidewalk), 920 (aggressive solicitor), and 800cr (mentally disturbed person) dispatches.

10 **REQUEST FOR PRODUCTION NO. 17:**

11 Any and all DOCUMENTS and COMMUNICATIONS referring to or relating to YOUR
12 enforcement operations, including but not limited to the issuance of a citation or arrest involving
13 a HOMELESS PERSON or a person at a HOMELESS ENCAMPMENT pursuant to any legal
14 provisions, including but not limited to California Penal Code § 647(e), California Penal Code §
15 148(a), California Penal Code § 370, California Penal Code § 372, S.F. Police Code § 97(b), S.F.
16 Police Code §§ 168-169, S.F. Park Code §§ 3.12-3.13, and S.F. Port Code §§ 2.9-2.10.
17 DOCUMENTS responsive to this Request should include, but are not limited to YOUR policies,
18 practices, and procedures, training materials, incident reports, and arrest and citation and dispatch
19 databases.

20 **REQUEST FOR PRODUCTION NO. 18:**

21 Any and all DOCUMENTS and COMMUNICATIONS referring to or relating to San
22 Francisco Police Department's use, practice, or issuance of MOVE-ALONG orders to a
23 HOMELESS PERSON or person at a HOMELESS ENCAMPMENT, including but not limited to
24 dispatch logs, incident reports, and arrest and citation records.

25 **REQUEST FOR PRODUCTION NO. 19:**

26 Any and all DOCUMENTS and COMMUNICATIONS regarding or relating to San
27 Francisco Department Bulletin A19-080, "Legal Enforcement Options for Addressing Lodging
28 and Illegal Encampments," including but not limited to alleged, reported, suspected, or confirmed

1 violations of or noncompliance with Bulletin A19-080 by San Francisco Police Department
2 officers and the San Francisco Police Department's actions or response to such violations or
3 noncompliance.

4 **REQUEST FOR PRODUCTION NO. 20:**

5 All videos, visual or audio recordings, body camera footage, or photographs, and all
6 DOCUMENTS and COMMUNICATIONS referring or relating to such videos, visual or audio
7 recordings, body camera footage, or photographs, relating to an encounter, interaction, incident,
8 or dispatch involving a San Francisco Police Department officer involving a HOMELESS
9 PERSON or a person at a HOMELESS ENCAMPMENT, including but not limited to (a) when
10 officers are dispatched to, participate in, or attend a SWEEP OPERATION or HSOC
11 ENCAMPMENT RESOLUTION or (b) when officers conduct enforcement operations, including
12 issuing citations or arrests, pursuant to any legal provisions, including but not limited to California
13 Penal Code § 647(e), California Penal Code § 148(a), California Penal Code § 370, California
14 Penal Code § 372, S.F. Police Code § 97(b), S.F. Police Code §§ 168-169, S.F. Park Code §§ 3.12-
15 3.13, and S. F. Port Code §§ 2.9-2.10.

16 **REQUEST FOR PRODUCTION NO. 21:**

17 Any and all DOCUMENTS and COMMUNICATIONS regarding or relating to the
18 removal, retrieval, storage, destruction, disposal, or damage of an UNHOUSED PERSON's
19 belongings or property by YOUR employees, including but not limited to DPW bag and tag logs,
20 summary logs, and other such records.

21 **REQUEST FOR PRODUCTION NO. 22:**

22 Any and all DOCUMENTS and COMMUNICATIONS referring or relating to alleged,
23 reported, suspected, or confirmed violations of or noncompliance with YOUR "Bag and Tag"
24 Policy (16.05.08) by YOUR employees and the YOUR actions or response to such violations or
25 noncompliance.

26 **REQUEST FOR PRODUCTION NO. 23:**

27 All DOCUMENTS and COMMUNICATIONS documenting any accommodations
28 offered to or made for HOMELESS PERSONS or HOMELESS PERSONS at a HOMELESS

1 ENCAMPMENT who have a disability, including regarding appropriate offers of shelter or
2 additional time to move or collect property.

3 **REQUEST FOR PRODUCTION NO. 24:**

4 All COMMUNICATIONS sent or received by YOU discussing, regarding or related to
5 HOMELESS PERSONS, HOMELESS ENCAMPMENTS, SWEEP OPERATIONS, or HSOC.

6

7 Dated: December 21, 2022

By: /s/ Alfred C. Pfeiffer

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LAWYERS' COMMITTEE FOR CIVIL
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ACLU FOUNDATION OF NORTHERN

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15 UNITED STATES DISTRICT COURT
 16 NORTHERN DISTRICT OF CALIFORNIA
 17

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

21 Plaintiffs,

22 vs.

23 CITY AND COUNTY OF SAN
 24 FRANCISCO, et al.,

25 Defendants.

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

**DECLARATION OF CHARLES “PATRICK”
 HARDIMAN IN SUPPORT OF DEFENDANTS’
 OPPOSITION TO PLAINTIFFS’
 ADMINISTRATIVE MOTION FOR STATUS
 CONFERENCE ON PRELIMINARY
 INJUNCTION NONCOMPLIANCE AND NEED
 FOR MONITORING**

Trial Date: None set.

1 I, Charles Hardiman, declare:

2 1. I have personal knowledge of the matters stated herein, and if called and sworn as a
3 witness could and would competently testify thereto.

4 2. I am currently employed within the Community Paramedicine division of the San
5 Francisco Fire Department (“SFFD”) and serve as the Healthy Streets Operations Center (“HSOC”)
6 Incident Commander. I have held the role of HSOC Incident Commander since January 2022. I have
7 been a firefighter and paramedic since 1995. I have worked for the San Francisco Fire Department
8 (“SFFD”) since 2000. The SFFD Community Paramedicine division provides proactive,
9 compassionate, and respectful care that connects people to appropriate resources for their medical,
10 mental health, and social needs. The SFFD’s Community Paramedicine programs help navigate an
11 often-confusing array of services for those not experienced in obtaining care, including connecting
12 people to housing, primary and mental health care, detox services, and pre-hospital treatment plans.

13 3. The primary role of the Incident Commander is to coordinate between the various
14 agencies that staff an HSOC encampment resolution to facilitate the resolution, and monitor field
15 operations for safety and triaging 911-resource activations within designated operational areas. The
16 Incident Commander acts as a single point of contact between the various agencies, as well as between
17 the HSOC field team and HSOC leadership, during an HSOC encampment resolution.

18 4. For example, the Incident Commander facilitates communication between the
19 Encampment Resolution Team (ERT) and the San Francisco Department of Public Works (DPW)
20 about the status of the individuals in the encampment, including who is accepting shelter, who has left
21 the encampment, who requested which items left behind be bag and tagged, which tents are occupied
22 and by whom, and who needs more time to pack up their belongings. As the Incident Commander, I
23 help ensure that we conduct outreach before any cleaning operations in the encampment, that we place
24 as many people in shelter as we can, and that no ones’ property is improperly discarded inadvertently.

25 5. As the Incident Commander, I was physically present at two of the resolutions at issue
26 in Plaintiff’s administrative motion: (1) Embarcadero at Washington Street and Don Chee Way; and
27 (2) Erie Street.

1 6. I did not observe any unsheltered persons being arrested or cited for any offenses
2 during either of these resolutions. Nor did I observe any threats to arrest or cite any unsheltered
3 persons during these resolutions.

4 7. I have not personally threatened to run warrant checks on any unsheltered persons
5 during these encampment resolutions. Nor do I have the ability as a firefighter or paramedic to run
6 warrant checks. I did not request that SFPD run warrant checks, nor did I observe any other members
7 of the ERT team threaten to run warrant checks on any unsheltered persons during these resolutions.

8 8. As a trained paramedic, part of my function is to offer medical services to those in need
9 during encampment resolutions. Those services range from applying proper bandaging to wounds, to
10 arranging transport to the emergency room. I carry Narcan with me at all times and am able to provide
11 lifesaving services to those suffering from a drug overdose. I have on multiple occasions entered the
12 tent of an unresponsive person and found the occupant of the tent to be deceased.

13 9. I have reviewed the Declaration of Shanna Couper Orono describing the resolution that
14 took place at Erie Street on January 4, 2023. I was physically present at the resolution and recall
15 interacting with a Spanish speaking client. Sam Dodge was present with me during the conversation
16 with that client. We were initially unable to get a response from the occupant of the tent and after
17 several attempts we unzipped the tent to determine if there was an individual inside and if that
18 individual was safe and healthy. The individual in the tent had been asleep and only spoke Spanish.
19 Mr. Dodge speaks Spanish and was able to converse with that client. I never told the client that I did
20 not “speak Mexican.” I immediately summoned the assistance of HOT team member Jorge Morales
21 who is a fluent Spanish speaker. Ms. Orono’s description does not accurately describe my or the
22 ERT’s interactions with that client. I witnessed Mr. Morales have a conversation with that client in
23 Spanish. I am unable to recall specifically what offers of service were made to this individual, but I
24 understood that he declined any offers of service. There were other Spanish speakers present at that
25 resolution and Mr. Morales assisted another Spanish speaking individual named “Miguel” and was
26 able to secure placement for Miguel in a navigation center.

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I declare under penalty of perjury under the laws of the State of California and the United States that the foregoing is true and correct. Executed January 10, 2023 in San Francisco, California.

s/ Charles Hardiman
CHARLES PATRICK HARDIMAN

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15 UNITED STATES DISTRICT COURT
 16 NORTHERN DISTRICT OF CALIFORNIA
 17

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

21 Plaintiffs,

22 vs.

23 CITY AND COUNTY OF SAN
 24 FRANCISCO, et al.,

25 Defendants.

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

**DECLARATION OF DENNIS HOANG IN
 SUPPORT OF DEFENDANTS' OPPOSITION
 TO PLAINTIFFS' ADMINISTRATIVE
 MOTION FOR STATUS CONFERENCE ON
 PRELIMINARY INJUNCTION
 NONCOMPLIANCE AND NEED FOR
 MONITORING**

Trial Date: None set.

1 I, DENNIS HOANG, declare:

2 1. I have personal knowledge of the matters stated herein, and if called and sworn as a
3 witness could and would competently testify thereto.

4 2. I am a Sergeant in the San Francisco Police Department ("SFPD"). I have worked at
5 SFPD for 9 years. When San Francisco's Healthy Streets Operations Center ("HSOC") I applied to
6 and was appointed to be assigned to HSOC. I have been assigned to HSOC since December 2022 to
7 the present. Currently I supervise seven SFPD officers providing support to HSOC, and I report to Lt.
8 Samuel Christ. Police staffing for HSOC has fluctuated since January 2018 and through Covid.

9 3. The primary role of SFPD during HSOC encampment resolutions is to provide security
10 and support to the City workers who are on site. City workers have been threatened with violence
11 during past resolutions and SFPD officers are present for the safety of those workers. The officers
12 who report to me are trained not to interact with the HSOC clients unless it becomes necessary to
13 preserve the physical safety of those present at the resolution. We also assist in protecting outreach
14 workers from oncoming vehicle traffic and close down traffic lanes or alleyways as necessary to assist
15 the outreach teams. When controlling traffic, as a necessary safety measure, officers use the lights on
16 their vehicles. The SFPD officers who assist in encampment resolutions are all assigned full time to
17 HSOC and through that assignment have amassed a great deal of experience dealing with San
18 Francisco's homeless population.

19 4. I have provided training to the officers under my supervision regarding the issuance of
20 the Court's order enjoining the enforcement of the following statutes: California Penal Code section
21 647(e)/ illegal lodging; California Penal Code section 148(a)/resisting or delaying duties of PO;
22 California Penal Code section 370/public nuisance; California Penal Code section 372/ public
23 nuisance; San Francisco Police Code section 168/ sit/lie, or San Francisco Police Code section 169/
24 clear and safe sidewalks. The officers assigned to HSOC have been trained that we are barred from
25 enforcing these statutes or from threatening to enforce them. I have not observed any behavior from
26 SFPD Officers I understand to be a threat to enforce any of the enjoined statutes. Nor have any HSOC
27 officers arrested or cited any unsheltered persons for violations of the above-mentioned statutes since

1 the issuance of the injunction. Nor have they issued any citations or made any arrested of unsheltered
2 persons for any offenses, whether enjoined or not, since the issuance of the court's injunction.

3 5. In addition, I have provided training to the officers under my supervision that we are
4 present at the resolutions to provide supervision and protection to outreach workers and that we should
5 not be engaged in interacting directly with HSOC clients to the extent practically possible, unless PD
6 intervention is specifically requested by outreach workers or is necessary to prevent physical violence.
7 I have trained my staff that we should allow the outreach workers as much space as possible under the
8 circumstances to engage with while still being able to provide for their safety should circumstances
9 evolve.

10 6. I understand that Plaintiffs have raised issue with the following encampment
11 resolutions: 17th Street at Hampshire/Mariposa; Taylor & Eddy; Embarcadero & Washington/Don
12 Chee Way; Erie Street. Based on my review of staffing assignment records, SFPD had four officers in
13 addition to myself on duty and assigned to HSOC on 12/27/2022. There were six officers on duty and
14 assigned to HSOC on January 3, 2023. On January 4, 2023 all seven SFPD Officers assigned to
15 HSOC were on duty. I was also personally on duty on January 4, 2023 and assigned to HSOC. Not
16 all of the officers on duty are present during the resolutions or are present for the entirety of the
17 resolution.

18 7. I reviewed the computer history and determined that SFPD did not run warrant checks
19 on unsheltered individuals who were physically present during the resolutions mentioned in paragraph
20 6 of this declaration. Other departments assigned to HSOC are not able to run warrant checks.

21 8. The SFPD officers assigned to HSOC currently have 5 police vehicles assigned to them
22 for use during resolutions. I am aware that Declarant Shanna Orona claims there were 8 SFPD
23 vehicles present at the Erie alley resolution on January 4, 2023 This claim is not accurate. HSOC
24 simply does not have that many police vehicles assigned. Furthermore, SFPD's practice is to assign
25 the smallest number of officers to a given resolution that we believe can appropriately support the
26 safety of the ERT. There were 4 police vehicles present during the Erie alley resolution.

1 9. SFPD officers assigned to HSOC are trained only to activate their Body Worn Camera
2 (BWC) footage if they take any enforcement action. Because no enforcement action was taken at any
3 of these four resolutions, no SFPD officers activated their cameras and we do not have any BWC
4 footage.

5 10. While I was physically present at the Eddy and Taylor resolution, I watched the
6 observer from the Coalition on Homelessness needing to step into the street multiple times because the
7 right of way was completely obstructed with tents, sleeping bags, and debris from the unhoused
8 residents of that location.

9 I declare under penalty of perjury under the laws of the State of California and the United
10 States that the foregoing is true and correct. Executed January 10, 2023 in San Francisco, California.

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12 s/ Dennis Hoang

13 Sgt. Dennis Hoang
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18 COALITION ON HOMELESSNESS; TORO
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 20 DONOHOE; MOLIQUE FRANK; DAVID
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 NATHANIEL VAUGHN,

21 Plaintiffs,

22 vs.

23 CITY AND COUNTY OF SAN
 24 FRANCISCO, et al.,

25 Defendants.

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

**DECLARATION OF CHRISTOPHER
 MANITSOUDIS IN SUPPORT OF
 DEFENDANTS' OPPOSITION TO
 PLAINTIFFS' ADMINISTRATIVE MOTION
 FOR STATUS CONFERENCE ON
 PRELIMINARY INJUNCTION
 NONCOMPLIANCE AND NEED FOR
 MONITORING**

Trial Date: None set.

1 I, Christopher Manitsoudis, hereby declare:

2 1. I work as an investigator for the San Francisco City Attorney's Office. I have worked
3 for the office for sixteen months. Before working for the office, I worked as an asset protection
4 investigator for four years in San Francisco, California. I submit this declaration in support of San
5 Francisco's Opposition to Plaintiffs' Administrative Motion for Status Conference on Preliminary
6 Injunction Noncompliance and Need for Monitoring. If called as a witness, I could and would testify
7 competently to the matters set forth herein.

8 2. I was present at and observed two of the four encampment resolutions that are the
9 subject of Plaintiffs' motion. On January 3, 2023, I observed the encampment resolution at the
10 Embarcadero, between Washington Street and Don Chee Way. On January 4, 2023, I observed the
11 encampment resolution at Erie Street.

12 **January 3, 2023 -- Embarcadero**

13 3. I was present, observing this encampment resolution from 7:15am to 10:45am.

14 4. Plaintiffs' observer Christin Evans introduced herself to me. Ms. Evans was not
15 present for the entire time of the resolution. She repeatedly returned to her car to tend to her dog and
16 to walk the dog. Ms. Evans left the area in her car around 9:20 a.m.

17 5. I have reviewed Ms. Evans declaration describing this encampment resolution. In
18 paragraph 6 of her declaration, Ms. Evans states that "two SFPD officers arrived in an SFPD vehicle
19 with its lights on." The police vehicle had its yellow lights on, not the blue lights or red lights. The
20 police vehicles were parked along the Embarcadero north of the encampment, not near any of the
21 tents.

22 6. In paragraph 7 of her declaration, Ms. Evans states that "two SFPD officers joined the
23 HOT team in contacting the individuals present at the site." Throughout the entire morning, I never
24 observed any SFPD officer engage with any client present at the site. At all times, the officers
25 maintained distance from the SFHOT workers when they were engaged in outreach.

26 7. Ms. Evans describes Exhibit A to her declaration as "a photograph of the Park Ranger,
27 two SFPD officers, and members of the HOT team congregated around one individual's tent." I am
28 the person on the right of the photograph, wearing the beanie, facing away from the camera. The

1 SFHOT outreach worker engaged the individual in the tent. In the photograph, Officers Peralta and
2 Huerta were greeting the Incident Commander, Captain Hardiman, who in the photograph is obscured
3 behind me. Park Ranger Brown is walking toward Officers Peralta and Huerta and Captain Hardiman.
4 The uniformed employees spoke with each other briefly and continued on their ways. Neither Brown,
5 Peralta, nor Huerta engaged with the SFHOT outreach worker or with the individual in the tent. The
6 individual in the tent accepted a shelter offer that morning, and was later transported to shelter.

7 8. In paragraph 8 of her declaration, Ms. Evans describes a conversation she had with a
8 couple. There was a couple in a tent adjacent to the single individual whose tent is depicted in Exhibit
9 A to Ms. Evans's declaration. After the couple expressed interest in shelter, SFHOT outreach workers
10 advised them to begin organizing their belongings so they could later be transported to shelter. The
11 couple was later transported to shelter.

12 9. In paragraphs 10-11 of her declaration, Ms. Evans describes a tent belonging to Gary.
13 Gary was absent for the entire duration of the resolution.

14 **January 4, 2023 – Erie Street**

15 10. I was present, observing this encampment resolution from 7:15am to 10:40am.

16 11. I have reviewed the declaration of Shanna Couper Orona describing this resolution.
17 There were never eight police vehicles at the resolution. There was a maximum of five, for
18 approximately three minutes, when a unit from Mission Station stopped by briefly.

19 12. Just like at the Embarcadero resolution, SFHOT outreach workers advised clients, if
20 they were interested in shelter, they should begin gathering their belongings so they could be
21 transported later in the morning. Just like at the Embarcadero resolution, I never observed police
22 officers engage with clients. They kept their distance as SFHOT workers conducted outreach.

23 13. I observed Captain Hardiman engage a client who spoke only Spanish, and I also
24 observed Captain Hardiman engage a couple of passers-by who also appeared to speak Spanish.
25 Captain Hardiman summoned the assistance of HOT team member Jorge Morales, who then engaged
26 with them in Spanish. I was within earshot of Captain Hardiman, and I did not hear him say "I don't
27 speak Mexican," or anything similar or derogatory.

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 16 NORTHERN DISTRICT OF CALIFORNIA
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18 COALITION ON HOMELESSNESS; TORO
 19 CASTAÑO; SARAH CRONK; JOSHUA
 20 DONOHOE; MOLIQUE FRANK; DAVID
 MARTINEZ; TERESA SANDOVAL;
 NATHANIEL VAUGHN,

21 Plaintiffs,

22 vs.

23 CITY AND COUNTY OF SAN
 24 FRANCISCO, et al.,

25 Defendants.

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

**DECLARATION OF JORGE MORALES IN
 SUPPORT OF DEFENDANTS' OPPOSITION
 TO PLAINTIFFS' ADMINISTRATIVE
 MOTION FOR STATUS CONFERENCE ON
 PRELIMINARY INJUNCTION
 NONCOMPLIANCE AND NEED FOR
 MONITORING**

Trial Date: None set.

1 I, Jorge Morales, hereby declare:

2 1. I have personal knowledge of the matters stated herein, and if called and sworn as a
3 witness could and would competently testify thereto.

4 2. I am a member of San Francisco's Encampment Resolution Team (ERT). I submit this
5 declaration in support of San Francisco's Opposition to Plaintiffs' Administrative Motion for Status
6 Conference on Preliminary Injunction Noncompliance and Need for Monitoring. If called as a
7 witness, I could and would testify competently to the matters set forth herein.

8 3. I have worked on San Francisco's ERT for 2 years. I have been an SFHOT outreach
9 worker for 3 and a half years.

10 4. I understand that Plaintiffs have raised issue with the following encampment
11 resolutions: 17th Street at Hampshire/Mariposa; Taylor & Eddy; Embarcadero & Washington/Don
12 Chee Way; Erie Street. I worked at all four of these resolutions. I also performed the pre-
13 encampment outreach during the New Year's weekend for the resolutions that occurred on January 3,
14 2023 and January 4, 2023.

15 5. Consistent with HSOC's procedures, on Saturday December 31, 2022, I visited the
16 encampment along the Embarcadero between Washington Street and Don Chee Way. I posted notice
17 of the upcoming resolution, in English and Spanish, on at least 4 palm trees adjacent the encampment.
18 I also visited each tent. If someone was in the tent, I handed the printed notice to them and explained
19 that San Francisco would offer shelter and services at the upcoming resolution. If no one was in the
20 tent, I left a notice on the tent or in the tent.

21 6. I performed outreach services at the December 27, 2022 resolution at 17th Street near
22 Hampshire Street and Mariposa Street. Everyone who wanted shelter that day was placed in shelter.
23 We placed a pregnant woman at the Oasis shelter, for families. Two clients were placed in Navigation
24 Center beds. The SFPD officers who were at the resolution kept a distance of at least ten feet when I
25 was engaging with clients. The officers never spoke to any of the clients.

26 7. I performed outreach services at the December 27, 2022 resolution at Taylor Street,
27 near Eddy Street. Everyone who wanted shelter that day was placed in shelter. The SFPD officers
28 who were at the resolution checked in with me and the other ERT members to ask if we needed them

1 for any reason, and then they returned to their cars. The SFPD officers who were at the resolution kept
2 their distance when I was engaging with clients. The officers never spoke to any of the clients.

3 8. I performed outreach services at the January 3, 2023 resolution at the Embarcadero,
4 between Washington Street and Don Chee Way. Everyone who wanted shelter that day was placed in
5 shelter. The SFPD officers who were at the resolution kept their distance when I was engaging with
6 clients. The officers never spoke to any of the clients.

7 9. I performed outreach services at the January 4, 2023 resolution on Erie Street.
8 Everyone who wanted shelter that day was placed in shelter. The SFPD officers who were at the
9 resolution kept their distance when I was engaging with clients, and generally stayed in their vehicles.
10 The officers never spoke to any of the clients.

11 10. At one point during the Erie Street resolution, Captain, Hardiman, the Incident
12 Commander, asked me to join him because he was engaging a client who was Spanish speaking. I am
13 a native Spanish speaker. I spoke to the individual, who did not volunteer his name, and he declined
14 services. But the client in the adjacent spot on Erie Street, named Migelito, requested shelter, and I
15 personally escorted Miguelito to the Division Navigation Center where he received shelter. I engaged
16 with additional Spanish speaking clients during the January 4, 2023 resolution at Erie Street. I also
17 escorted Ivan, a Spanish speaking client, from Erie Street to the Division Navigation Center that
18 morning.

19 I declare under penalty of perjury under the laws of the United States and the State of
20 California that the foregoing is true and correct. Executed January 10, 2023 in San Francisco,
21 California.

22
23 s/Jorge Morales
24 JORGE MORALES
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27
28

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15 UNITED STATES DISTRICT COURT
 16 NORTHERN DISTRICT OF CALIFORNIA
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18 COALITION ON HOMELESSNESS; TORO
 19 CASTAÑO; SARAH CRONK; JOSHUA
 20 DONOHOE; MOLIQUE FRANK; DAVID
 MARTINEZ; TERESA SANDOVAL;
 NATHANIEL VAUGHN,

21 Plaintiffs,

22 vs.

23 CITY AND COUNTY OF SAN
 24 FRANCISCO, et al.,

25 Defendants.

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

**DECLARATION OF DAVID NAKANISHI IN
 SUPPORT OF DEFENDANTS' OPPOSITION
 TO PLAINTIFFS' ADMINISTRATIVE
 MOTION FOR STATUS CONFERENCE ON
 PRELIMINARY INJUNCTION
 NONCOMPLIANCE AND NEED FOR
 MONITORING**

Trial Date: None set.

Attachments: Exhibits A - B

1 I, David Nakanishi, hereby declare:

2 1. I have personal knowledge of the matters stated herein, and if called and sworn as a
3 witness could and would competently testify thereto. I submitted a previous declaration in this case on
4 November 15, 2022.

5 2. Shortly after I submitted my previous declaration in this case, I was named Director of
6 San Francisco's Healthy Streets Operations Center ("HSOC"). As HSOC Director, my duties include
7 leading an interagency team of seven participating departments to address and resolve complex and
8 unhealthy conditions by focusing on residential placements for people in crisis. HSOC's primary
9 activity is conducting large encampment field operations.

10 3. I was present at HSOC resolutions on December 27, 2022, at 17th Street near
11 Hampshire Street and Mariposa Street; on January 3, 2023, at the Embarcadero near Washington
12 Street and Don Chee Way; and on January 4, 2023, at Erie Street, supervising the work of the ERT. I
13 was not present at the December 27, 2022 resolution at Taylor Street and Eddy Street.

14 **December 27, 2022 – 17th Street**

15 4. I was present at 17th Street and Hampshire on the morning of December 27, 2022, for
16 the entire resolution operation. I spoke with Ms. Friedenbach several times that morning.

17 5. HSOC records show there were ten individuals at that site, plus one tent that appeared
18 abandoned, and one tent that appeared unoccupied. I confirmed with Ms. Friedenbach the abandoned
19 tent belonged to a person who had died, and it should be removed. It had no personal belongings
20 inside.

21 6. The unoccupied tent was littered inside with used syringes, exposed food, a
22 waterlogged mattress and rug. Sam Dodge entered the tent and retrieved a laptop and some clothing
23 from the tent, and those items were bagged and tagged. I spoke with Ms. Friedenbach about how this
24 tent and its items were being addressed. She did not express any concerns.

25 7. During our initial briefing on December 27, 2022, before the resolution outreach had
26 begun, I instructed the Incident Commander to inform clients they should move temporarily to allow
27 cleaning, that they would be allowed back after the cleaning operation was complete, and when they
28 resettled they should avoid blocking the sidewalk.

1 8. The ERT received its shelter allocation that morning at 8:43am. At that time, ERT
2 outreach workers returned to clients who had expressed interest in shelter, and worked with them to
3 make individual shelter linkages. All clients who requested shelter at this 17th Street resolution were
4 linked to shelter. HSOC did not run out of shelter allocations that morning.

5 9. ERT outreach staff and the Incident Commander informed clients that day they should
6 organize their belongings if they were accepting shelter, and that they would have to move temporarily
7 to allow cleaning. In at least one conversation, ERT workers explained it was fine to move up the
8 block and return after the cleaning was done. The transportation team took one client, who had
9 refused shelter, to problem solving at 1138 Howard Street, then brought the client back to the block. I
10 did not hear any ERT staff announce “You need to move” to the clients or any similar directive. That
11 would be contrary to our approach and policy. Attached hereto as **Exhibit A** is a true and correct copy
12 of a photograph of the same block the next day, on December 28, 2022, showing at least some of the
13 clients who did not accept shelter had returned.

14 10. Ms. Friedenbach brought to my attention at least two individuals that morning. Ms.
15 Friedenbach reported to me one person had not spoken to ERT. That person had in fact already been
16 engaged, but I made sure that ERT followed up with that person after the shelter allocation was
17 available. Ms. Friedenbach also brought a couple to my attention, and I made sure ERT followed up
18 also with that couple, who were already known to ERT.

19 11. Michael O’Neil, the HSOC DPH social worker engaged with a third client who had
20 behavioral health needs. Mr. O’Neil connected this client with follow-up services and developed a
21 plan for further engagement.

22 **January 3, 2023 – Embarcadero**

23 12. During our initial briefing on January 3, 2023, before the resolution outreach had
24 begun, I instructed the Incident Commander, the park ranger who was present, and the police detail to
25 inform clients they should move temporarily to allow cleaning, that they would be allowed back after
26 the cleaning operation was complete, and when they resettled they should avoid blocking the sidewalk.

27 13. All clients who requested shelter at this Embarcadero resolution were linked to shelter.
28 HSOC did not run out of shelter allocations that morning.

1 14. When I left the Embarcadero resolution at approximately 10:00am, transportation was
2 underway for those who had accepted shelter, Public Works was concluding its operations, and some
3 tents remained undisturbed.

4 **January 4, 2023 – Erie Street**

5 15. At the Erie Street resolution, there were three SFPD vehicles present. There were four
6 officers and one SFPD sergeant at the resolution. Initially, one of the vehicles had its emergency
7 lights on when it was still dark out, to keep pedestrians safe in the narrow alley during the resolution.

8 16. During our initial briefing on January 4, 2023, before the resolution outreach had
9 begun, I instructed the Incident Commander and the police detail that there was no goal to move
10 people that day even temporarily for cleaning, but we would be offering shelter, asking clients to
11 cooperate so we could clean as much as possible around them, and asking clients to avoid blocking the
12 sidewalks as best they could, recognizing the space constraints on Erie Street. I also reviewed with the
13 police detail they should ensure they don't intimidate clients and they don't cluster around clients.

14 17. SFHOT outreach workers explain that shelter allocations become available around
15 8:30am, and that individuals interested in shelter should organize their belongings so that they will be
16 ready for transportation, which generally comes between 10:00am and 11:00am. All clients who
17 requested shelter at this Erie Street resolution were linked to shelter. HSOC did not run out of shelter
18 allocations that morning.

19 18. I did not hear Captain Hardiman threaten to run names or conduct warrant checks at the
20 Erie Street resolution, or any other time.

21 19. Attached hereto as **Exhibit B** is a true and correct copy of an "after" photograph of the
22 Erie Street resolution, from 10:51 a.m. on January 4, 2023. The photograph shows several tents and
23 shelter structures remaining after the resolution was concluded.

24 I declare under penalty of perjury under the laws of the United States that the foregoing is true
25 and correct. Executed January 10, 2023 in San Francisco, California.

26
27 s/David Nakanishi
28 DAVID NAKANISHI

EXHIBIT A

TO

**DECLARATION OF DAVID NAKANISHI IN SUPPORT OF DEFENDANTS'
OPPOSITION TO PLAINTIFFS' ADMINISTRATIVE MOTION FOR STATUS
CONFERENCE ON PRELIMINARY INJUNCTION NONCOMPLIANCE AND NEED
FOR MONITORING**



EXHIBIT B

TO

**DECLARATION OF DAVID NAKANISHI IN SUPPORT OF DEFENDANTS'
OPPOSITION TO PLAINTIFFS' ADMINISTRATIVE MOTION FOR STATUS
CONFERENCE ON PRELIMINARY INJUNCTION NONCOMPLIANCE AND NEED
FOR MONITORING**



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15 UNITED STATES DISTRICT COURT
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18 COALITION ON HOMELESSNESS; TORO
 19 CASTAÑO; SARAH CRONK; JOSHUA
 20 DONOHOE; MOLIQUE FRANK; DAVID
 MARTINEZ; TERESA SANDOVAL;
 NATHANIEL VAUGHN,

21 Plaintiffs,

22 vs.

23 CITY AND COUNTY OF SAN
 24 FRANCISCO, et al.,

25 Defendants.

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

**DECLARATION OF DANIEL NAZZARETA IN
 SUPPORT OF DEFENDANTS' OPPOSITION
 TO PLAINTIFFS' ADMINISTRATIVE
 MOTION FOR STATUS CONFERENCE ON
 PRELIMINARY INJUNCTION
 NONCOMPLIANCE AND NEED FOR
 MONITORING**

Trial Date: None set.

1 I, DANIEL NAZZARETA, declare:

2 1. I have personal knowledge of the matters stated herein, and if called and sworn as a
3 witness could and would competently testify thereto.

4 2. I am currently employed within the Community Paramedicine division of the San
5 Francisco Fire Department (“SFFD”) and have served as the Healthy Streets Operations Center
6 (“HSOC”) Incident Commander. I am not presently fully assigned to HSOC, but serve as an HSOC
7 Incident Commander on an as needed basis. The SFFD Community Paramedicine division provides
8 proactive, compassionate, and respectful care that connects people to appropriate resources for their
9 medical, mental health, and social needs. The SFFD’s Community Paramedicine programs help
10 navigate an often-confusing array of services for those not experienced in obtaining care, including
11 connecting people to housing, primary and mental health care, detox services, and pre-hospital
12 treatment plans. I am a trained paramedic and have been employed by the SFFD since 2012.

13 3. The primary role of the Incident Commander is to coordinate between the various
14 agencies that staff an HSOC encampment resolution to facilitate the resolution, and monitor field
15 operations for safety and triaging 911-resource activations within designated operational areas. The
16 Incident Commander acts as a single point of contact between the various agencies, as well as between
17 the HSOC field team and HSOC leadership, during an HSOC encampment resolution.

18 4. As a trained paramedic, part of my function is to offer medical services to those in need
19 during encampment resolutions. Those services range from applying proper bandaging to wounds, to
20 arranging transport to the emergency room. I carry Narcan with me at all times and am able to provide
21 lifesaving services to those suffering from a drug overdose.

22 5. As the Incident Commander, I was physically present at the following resolutions at
23 issue in Plaintiff’s administrative motion: 17th Street at Hampshire/Mariposa and Taylor & Eddy.

24 6. I did not observe any unsheltered persons being arrested or cited for any offenses
25 during these resolutions. Nor did I observe any threats to arrest or cite any unsheltered persons during
26 these resolutions.

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15 UNITED STATES DISTRICT COURT
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18 COALITION ON HOMELESSNESS; TORO
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 20 DONOHOE; MOLIQUE FRANK; DAVID
 MARTINEZ; TERESA SANDOVAL;
 NATHANIEL VAUGHN,

21 Plaintiffs,

22 vs.

23 CITY AND COUNTY OF SAN
 24 FRANCISCO, et al.,

25 Defendants.

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

**DECLARATION OF MICHAEL PERALTA IN
 SUPPORT OF DEFENDANTS' OPPOSITION
 TO PLAINTIFFS' ADMINISTRATIVE
 MOTION FOR STATUS CONFERENCE ON
 PRELIMINARY INJUNCTION
 NONCOMPLIANCE AND NEED FOR
 MONITORING**

Trial Date: None set.

1 I, Michael Peralta, declare:

2 1. I have personal knowledge of the matters stated herein, and if called and sworn as a
3 witness could and would competently testify thereto.

4 2. I am an Officer in the San Francisco Police Department ("SFPD"). I have worked at
5 SFPD for 14.5 years. When San Francisco's Healthy Streets Operations Center ("HSOC") started
6 back up, I was asked to join the unit and was reassigned to HSOC. I have been assigned to HSOC
7 since August of 2022 to the present.

8 3. The primary role of SFPD during HSOC encampment resolutions is to provide security
9 and support to the City workers who are on site. City workers have been threatened with violence
10 during past resolutions and SFPD officers are present for the safety of those workers. We also assist in
11 protecting outreach workers from oncoming vehicle traffic and close down traffic lanes or alleyways
12 as necessary to assist the outreach teams. When controlling traffic, as a necessary safety measure,
13 officers use the lights on their vehicles.

14 4. I have been provided training regarding the issuance of the Court's order enjoining the
15 enforcement of the following statutes: California Penal Code section 647(e)/ illegal lodging; California
16 Penal Code section 148(a)(1)/resisting or delaying duties of PO; California Penal Code section
17 370/public nuisance; California Penal Code section 372/ public nuisance; San Francisco Police Code
18 section 168/ sit/lie, or San Francisco Police Code section 169/ clear and safe sidewalks. I have been
19 trained that we are barred from enforcing these statutes or from threatening to enforce them. I have
20 not observed any behavior from SFPD Officers I understand to be a threat to enforce any of the
21 enjoined statutes.

22 5. In addition, I have been provided training that SFPD is not to interact with the HSOC
23 clients to the extent practical unless it becomes necessary to preserve the physical safety of those
24 present at the resolution.

25 6. I understand that Plaintiffs have raised issue with the following encampment
26 resolutions: 17th Street at Hampshire/Mariposa; Taylor & Eddy; Embarcadero & Washington/Don
27 Chee Way; Erie Street. I was physically present at all four of these resolutions.

1 7. No unsheltered persons were cited or arrested for any offenses during any of the
2 resolutions mentioned in paragraph 4 of this declaration. Nor did I observe any threats to arrest or cite
3 any unsheltered persons during the periods of time I was present at these resolutions.

4 8. I did not observe any SFPD officers running warrant checks on individuals present at
5 the resolutions or threatening to run warrant checks. Other departments assigned to HSOC are not
6 able to run warrant checks.

7 9. I am aware that Declarant Shanna Orona claims there were 8 SFPD vehicles present at
8 the Erie alley resolution on January 4, 2023. This claim is not accurate. HSOC simply does not have
9 that many police vehicles assigned. I was present at this resolution. There were four SFPD vehicles
10 present.

11 10. SFPD officers assigned to HSOC are trained only to activate their Body Worn Camera
12 (BWC) footage if they take any enforcement action. Because no enforcement action was taken at any
13 of these four resolutions, no SFPD officers activated their cameras and we do not have any BWC
14 footage. I did not observe any SFPD officers take any enforcement actions at any of these resolutions.

15 11. I have reviewed the declaration of Christin Evans regarding the encampment resolution
16 that took place at the Embarcadero. Ms. Evans describes Exhibit A to her declaration as “a
17 photograph of the Park Ranger, two SFPD officers, and members of the HOT team congregated
18 around one individual’s tent.” I am one of the SFPD Officers pictured in that photograph. The
19 SFHOT outreach worker engaged the individual in the tent. In the photograph I am with Officer
20 Huerta and am greeting the Incident Commander, Lieutenant Hardiman. We were not congregated
21 around an individual’s tent. I do not recall having any interactions with HSOC clients at that site, but I
22 have at times handed out cigarettes to HSOC clients while attempting to de-escalate situations.

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I declare under penalty of perjury under the laws of the United States and the State of California that the foregoing is true and correct. Executed January 10, 2023 in San Francisco, California.

/s/ Michael Peralta

Ofc. Michael Peralta

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13 Attorneys for Defendants
 14 CITY AND COUNTY OF SAN FRANCISCO, et al.

15 UNITED STATES DISTRICT COURT
 16 NORTHERN DISTRICT OF CALIFORNIA
 17

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

21 Plaintiffs,

22 vs.

23 CITY AND COUNTY OF SAN
 24 FRANCISCO, et al.,

25 Defendants.

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

**DECLARATION OF ARIELLE
 PIASTUNOVICH IN SUPPORT OF
 DEFENDANTS' OPPOSITION TO
 PLAINTIFFS' ADMINISTRATIVE MOTION
 FOR STATUS CONFERENCE ON
 PRELIMINARY INJUNCTION
 NONCOMPLIANCE AND NEED FOR
 MONITORING**

Trial Date: None set.

Attachments: Exhibits A - F

1 I, Arielle Piastunovich, hereby declare:

2 1. I have personal knowledge of the matters stated herein, and if called and sworn as a
3 witness could and would competently testify thereto. I previously submitted a declaration in this
4 matter on November 15, 2022.

5 2. I work for the San Francisco Department of Homelessness and Supportive Housing
6 (“HSH”). I currently serve as the Liaison between HSH and San Francisco’s Healthy Streets
7 Operations Center (“HSOC”) (the “HSH/HSOC Liaison”). I have been the HSH/HSOC Liaison since
8 January 2022. As the HSH/HSOC Liaison, my duties include acting as the liaison between HSH and
9 the entities that make up HSOC and coordinating services and placements offered by HSH for people
10 experiencing homelessness, such as shelter placement opportunities.

11 3. Attached hereto as **Exhibit A** and **Exhibit B** are true and correct copies of excerpts
12 from the “client log” for 2022 that I and Yaocheng “Eric” Lei, Administrative Analyst, HSH, maintain
13 to track client engagements and facilitate shelter placement during HSOC operations. Attached hereto
14 as **Exhibit C** and **Exhibit D** are true and correct copies of excerpts from the “client log” for 2023. Eric
15 and I are in communication with the HSOC staff conducting outreach during an operation. The
16 information in the “client logs” is updated during and soon after the close of HSOC operations for the
17 day. Each row of the client logs reflects a client engagement by HSOC. Column A, “Encountered
18 Date,” shows the date of the operation during which the client was engaged. HSOC generally conducts
19 two operations per day, one in the morning beginning at 7 a.m. and one in the afternoon beginning at
20 1:00 p.m.; Column B of the client log, “Shift or Referral,” shows at which operation on a particular
21 date, the morning or afternoon operation, the client was engaged. Column C, “Location,” shows the
22 location of the operation. Column D, “HSOC Staff Initials,” shows the initials of the HSOC staff
23 member who engaged with the client. Column E, “Client First Name,” shows the first name of the
24 client, where provided by the client or otherwise known. Column F, “Client Last Name,” shows the
25 last name of the client, where provided by the client or otherwise known. If the client refuses to
26 engage with HSOC, Column E and Column F would include the notation “Refused.”

27 4. **Exhibit A** is a true and correct copy of an excerpt from the client log for 2022 showing
28 the client engagements at the morning operation on December 27, 2022. When a client refused to

1 engage with HSOC, that is reflected in Column AB, “Engagement Status,” through the notation
2 “Refused to provide info.” When a client was already housed, that is reflected in Column AB,
3 “Engagement Status,” through the notation, “Already in Shelter.” When a client engaged with HSOC,
4 but did not accept an offer of shelter for any reason, for example, because they were not interested in
5 shelter, or they preferred a different shelter than what was offered, or they otherwise declined the
6 shelter offered before they could be transported to the shelter, that is reflected in Column AB,
7 “Engagement Status,” through the notation “Engaged not Referred to Shelter.” When a client accepted
8 an offer of shelter, that is reflected in Column AB, “Engagement Status,” through the notation
9 “Referred to Shelter.” When a client accepted an offer of shelter, the shelter they accepted and to
10 which they were referred is set forth in Column X, “Destination or Program.” Exhibit A has been
11 redacted to remove confidential, private, and personally identifiable information of clients.

12 5. **Exhibit B** is a true and correct copy of an excerpt from the client log for 2022 showing
13 the client engagements at the afternoon operation on December 27, 2022. When a client refused to
14 engage with HSOC, that is reflected in Column AB, “Engagement Status,” through the notation
15 “Refused to provide info.” When a client was already housed, that is reflected in Column AB,
16 “Engagement Status,” through the notation, “Already in Shelter.” When a client engaged with HSOC,
17 but did not accept an offer of shelter for any reason, for example, because they were not interested in
18 shelter, or they preferred a different shelter than what was offered, or they otherwise declined the
19 shelter offered before they could be transported to the shelter, that is reflected in Column AB,
20 “Engagement Status,” through the notation “Engaged not Referred to Shelter.” When a client accepted
21 an offer of shelter, that is reflected in Column AB, “Engagement Status,” through the notation
22 “Referred to Shelter.” When a client accepted an offer of shelter, the shelter they accepted and to
23 which they were referred is set forth in Column X, “Destination or Program.” Exhibit B has been
24 redacted to remove confidential, private, and personally identifiable information of clients.

25 6. **Exhibit C** is a true and correct copy of an excerpt from the client log for 2023 showing
26 the client engagements at the morning operation on January 3, 2023. When a client was already
27 housed, that is reflected in Column AC, “Engagement Status,” through the notation, “Already in
28 Shelter.” When a client engaged with HSOC, but did not accept an offer of shelter for any reason, for

1 example, because they were not interested in shelter, or they preferred a different shelter than what
2 was offered, or they otherwise declined the shelter offered before they could be transported to the
3 shelter, that is reflected in Column AC, "Engagement Status," through the notation "Engaged not
4 Referred." When a client accepted an offer of shelter, that is reflected in Column AC, "Engagement
5 Status," through the notation "Referred to Shelter." When a client accepted an offer of shelter, the
6 shelter they accepted and to which they were referred is set forth in Column Y, "Destination or
7 Program." Exhibit C has been redacted to remove confidential, private, and personally identifiable
8 information of clients.

9 7. **Exhibit D** is a true and correct copy of an excerpt from the client log for 2023 showing
10 the client engagements at the morning operation on January 4, 2023. When a client was already
11 housed, that is reflected in Column AC, "Engagement Status," through the notation, "Already in
12 Shelter." When a client engaged with HSOC, but did not accept an offer of shelter for any reason, for
13 example, because they were not interested in shelter, or they preferred a different shelter than what
14 was offered, or they otherwise declined the shelter offered before they could be transported to the
15 shelter, that is reflected in Column AC, "Engagement Status," through the notation "Engaged not
16 Referred." When a client accepted an offer of shelter, that is reflected in Column AC, "Engagement
17 Status," through the notation "Referred to Shelter." When a client accepted an offer of shelter, the
18 shelter they accepted and to which they were referred is set forth in Column Y, "Destination or
19 Program." Exhibit D has been redacted to remove confidential, private, and personally identifiable
20 information of clients.

21 8. Attached hereto as **Exhibit E** is a chart summarizing some of the information in
22 Exhibits A, B, C, and D. Exhibit E shows the number of clients engaged at each HSOC operation; the
23 number of clients who refused to engage with HSOC at each operation; the number of clients who
24 engaged with HSOC, but did not accept an offer of shelter; the number of clients who were already
25 sheltered; and the number of clients who accepted an offer of shelter. Exhibit E also shows HSOC's
26 shelter allocation for the day of each of the operations at issue in Exhibit A, B, C, and D.

27 9. In addition to the specific operations reflected in Exhibits A, B, C, and D, I have
28 reviewed the client logs from 2022 and 2023 for all client engagements by HSOC since December 23,

1 2022, *i.e.*, from December 24, 2022 through January 6, 2023. The client logs show that during that
2 time, HSOC engaged 112 individuals during HSOC operations, as well as 3 additional individuals
3 through community referrals. Of those 115 individuals, HSOC placed 56 individuals in shelter. HSOC
4 also assisted 2 additional individuals with a referral to the Oasis shelter (which is not one of the
5 shelters to which HSOC can directly place clients, and which is not part of HSOC's shelter allocation.)
6 Of the 115 individuals engaged by HSOC, 19 of them refused to engage with HSOC at all and 7 of
7 them were already sheltered. Attached hereto as **Exhibit F** is a chart summarizing some of the
8 information from the client logs for 2022 and 2023 covering HSOC operations from December 24,
9 2022 through January 6, 2023.

10 I declare under penalty of perjury under the laws of the United States and the State of
11 California that the foregoing is true and correct. Executed January 10, 2023 in San Francisco,
12 California.

13
14 /s/ Arielle Piastunovich

15 ARIELLE PIASTUNOVICH
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EXHIBIT A

TO

**DECLARATION OF ARIELLE PIASTUNOVICH IN SUPPORT OF DEFENDANTS'
OPPOSITION TO PLAINTIFFS' ADMINISTRATIVE MOTION FOR STATUS
CONFERENCE ON PRELIMINARY INJUNCTION NONCOMPLIANCE AND NEED
FOR MONITORING**

	A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P	Q	R	S	T	U	V	W	X	Y	Z	AA	AB	AC	AD	AE	AF	AG	
3	Encountered Date	Shift or Referral	Location (address, park, intersection, etc.)	HSDC Staff Initials	Client First Name	Client Last Name (or refusal)	Date of Birth	Last 4 SSN	Reason for Refusal	Desired Destination	With Partner?	If Partnered, indicate initials	Gender Identity	Physical Disability	Type of Disability	Number of Pets	Number of Bikes	Number of Bags	Follow-Up Required?	Follow-Up Needed	Notes	In ONE?	Housed?	Destination or Program	Transport Method	Transport Confirmed?	Site Informed?	Engagement Status	RTZ Entered?	HSH Notes	DPH Service Post-HSDC Resolution, 3 month window	DPH Notes	Neighborhood /District	
	12/27/22	Morning	17th and Hampshire	NM	Refused	Refused			Refusing Service/ Will not Engage	Will not engage/unkno w/.												Unknown	Unknown					Refused to provide info					Mission	
	12/27/22	Morning	17th and Hampshire	AB	REDA	RED	REDA	RE	Shelter	Will not engage/unkno w/.	No											Yes	No	E - Division Circle Nav	HSH Transport Team	Yes	Yes	Referred to Shelter					Mission	
	12/27/22	Morning	17th and Hampshire	NM	Refused	Refused			Refusing Service/ Will not Engage	Will not engage/unkno w/.												Unknown	Unknown					Refused to provide info					Mission	
	12/27/22	Morning	17th and Hampshire	PR	Refused	Refused			Refusing Service/ Will not Engage	Will not engage/unkno w/.												Unknown	Unknown					Refused to provide info					Mission	
	12/27/22	Morning	17th and Hampshire	PR	Refused	Refused			Refusing Service/ Will not Engage	Will not engage/unkno w/.												Unknown	Unknown					Refused to provide info					Mission	
	12/27/22	Morning	17th and Hampshire	AB	Refusal	Refusal	Refusal		Refusing Service/ Will not Engage	Client states they are housed/shelte												Unknown	Yes					Already in Shelter					Mission	
	12/27/22	Morning	17th and Hampshire	AB	Refusal	Refusal	Refusal		Refusing Service/ Will not Engage	Client states they are housed/shelte												Unknown	Yes					Already in Shelter					Mission	
	12/27/22	Morning	17th and Hampshire	NM	RE	RE	REDA	RE	Shelter	Client states they are housed/shelte	No											Yes	No	Central Water Front	HSH Transport Team	Yes	Yes	Referred to Shelter					Mission	
	12/27/22	Morning	17th and Hampshire	PR	REDA	RED	REDA	RE	Shelter	Client states they are housed/shelte	Yes										Client is interested in shelter	Yes	No	Other Program	HSH Transport Team	Yes	Yes	Engaged not Referred to Shelter	Couple referred to the oasis					Mission
	12/27/22	Morning	17th and Hampshire	PR	REDA	RED	REDA	RE	Shelter	Client states they are housed/shelte	Yes										Client is interested in shelter	Yes	No	Other Program	HSH Transport Team	Yes	Yes	Engaged not Referred to Shelter	Couple referred to the oasis					Mission

EXHIBIT B

TO

**DECLARATION OF ARIELLE PIASTUNOVICH IN SUPPORT OF DEFENDANTS'
OPPOSITION TO PLAINTIFFS' ADMINISTRATIVE MOTION FOR STATUS
CONFERENCE ON PRELIMINARY INJUNCTION NONCOMPLIANCE AND NEED
FOR MONITORING**

	A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P	Q	R	S	T	U	V	W	X	Y	Z	AA	AB	AC	AD	AE	AF	AG
3	Encountered Date	Shift or Referral	Location (address, park, intersection, etc.)	HSDC Staff Initials	Client First Name	Client Last Name (or refusal)	Date of Birth	Last 4 SSN	Reason for Refusal	Desired Destination	With Partner?	If Partnered, indicate initials	Gender Identity	Physical Disability	Type of Disability	Number of Pets	Number of Bikes	Number of Bags	Follow-Up Required?	Follow-Up Needed	Notes	In ONE?	Housed?	Destination or Program	Transport Method	Transport Confirmed?	Site Informed?	Engagement Status	RTZ Entered?	HSH Notes	DPH Service Post-HSDC Resolution, 3 month window	DPH Notes	Neighborhood /District
3487	12/27/22	afternoon	Eddy and Taylor	JM	REDACTED	REDACTED	REDACTED	REDACTED	Shelter		No					0	0	2	No			Yes	No	E - Division Circle Nav	HSH Transport Team	Yes	Yes	Referred to Shelter					Tenderloin
3488	12/27/22	afternoon	Eddy and Taylor	AB	REDACTED	REDACTED	REDACTED	REDACTED	Shelter		No					0	0	2	No			Yes	No	R - Bayshore Nav	HSH Transport Team	Yes	Yes	Referred to Shelter					Tenderloin
3489	12/27/22	afternoon	Eddy and Taylor	NM	REDACTED	REDACTED	REDACTED	REDACTED	Shelter		No					0	0	2	No			Yes	No					Engaged not Referred to Shelter					Tenderloin
3490	12/27/22	afternoon	Eddy and Taylor	PR	REDACTED	REDACTED	REDACTED	REDACTED	Shelter		No					0	0	2	No		Client requested a shelter	Yes	No	Central Water Front	HSH Transport Team	Yes	Yes	Referred to Shelter					Tenderloin
3491	12/27/22	afternoon	Eddy and Taylor	PR	REDACTED	REDACTED	REDACTED	REDACTED	Shelter		No					0	0	2	No		Client requested a shelter bed	Yes	No	AB - Sanctuary	HSH Transport Team	Yes	Yes	Referred to Shelter					Tenderloin
3492	12/27/22	afternoon	Eddy and Taylor	JM	REDACTED	REDACTED	REDACTED	REDACTED	Shelter		No					0	1	2	No			Yes	No					Engaged not Referred to Shelter					Tenderloin
3493	12/27/22	afternoon	Eddy and Taylor	AB	REDACTED	REDACTED	REDACTED	REDACTED	Shelter		No					0	0	2	No			Yes	No	E - Division Circle Nav	HSH Transport Team	Yes	Yes	Referred to Shelter					Tenderloin
3494	12/27/22	afternoon	Eddy and Taylor	NM	REDACTED	REDACTED	REDACTED	REDACTED	Shelter		No					0	0	1	No			Yes	No	AB - Sanctuary	HSH Transport Team	Yes	Yes	Referred to Shelter					Tenderloin

EXHIBIT C

TO

**DECLARATION OF ARIELLE PIASTUNOVICH IN SUPPORT OF DEFENDANTS'
OPPOSITION TO PLAINTIFFS' ADMINISTRATIVE MOTION FOR STATUS
CONFERENCE ON PRELIMINARY INJUNCTION NONCOMPLIANCE AND NEED
FOR MONITORING**

A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P	Q	R	S	T	U	V	W	X	Y	Z	AA	AB	AC	AD	AE	AF	
Encountered Date	Shift or Referral	Location (address, park, intersection, etc.)	Staff Initials	Client First Name	Client Last Name	Nickname	Date of Birth	Last 4 SSN	Desired Destination	Reason for Refusal	With Partner?	If Partnered, indicate initials	Gender Identity	Physical Disability	Type of Disability	Number of Pets	Number of Bikes	Number of Bags	Follow-Up Required?	Follow-Up Needed	Notes	In ONE?	Housed?	Destination or Program	Transport Method	Transport Confirmed?	Site Informed?	Engagement Status	RTZ Entered?	HSH Notes	Neighborhood /District	
3																																
4	01/03/23	Morning	Embarcadero and Washington	AB	REDA	REDA		REDA	RE	Shelter	Yes	RE				0	0	2	No			Yes	No	P - 711 Post	HSH Transport Team	Yes	Yes	Referred to Shelter			Financial District	
5	01/03/23	Morning	Embarcadero and Washington	NM	REDA	REDA		REDA	RE	Shelter	Yes	RE				0	0	2	No			Yes	No	P - 711 Post	HSH Transport Team	Yes	Yes	Referred to Shelter			Financial District	
6	01/03/23	Morning	Embarcadero and Washington	NM	REDA	REDA		REDA	RE	Shelter	No					0	0	2	No			Yes	No					Already in Shelter		Active at Site H - Embarcadero	Financial District	
7	01/03/23	Morning	Embarcadero and Washington	NM	REDA	REDA		REDA	RE	Shelter	No					0	1	2	No			Yes	No	VO4 - South Van Ness Safe Sleep H - Embarcadero Nav	HSH Transport Team	Yes	Yes	Referred to Shelter			Financial District	
8	01/03/23	Morning	Embarcadero and Washington	NM	REDA	REDA		REDA	RE	Shelter	Yes	RE				0	2	2	No			Yes	No	H - Embarcadero Nav	HSH Transport Team	Yes	Yes	Referred to Shelter			Financial District	
9	01/03/23	Morning	Embarcadero and Washington	NM	REDA	REDA		REDA	RE	Shelter	Yes	RE				0	0	1	No			Yes	No					Engaged not Referred			Financial District	
10	01/03/23	Morning	Embarcadero and Washington	NM	REDA	REDA		REDA	RE	Shelter	No					0	1	2	No			Yes	No					Engaged not Referred			Financial District	
11	01/03/23	Morning	Green and Embarcadero	A	REDA	REDA		REDA	RE	Refusing Service	Client states they are already					0	1	2	No			Yes	Yes					Already in Shelter		Active at Site H - Embarcadero	Financial District	
12	01/03/23	Morning	Embarcadero and Washington	AB	REDA	REDA		REDA	RE	Shelter	No					0	1	2	No			Yes	No	H - Embarcadero Nav	HSH Transport Team	Yes	Yes	Referred to Shelter			Financial District	
13	01/03/23	Morning	Embarcadero and Washington	NM	REDA	REDA		REDA	RE	Shelter	No					0	0	0	No			Yes	No	H - Embarcadero Nav	HSH Transport Team	Yes	Yes	Referred to Shelter			Financial District	

EXHIBIT D

TO

**DECLARATION OF ARIELLE PIASTUNOVICH IN SUPPORT OF DEFENDANTS'
OPPOSITION TO PLAINTIFFS' ADMINISTRATIVE MOTION FOR STATUS
CONFERENCE ON PRELIMINARY INJUNCTION NONCOMPLIANCE AND NEED
FOR MONITORING**

A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P	Q	R	S	T	U	V	W	X	Y	Z	AA	AB	AC	AD	AE	AF	
Encountered Date	Shift or Referral	Location (address, park, intersection, etc.)	Staff Initials	Client First Name	Client Last Name	Nickname	Date of Birth	Last 4 SSN	Desired Destination	Reason for Refusal	With Partner?	If Partnered, Indicate Initials	Gender Identity	Physical Disability	Type of Disability	Number of Pets	Number of Bikes	Number of Bags	Follow-Up Required?	Follow-Up Needed	Notes	In ONE?	Housed?	Destination or Program	Transport Method	Transport Confirmed?	Site Informed?	Engagement Status	RTZ Entered?	HSH Notes	Neighborhood /District	
3																																
19	01/04/23	Morning	Erie and SVN	WM	REDACTED	REDACTED	REDACTED	REDACTED	Shelter		No					0	0	2	No			Yes	No	E - Division Circle Nav	HSH Transport Team	Yes	Yes	Referred to Shelter			SOMA	
20	01/04/23	Morning	Erie and SVN	JM	REDACTED	REDACTED	REDACTED	REDACTED	Shelter		No					0	1	2	No			No	Unknown					Engaged not Referred			SOMA	
21	01/04/23	Morning	Erie and Folsom	WM	REDACTED	REDACTED	REDACTED	REDACTED	RE	Shelter	No					0	0	0	No			Yes	No	Bayview Navigation Center	HSH Transport Team	Yes	Yes	Referred to Shelter			SOMA	
22	01/04/23	Morning	Erie and Folsom	PR	REDACTED	REDACTED	REDACTED	REDACTED	Shelter		Yes					0	0	2	No		Client requested a shelter bed	Yes	No					Engaged not Referred			SOMA	
23	01/04/23	Morning	Erie and SVN	JM	REDACTED	REDACTED	REDACTED	REDACTED	Shelter		Yes					0	0	3	No			Yes	No					Engaged not Referred			SOMA	
24	01/04/23	Morning	Erie and Folsom	Ab	REDACTED	REDACTED	REDACTED	REDACTED	RE	Shelter	No					0	0	2	No			Yes	No	E - Division Circle Nav	HSH Transport Team	Yes	Yes	Referred to Shelter			SOMA	
25	01/04/23	Morning	Erie and Folsom	NM	REDACTED	REDACTED	REDACTED	REDACTED	RE	Shelter	No					0	0	2	No			Yes	No	P - 711 Post	HSH Transport Team	Yes	Yes	Referred to Shelter			SOMA	
26	01/04/23	Morning	Erie and SVN	JM	REDACTED	REDACTED	REDACTED	REDACTED	Shelter		No					0	0	0	No			Yes	No	E - Division Circle Nav	HSH Transport Team	Yes	Yes	Referred to Shelter			SOMA	

EXHIBIT E

TO

**DECLARATION OF ARIELLE PIASTUNOVICH IN SUPPORT OF DEFENDANTS'
OPPOSITION TO PLAINTIFFS' ADMINISTRATIVE MOTION FOR STATUS
CONFERENCE ON PRELIMINARY INJUNCTION NONCOMPLIANCE AND NEED
FOR MONITORING**

	12/27/22 (AM) 17th & Hampshire	12/27/22 (PM) Eddy & Taylor	1/3/23 (AM) Embarcadero & Washington	1/4/23 (AM) Eerie & Van Ness
Client engagements	10	8	10	8
Clients refusing to provide information	4	0	0	0
Clients engaged but not sheltered	2*	2	2	3
Clients already sheltered	2	0	2	0
Shelter placements	2	6	6	5
HSOC shelter allocation	8		10 (AM & PM)	11 (AM & PM)

* Two individuals were referred and transported to the Oasis, a family shelter, with the assistance of HSOC staff. The Oasis is not one of the shelters to which HSOC can directly place clients. The Oasis is not part of the shelter allocations to HSOC.

EXHIBIT F

TO

**DECLARATION OF ARIELLE PIASTUNOVICH IN SUPPORT OF DEFENDANTS'
OPPOSITION TO PLAINTIFFS' ADMINISTRATIVE MOTION FOR STATUS
CONFERENCE ON PRELIMINARY INJUNCTION NONCOMPLIANCE AND NEED
FOR MONITORING**

	12/27/22	12/28/22	12/29/22	12/30/22	1/3/23	1/4/23	1/5/23	1/6/23	Total
Client engagements	18	8	18	5	15	16 [†]	23	12 [#]	115 ^{† #}
Clients refusing to provide information	4	0	5	3	0	0	2	5	19
Clients engaged but not sheltered	4 [*]	3	7	2	3	3	9	2	33 [*]
Clients already sheltered	2	0	0	0	2	1	1	1	7
Shelter placements	8	5	6	0	10	12 [†]	11	4 [#]	56 ^{† #}
HSOC shelter allocation	8	8	8	7	10	11	12	5	69

* Two individuals were referred and transported to the Oasis, a family shelter, with the assistance of HSOC staff. The Oasis is not one of the shelters to which HSOC can directly place clients. The Oasis is not part of the shelter allocations to HSOC.

† One individual was engaged by HSOC and referred to a hotel, through a community referral; not at an HSOC operation. The hotel is not part of the shelter allocations to HSOC.

Two individuals were engaged and placed in shelter by HSOC through community referrals; not at an HSOC operation.

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15 UNITED STATES DISTRICT COURT
 16 NORTHERN DISTRICT OF CALIFORNIA
 17

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

21 Plaintiffs,

22 vs.

23 CITY AND COUNTY OF SAN
 24 FRANCISCO, et al.,

25 Defendants.

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

**DECLARATION OF NOELLE SIMMONS IN
 SUPPORT OF DEFENDANTS' OPPOSITION
 TO PLAINTIFFS' ADMINISTRATIVE
 MOTION FOR STATUS CONFERENCE ON
 PRELIMINARY INJUNCTION
 NONCOMPLIANCE AND NEED FOR
 MONITORING**

Trial Date: None set.

1 I, Noelle Simmons, hereby declare:

2 1. I have personal knowledge of the matters stated herein, and if called and sworn as a
3 witness could and would competently testify thereto.

4 2. I am the Chief Deputy Director at the San Francisco Department of Homelessness and
5 Supportive Housing (HSH). In this capacity, I provide executive leadership and oversight to all
6 aspects of the department's operations and directly supervise the Deputy Director for Programs, whose
7 span of control includes shelter operations. I have held this position since May 2021.

8 3. Prior to transitioning to HSH, I was the Deputy Director over the Economic Support
9 and Self-Sufficiency Division at the San Francisco Human Services Agency (HSA) from 2015 to
10 2021, and the Deputy Director for Policy & Planning at HSA from 2007 to 2015. From 2015 to 2016, I
11 oversaw HSA's housing and homeless programs, which later migrated to HSH.

12 4. HSH manages San Francisco's homelessness response system, including temporary
13 shelter and crisis intervention programs, which provide places for people to stay while accessing other
14 services and seeking housing solutions. Outreach and placement by the Healthy Streets Operations
15 Center (HSOC) is not the only way for people experiencing homelessness to access San Francisco
16 shelter resources.

17 5. HSH's data shows that from December 24, 2022 through January 6, 2023, 410 unique
18 guests were placed in shelter, and 3 unique guests were placed in crisis interventions sites. This
19 includes but is not limited to shelter placements made through HSOC. This does not include any short-
20 term placements into inclement weather shelters/seasonal beds, or clients who were referred to shelter
21 but who were indicated to have no-showed or otherwise not had a successful placement.

22 6. HSH's data shows that on December 27, 2022, 43 unique guests were placed in shelter.

23 7. HSH's data shows that on January 3, 2023, 46 unique guests were placed in shelter.

24 8. HSH's data shows that on January 4, 2023, 50 unique guests were placed in shelter.

25 I declare under penalty of perjury under the laws of the United States and the State of

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1 California that the foregoing is true and correct. Executed January 10, 2023 in San Francisco,
2 California.

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NOELLE SIMMONS

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 12 CITY AND COUNTY OF SAN FRANCISCO, et al.

13 UNITED STATES DISTRICT COURT
 14 NORTHERN DISTRICT OF CALIFORNIA

15 COALITION ON HOMELESSNESS; TORO
 16 CASTAÑO; SARAH CRONK; JOSHUA
 17 DONOHOE; MOLIQUE FRANK; DAVID
 MARTINEZ; TERESA SANDOVAL;
 NATHANIEL VAUGHN,

18 Plaintiffs,

19 vs.

20 CITY AND COUNTY OF SAN
 21 FRANCISCO; SAN FRANCISCO POLICE
 DEPARTMENT; SAN FRANCISCO
 22 DEPARTMENT OF PUBLIC WORKS; SAN
 FRANCISCO DEPARTMENT OF
 23 HOMELESSNESS AND SUPPORTIVE
 HOUSING; SAN FRANCISCO FIRE
 24 DEPARTMENT; SAN FRANCISCO
 DEPARTMENT OF EMERGENCY
 25 MANAGEMENT; LONDON BREED, in her
 official capacity as Mayor; and SAM DODGE,
 26 in his official capacity as Director of the
 Healthy Streets Operation Center (HSOC),

27 Defendants.

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

**[PROPOSED] ORDER GRANTING IN PART
 AND DENYING IN PART PLAINTIFFS’
 ADMINISTRATIVE MOTION FOR STATUS
 CONFERENCE ON PRELIMINARY
 INJUNCTION NONCOMPLIANCE AND NEED
 FOR MONITORING**

1 Good cause appearing therefore, IT IS ORDERED THAT:

2 Plaintiffs' Administrative Motion for Status Conference on Preliminary Injunction

3 Noncompliance and Need for Monitoring (Dkt #75) is DENIED.

4
5 IT IS SO ORDERED.

6 Dated: _____

7 _____
8 The Honorable Donna M. Ryu
9 Magistrate Judge, United States District Court

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 25 official capacity as Mayor; and SAM DODGE,
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**[PROPOSED] ORDER DENYING
 PLAINTIFFS' ADMINISTRATIVE MOTION
 FOR STATUS CONFERENCE ON
 PRELIMINARY INJUNCTION
 NONCOMPLIANCE AND NEED FOR
 MONITORING**

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Good cause appearing therefore, IT IS ORDERED THAT:

Plaintiffs' Administrative Motion for Status Conference on Preliminary Injunction
Noncompliance and Need for Monitoring (Dkt #75) is DENIED.

IT IS SO ORDERED.

Dated: _____

The Honorable Donna M. Ryu
Magistrate Judge, United States District Court