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

26 COALITION ON HOMELESSNESS, et al.,

27 Plaintiffs.  
28 v.

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

Defendants.

CASE NO. 4:22-cv-05502-DMR

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

29

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1 **I. Introduction**

2 San Francisco’s unhoused residents are currently at great risk from the atmospheric river  
3 pummeling Northern California. Yet Defendants continue to sweep encampments in violation of  
4 this Court’s injunction. Plaintiffs seek to address Defendants’ noncompliance with the Preliminary  
5 Injunction and the urgent need for monitoring at the January 12, 2023 status conference or at the  
6 Court’s earliest convenience.<sup>1</sup>

7 **II. History and Likelihood of Noncompliance**

8 On December 23, 2023, the Court enjoined Defendants “from enforcing or threatening to  
9 enforce” enumerated “laws and ordinances to prohibit involuntarily homeless individuals from  
10 sitting, lying, or sleeping on public property” and from violating Defendants’ “bag and tag policy.”  
11 Order, Dkt. # 65, at 50. Despite this, Plaintiffs have witnessed Defendants’ increasingly cavalier  
12 treatment of the Order at four HSOC operations since then. Friedenbach 2nd Supp. Decl.  
13 (describing Dec. 27, 2022 7am sweep); James 2nd Supp. Decl. (describing Dec. 27, 2022 1pm  
14 sweep); Evans 2nd Supp. Decl. (describing Jan 3, 2023 sweep); Orona Supp. Decl. (describing  
15 Jan. 4, 2023 sweep).

16 Defendants have continued engaging in sweep operations, ordering unhoused people to  
17 move, and putting their belongings at risk. SFPD is still among the first to arrive. Friedenbach 2nd  
18 Supp. Decl. ¶ 7; Evans 2nd Supp. Decl. ¶ 6; James 2nd Supp. Decl. ¶ 6; Orona Supp. Decl. ¶ 6.  
19 Defendants are disturbing unhoused people, often as they sleep, and commanding them to pack up  
20 and leave with heavy police presence. Friedenbach 2nd Supp. Decl. ¶ 8 (“you need to move!”);  
21 James 2<sup>nd</sup> Supp. Decl. ¶¶ 6-7; Evans 2nd Supp. Decl. ¶¶ 3-4; Orona Supp. Decl. ¶¶ 7-9. At one  
22 recent sweep, an unhoused person noted “they are saying they are going to take all of our stuff and  
23 make us move” and expressed, “until they have a decent place for us to live, tell them to leave us  
24 alone.” James 2nd Supp. Decl. ¶ 7. With SFPD present, the City has threatened unhoused people  
25 with warrant checks unless they depart and warned that the City would discard their belongings in  
26 violation of the bag and tag policy. Orona Supp. Decl. ¶ 9. During one sweep between rainstorms,

27 \_\_\_\_\_  
28 <sup>1</sup> The parties have extensively met and conferred on compliance with the preliminary injunction  
and need for additional monitoring but have reached an impasse. Do Decl. ¶¶ 3-7.

1 Defendants wrongly declared a usable tent abandoned and only intervention by one of Plaintiffs’  
 2 volunteers prevented its destruction. Evans 2nd Supp. Decl. ¶¶ 10-11. Individuals also experienced  
 3 other forms of hostility, including racist remarks from Defendants. Orona Supp. Decl. ¶ 8 (SFFD  
 4 telling Spanish speakers “I don’t speak Mexican!”).

5 These threats come without real shelter offers because the system is full and effectively  
 6 closed. Evans 2nd Supp. Decl. ¶¶ 8; James 2nd Supp. Decl. ¶¶ 7, 9; Friedenbach 2nd Supp. Decl.  
 7 ¶¶ 4, 8-10. According to one unhoused person: “They always do the same thing, say they have  
 8 something then it turns out to be nowhere for us to stay.” Friedenbach 2nd Supp. Decl. ¶ 9. By  
 9 proceeding with business as usual, Defendants have failed to take reasonable steps to comply with  
 10 the Order.

11 Defendants have refused to explain how they intend to comply with the Court’s Order. Do  
 12 Decl. Ex. 1, at 3-4 Do Decl. Ex. 3, at 4-5. Upon being confronted with Plaintiffs’ concerns,  
 13 Defendants largely did not contest the above descriptions. Do Decl. Ex. 1, at 4-5 (confirming that  
 14 any Defendant, including SFPD, is free to make a request to move and that such requests occur  
 15 before shelter availability is known). The City has ignored Plaintiffs’ request that survival gear not  
 16 be confiscated during this dangerous storm. Do Decl. ¶ 6, Ex. 4. Changing, post hoc justifications  
 17 of the operations are given. Defendants first contended that there are “no threat[s] of enforcement  
 18 of sit/lie/sleep laws, or of any other laws,” but later asserted the City is addressing nuisance.  
 19 *Compare* Do Decl. Ex. 2, at 2 *with* Do Decl. Ex. 1, at 5; *but see* Order, Dkt. # 65, at 31, 50  
 20 (enjoining two nuisance laws),<sup>2</sup> And then at one sweep, people were told the streets needed to be  
 21 power washed, despite the heavy rains. Orona Supp. Decl. ¶ 6. Ultimately, Defendants argue that  
 22 any orders given by City staff are merely voluntary and temporary requests. Do Decl. Ex. 1 at 4;  
 23 Do Decl. Ex. 2, at 2. The suggestion that forcibly waking people up, standing over them, and  
 24 yelling at them to move, is not an enforcement threat, flies in the face of common sense and should  
 25 be precluded. Nor is there any indication that moving is voluntary or temporary. Friedenbach 2nd  
 26

27 <sup>2</sup> In meeting and conferring on Defendants’ motion for “clarification,” Defendants have also  
 28 represented that they would treat the Court’s Order as prohibiting threatened enforcement “as long  
 as there are more homeless individuals in San Francisco than there are shelter beds available,” but  
 this is also inconsistent with Defendants actions.



1 Supp. Decl. ¶¶ 8-9; James 2nd Supp. Decl. ¶¶ 7-8; Evans 2nd Supp. Decl. ¶¶ 8-9; Orona Supp.  
 2 Decl. ¶¶ 7-9. The City is still issuing notices that instruct people to not return, and unhoused  
 3 people, who have been subject to past mandatory sweeps, reasonably understood these to be  
 4 enforcement. Friedenbach 2nd Supp. Decl. ¶ 9; Evans 2nd Supp. Decl. ¶ 5.

5 The current violations during a period of life-threatening weather are consistent with  
 6 Defendants’ past noncompliance with constitutional strictures and other court orders. Plaintiffs  
 7 have documented over a hundred instances of noncompliance with the Eighth and Fourth  
 8 Amendments. Reply, Dkt. # 48, at 3:16-22. Even when Plaintiffs had notice and opportunity to  
 9 observe HSOC operations during the pendency of the preliminary injunction briefing, violations  
 10 persisted. *See* Reply, Dkt. # 48 at 5:1-10. Defendants have also resisted other court orders, like  
 11 failing to provide required monitoring data to Plaintiffs. Do Decl. Ex. 5 (email thread containing  
 12 Defendants’ refusal to provide notice based on a tortured definition of “planned homeless  
 13 encampment resolutions” and omitting critical time, and location information).

### 14 **III. Categories of Monitoring Needed**

15 In light of the above history and likelihood of noncompliance, the Court is empowered to  
 16 mandate priority discovery, compliance reports, and a special master, without which it will be  
 17 extremely difficult to verify Defendants’ compliance with the Court’s preliminary injunction.

#### 18 **A. Disclosures**

19 “Limited but regular document production is needed ... to ensure that Defendants comply  
 20 with the requirements of the Preliminary Injunction...[when] the Court... [has]...virtually no  
 21 information beyond conclusory assurances.” *Fraihat v. U.S. Immigr. & Customs Enft*, No.  
 22 EDCV191546JGBSHKX, 2020 WL 2758553, at \*4 (C.D. Cal. May 15, 2020).<sup>3</sup> The advanced and  
 23 routine disclosure of the following information, much of which Defendants already collect and  
 24 have provided before, is necessary to promptly ensure compliance to Plaintiffs from unabated

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26 <sup>3</sup> *See e.g., Parties v. Johnson*, No. CV-15-00250-TUC-DCB, 2017 WL 7512896, at \*4 (D. Ariz.  
 27 May 25, 2017) (“The parties shall meet and confer regarding Plaintiffs’ ongoing video recording  
 28 needs for monitoring compliance with the preliminary injunction); *Bayer Corp. v. Roche  
 Molecular Sys., Inc.*, 72 F. Supp. 2d 1111, 1121 (N.D. Cal. 1999) (in considering preliminary  
 injunction, finding “the record more than ample to support periodic and targeted discovery”).

1 ongoing harms.

- 2 1. **72-Hour Notices.** Although Defendants are willing to provide some “planned homeless  
3 encampment resolution” notices for HSOC operations, they are defining this in a way  
4 to exclude any informal sweeps by SFPD and DPW. As established by Plaintiffs’ past  
5 monitoring, such notices are critical to mitigating the ongoing harms caused by many  
6 City actors of different agencies. Friedenbach 2nd Supp. Decl. ¶ 14; *NORML*, 112  
7 F.R.D. at 121 (“wide-ranging character of [defendants’] activities” justifies additional  
8 monitoring).
- 9 2. **HSOC Resolution Data.** Weekly HSOC encampment reports, encampment resolution  
10 schedules, and dispatch/progress logs are needed to confirm sweeps are not happening  
11 while shelter system is full and effectively closed, and investigate Defendants’  
12 representations regarding shelter offers, arrests, and displacement operations. Much, if  
13 not all, of these documents are already generated by the City and have been readily  
14 produced in the past. Do Decl. Exs. 6-7.
- 15 3. **SFPD Data.** The City should produce SFPD dispatch logs and incident reports  
16 pertaining to interactions with unhoused people. SFPD is routinely dispatched to  
17 respond to homelessness complaints beyond HSOC operations. Without prompt data  
18 on these interactions, most potential non-compliance with the Court’s order will remain  
19 without scrutiny. Plaintiffs have search terms and police codes to streamline production  
20 and can meet and confer on reducing any burden of producing select photo and  
21 bodycam footage. *See* Joint Letter, Dkt. # 36 (explaining how search terms were  
22 designed based on SFPD’s previous proposal); *see also Parties*, 2017 WL 7512896, at  
23 \*4 (ordering video productions for preliminary injunction).
- 24 4. **DPW Data.** DPW conducts property removal beyond HSOC operations. Incident  
25 reports or logs identifying DPW cleaning or removal operations involving unhoused  
26 individuals are needed to ensure compliance with the bag and tag policy. Property logs  
27 and bag and tag logs are readily generated and were provided on a weekly basis during  
28 the pendency of the preliminary injunction. *See* Order, Dkt. # 34 (mandating weekly  
disclosures of DPW records). Photographs of disputed property and copies of any  
notices are provided for in the City’s current bag and tag policy and can therefore be  
freely produced. *See* Def.’s Ex., Dkt. # 62.
5. **HSH Data.** HSH daily shelter availability disclosures, outreach, and shelter placement  
reports from the HOT team are essential to determining what shelter opportunities exist,  
especially considering the Defendants’ assertion that they should be allowed to  
continue with sweeps.
6. **Information regarding compliance.** Defendants’ counsel merely notes that  
Defendants takes their obligations seriously, while simultaneously remarking that he  
cannot assure compliance. Do Decl. Ex. 1, at 3-5, Ex 3 at 5 (summarizing a meet and  
confer). Neither generality instills confidence, so Plaintiffs must know what  
nonprivileged trainings or guidance, if any, have been given to City staff regarding the  
Preliminary Injunction.

## B. Compliance Reports

1 Requiring compliance reports are similarly commonplace to ensure compliance with a  
 2 preliminary injunction. *See e.g., Hernandez v. Barr*, No. EDCV160620JGBKX, 2019 WL  
 3 13019923, at \*2 (C.D. Cal. Mar. 25, 2019); *SunEarth, Inc. v. Sun Earth Solar Power Co.*, No. C  
 4 11-4991 CW, 2012 WL 2344081, at \*8 (N.D. Cal. June 20, 2012). Here, the Court can order  
 5 Defendants to provide reoccurring status reports and certifications on compliance.

### 6 C. Special Master

7 It is far from ideal that within days of the Court’s Order, Defendants violated it. It is not  
 8 promising that Defendants’ violations of their own policies were so deeply entrenched before the  
 9 order. Whether now or in the future, it may save the Court time to appoint a special master and  
 10 mitigate Plaintiffs’ burden in monitoring. *Friedenbach* 2nd Supp. Decl. ¶ 11-16; *James* 2nd Supp.  
 11 Decl. ¶¶ 10-11. “The power of a federal court to appoint an agent to supervise the implementation  
 12 of its decrees has long been established.” *F.T.C. v. John Beck Amazing Profits, LLC*, No. 2:09-  
 13 CV-4719-FMC-FFM, 2009 WL 7844076, at \*15–16 (C.D. Cal. Nov. 17, 2009).<sup>4</sup> Appointment is  
 14 appropriate “where parties have failed to comply with court orders, displayed intransigence in the  
 15 litigation, or required close supervision.” *Nat’l Ass’n of Radiation Survivors v. Turnage*, 115 F.R.D.  
 16 543, 560 (N.D. Cal. 1987).<sup>5</sup> Plaintiffs look forward to working with the Court to ensure that  
 17 Defendants honor this Court’s orders and the Constitution.

18  
 19  
 20 <sup>4</sup> *see Fraihat v. U.S. Immigr. & Customs Enft*, No. EDCV191546JGBSHKX, 2021 WL 9696760,  
 21 at \*6 (C.D. Cal. Mar. 10, 2021) (ordering parties meet and confer regarding appointment of Special  
 22 Master for preliminary injunction); *Coleman v. Wilson*, 912 F. Supp. 1282, 1324 (E.D. Cal. 1995)  
 (assign special master where “the constitutional violation ... is the product of systemwide  
 deficiencies [and] [m]onitoring compliance with the injunctive relief ordered herein will be a  
 formidable task.”); *see also* Fed. R. Civ. P. 53(a)(1).

23 <sup>5</sup> Past evidence of noncompliance “portends continuing violations, especially when viewed in light  
 24 of the fast-paced and wide-ranging character of [defendants’] activities, the difficult legal issues  
 25 involved, and the numerous affirmative measures that the Court has ordered defendants to  
 26 undertake.” *Nat’l Org. for Reform of Marijuana L. (NORML) v. Mullen*, 112 F.R.D. 120, 121 (N.D.  
 27 Cal. 1986)). The “seriousness and deliberate nature” of a parties’ behavior may support a  
 “substantial likelihood of continued unlawful practices” and need for a monitor. *Fed. Trade*  
 28 *Comm’n v. Vemma Nutrition Co.*, No. CV-15-01578-PHX-JJT, 2015 WL 11118111, at \*8 (D. Ariz.  
 Sept. 18, 2015). The degree of harm resulting from noncompliance is also a consideration. *Fraihat*  
*v. U.S. Immigr. & Customs Enft*, No. EDCV191546JGBSHKX, 2021 WL 9696760, at \*6 (C.D.  
 Cal. Mar. 10, 2021).

1 Dated: January 6, 2022

Respectfully submitted,

2

By: /s/ Alfred C. Pfeiffer, Jr.

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**ATTESTATION**

I, John Thomas H. Do, am the ECF user whose user ID and password authorized the filing of this document. Under Civil L.R. 5-1(h)(3), I attest that all signatories to this document have concurred in this filing.

Dated: January 6, 2022

/s/ John Thomas H. Do.

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16 **UNITED STATES DISTRICT COURT**  
17 **NORTHERN DISTRICT OF CALIFORNIA**  
18 **OAKLAND DIVISION**

19 COALITION ON HOMELESSNESS, et al.,

20 Plaintiffs,

21 v.

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

24 Defendants.

CASE NO. 4:22-cv-05502-DMR

**[PROPOSED] ORDER GRANTING  
PLAINTIFFS' ADMINISTRATIVE  
MOTION FOR STATUS CONFERENCE  
ON PRELIMINARY INJUNCTION  
NONCOMPLIANCE AND NEED FOR  
MONITORING**

**Judge:** The Hon. Donna M. Ryu

**Date:** January 12, 2023

**Time:** 1:00 p.m.

**Place:** Courtroom 4 – 3<sup>rd</sup> Floor  
1301 Clay Street  
Oakland, CA 94612

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**[PROPOSED] ORDER**

This matter comes before the Court on Plaintiffs’ Administrative Motion for Status Conference on Preliminary Injunction Noncompliance and Need for Monitoring. Having carefully considered the motion and the papers submitted, and for good cause shown, Plaintiffs’ Administrative Motion for Status Conference on Preliminary Injunction Noncompliance and Need for Monitoring is hereby GRANTED. The Parties shall be prepared to discuss Defendants’ compliance (or lack thereof) with the Preliminary Injunction and whether additional monitoring is necessary at the January 12, 2023 status conference.

**IT IS SO ORDERED.**

Dated: \_\_\_\_\_

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HONORABLE DONNA M. RYU  
UNITED STATES MAGISTRATE JUDGE



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

26 COALITION ON HOMELESSNESS, et al.,  
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28 v.  
29 CITY AND COUNTY OF SAN FRANCISCO,  
30 et. al.,  
31 Defendants.

CASE NO. 4:22-cv-05502-DMR

**SECOND SUPPLEMENTAL  
DECLARATION OF JENNIFER  
FRIEDENBACH**

**Judge:** The Hon. Donna M. Ryu

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1                   **SECOND SUPPLEMENTAL DECLARATION OF JENNIFER FRIEDENBACH**

2           I, Jennifer Friedenbach, hereby declare pursuant to 28 U.S.C. § 1746:

3           1.       I am the Executive Director of the Coalition on Homelessness (“COH” or “the  
4 Coalition”). This role includes intimate knowledge of the organization’s mission, programmatic  
5 work, finances, and staffing. Additionally, whenever my schedule allows, I perform in-person  
6 field outreach and observe the City’s encampment resolutions.

7           2.       I previously provided a declaration in support of Plaintiffs’ motion for preliminary  
8 injunction, Dkt. No 50-4. I submit this declaration regarding my observations at an HSOC  
9 encampment resolution that took place on the morning of December 27, 2022.

10          3.       All facts set forth in this declaration are based upon my personal knowledge, and,  
11 if called upon to testify as to the truth of these facts, I could and would competently do so.

12                   **Observations at HSOC Encampment Resolution December 27, 2022: 17<sup>th</sup> Street from**  
13 **Hampshire to Mariposa Streets**

14          4.       To my knowledge, San Francisco has not reopened its shelter system, meaning  
15 that there are still around 1000 or more individuals waiting for shelter. Dozens of the Coalition’s  
16 active members are seeking shelter or a place to stay but have been unable to obtain it. Because  
17 San Francisco’s shelter system is closed, it is my understanding that no one HSOC approaches  
18 has access to shelter prior to a sweep operation.

19          5.       Nonetheless, on December 27, 2022, I observed a sweep conducted by HSOC on  
20 17<sup>th</sup> Street between Hampshire and Mariposa Streets. I arrived at the location at approximately  
21 6:55 AM.

22          6.       There were approximately 6 unhoused individuals present at this site at the time  
23 as well as at least one tent that was unattended but clearly not abandoned.

24          7.       *Enforcement without shelter availability:* At this resolution, SFMTA was the first  
25 to arrive and set up cones to block off the area. An SFPD officer arrived at approximately 7:10  
26 AM. ERT and HOT personnel arrived after, at approximately 7:13 AM. A second police officer  
27 arrived at approximately 7:21 AM, followed by DPW employees and two pickup trucks at  
28 approximately 7:42 AM.

1           8.       Soon after HOT employees arrived, they began approaching individuals present at  
2 the encampment, shaking tents and waking individuals up, in the pouring rain. The City  
3 employees, with the SFPD present, said loudly, “This is a resolution! You need to move!” I  
4 heard no indication that this was just a temporary move or that people and their belongings could  
5 return. At the same time, although HOT employees generally asked if people wanted shelter, the  
6 HOT team admitted that they did not know what shelter spaces were actually available, and  
7 would not know for hours. When an unhoused individual asked what options were available for  
8 shelter, the HOT employees responded that they would not know until 11:00 AM.

9           9.       I spoke with individuals at the site who expressed that they would be interested in  
10 an appropriate shelter if it was offered to them. However, they explained that they understood  
11 that because the City had ordered them to leave the area, they would need to move immediately.  
12 This meant that everyone was already packing up prior to any firm offer of shelter being  
13 provided by the City. For example, one individual noted that “They always do the same thing,  
14 say they have something then it turns out to be nowhere for us to stay. They get mad at me  
15 because I move across the street and come back, but I have nowhere else.” In the end, most  
16 people at the site had already left the area before shelter bed availability was known, after they  
17 were told they would need to move while SFPD looked on.

18           10.       One individual requested a private room because he had PTSD that was triggered  
19 due to a traumatic incident in a shelter. Although I specifically notified HOT of this, HOT had no  
20 shelter available to offer this person that would accommodate his needs. Nonetheless, he was  
21 also forced to pack up and leave the area.

### 22 **Continued Burden on Coalition on Homelessness**

23           11.       It is a continual burden on the Coalition to monitor the City’s conduct during  
24 these resolutions and track any noncompliance with both the Constitution and the Court’s order.  
25 Prior to the filing of this case, monitoring the City’s conduct meant diverting significant staff,  
26 volunteers, and funds to this reactive work of observing the City’s operations and protecting the  
27 rights of unhoused community members. *See generally* Decl. of the Coalition on Homelessness,  
28 ¶¶ 11-22, Dkt. # 9-3 [1-3 – 1-6]. This burden has only increased since the filing of this case.

1           12.     Since the filing of this case, we have diverted a tremendous amount of resources  
2 to monitoring the City's conduct. The City has been noticing us of 10 planned resolutions per  
3 week. We have sought to have staff members at as many of these resolutions as possible to  
4 protect the unhoused individuals onsite from the City's ongoing misconduct. But it has been a  
5 struggle for our organization to do this monitoring. About 5 staff members have had to  
6 collectively take approximately 24-25 hours per week to monitor these sweeps since we have  
7 begun receiving notice of their planned locations. That time should have been spent helping  
8 unhoused people improve their general quality of life while also advocating for permanent  
9 housing solutions in San Francisco, or working on our other proactive campaigns.

10           13.     At sweep operations, our presence is critical to protect against more violations by  
11 the City and advocate on behalf of unhoused people and our members. Indeed, even with our  
12 presence, the City has persisted in blatant property destruction and criminalization of unhoused  
13 individuals. *See generally* Evans Supp. Decl., Dkt. # 50-1; James Supp. Decl., Dkt. # 50-2;  
14 Verner-Crist Decl., Dkt. # 50-3; Friedenbach Supp. Decl., Dkt. # 50-4.

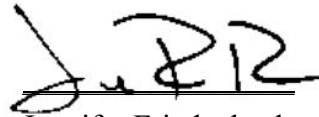
15           14.     No longer receiving 72-hour notice of planned sweep operations would make it  
16 much more difficult for us to monitor the City's operations and compliance. We would have to  
17 rely on our members seeing sweeps by chance, after they have already started early in the  
18 morning. This already happens on a regular basis, and it is impossible to keep up with the  
19 multiple sweep operations occurring across the City on any given day. Without more robust  
20 notice and reporting, we have no prayer of monitoring the City's conduct in a way that would  
21 actually protect unhoused individuals from the routine violations we have seen on a regular basis  
22 for years.

23           15.     Monitoring is something the Coalition on Homelessness took on to address the  
24 immediate needs of our members. Working to report our observations in support of Plaintiffs'  
25 Motion for Preliminary Injunction, although essential to protecting our members, was extremely  
26 taxing on an organization that has already been asked to divert its resources to address a civil  
27 rights problem of San Francisco's own making. We are concerned that those violations will  
28 continue unabated, as they have now for years.

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16. Although we will continue to conduct this monitoring if that is what we need to do, this model is simply not sustainable for us. It is draining our resources and defeating our ultimate mission to expend this much effort stopping the City’s unlawful sweeps, rather than focusing on our critical affordable housing campaigns that are at the core of our mission.

I declare under penalty of perjury that the contents of this declaration are true and correct to the best of my knowledge, and that I executed this declaration on January 5, 2023 in San Francisco, California.



Jennifer Friedenbach

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22 *Additional Counsel Below*

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24 **NORTHERN DISTRICT OF CALIFORNIA**  
25 **OAKLAND DIVISION**

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

28 v.

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

CASE NO. 4:22-cv-05502-DMR

**SECOND SUPPLEMENTAL  
DECLARATION OF IAN JAMES**

**Judge:** The Hon. Donna M. Ryu

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**SECOND SUPPLEMENTAL DECLARATION OF IAN JAMES**

I, Ian James, hereby declare pursuant to 28 U.S.C. § 1746:

1. I currently serve as the Organizing Director for the Coalition on Homelessness (“COH” or “the Coalition”).

2. My job is to support human rights organizers as they work in the field, and also to ensure that our campaigns are connected and cohesive. Along with this work, I also do outreach to unhoused people whenever my schedule allows, which includes attending homelessness sweeps and assisting unhoused individuals in filing administrative claims for property taken by the City.

3. I have previously submitted two declarations regarding my observations of the City’s HSOC encampment resolutions, Dkt. Nos. 9-3 [1-35 – 1-40] and 50-2. I submit this further supplemental declaration regarding my observations at the HSOC encampment resolution that took place on December 27, 2022.

4. All facts set forth in this declaration are based upon my personal knowledge, and, if called upon to testify as to the truth of these facts, I could and would competently do so.

**Observations at HSOC Encampment Resolution December 27, 2022: Taylor and Eddy Streets**

5. On December 27, 2022, I observed an HSOC encampment resolution scheduled to take place around Taylor and Eddy Streets at 1:00 PM. I arrived at the location of the sweep at approximately 12:55 PM.

6. There were approximately 13 unhoused individuals present at the site. City employees from SFPD, HOT, DPW, SFFD, SFMTA, and DPH were present during the resolution. DPW and SFMTA were already present when I arrived; the other City departments arrived between 1:00 PM and 1:15 PM.

7. *Move along without shelter offer:* Around 1:15 PM, City employees began to approach people at the site. One unhoused individual stated: “Until they have a decent place for us to live, tell them to leave us alone. They are saying they are going to take all of our stuff and make us move.”

1           8.       Another individual, named Gary, was not approached by HOT at any point during  
2 the resolution. He packed up his belongings and left around 2:21 PM without anyone from the  
3 City having talked to him. When I spoke with Gary before he left, he told me that he was interested  
4 in shelter and had been looking for shelter for a while but had not been successful. He said the  
5 City had not offered him any resources prior to or during the sweep. Gary told me that the City  
6 had given him notice of the resolution before the sweep, so he knew he would have to leave the  
7 area.

8           9.       *Empty shelter offers:* Of the 13 unhoused individuals present at the site, it appeared  
9 that only 4 were successfully connected with shelter. The City offered two individuals beds at a  
10 congregate shelter, MSC South. Although those individuals verbally accepted the beds, they did  
11 not have any written confirmation of the offer or any guarantee that a transport would arrive.  
12 Instead, they waited in the cold for a transport to the shelter. Eventually, they gave up and left the  
13 area around 2:15 PM.

14       **Continued Burden on Coalition on Homelessness**

15           10.       For the Coalition, December is supposed to be a month of reflecting and planning  
16 out priorities for the next year. However, monitoring the City's compliance with both the  
17 Constitution and the Court's order has delayed this work and made it more difficult to focus on  
18 our other organizational responsibilities. For instance, January 1, 2023, marks the beginning of  
19 our yearly budget campaign, which we have not had time to prepare for because we have been  
20 diverting staff resources to monitor the City's conduct.

21           11.       Monitoring sweeps is also emotionally draining, adding an enormous  
22 responsibility to my, the Coalition's human rights organizers', and our volunteers' shoulders to  
23 protect unhoused community members' rights. It is unsustainable for the Coalition to continue  
24 monitoring the City's conduct during the pendency of this case.

25       ///

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1 I declare under penalty of perjury that the contents of this declaration are true and correct to the  
2 best of my knowledge, and that I executed this declaration on January 4, 2023 in San Francisco,  
3 California.

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6 Ian James  
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# **EXHIBIT A**

TO

SECOND SUPPLEMENTAL DECLARATION OF  
CHRISTIN EVANS



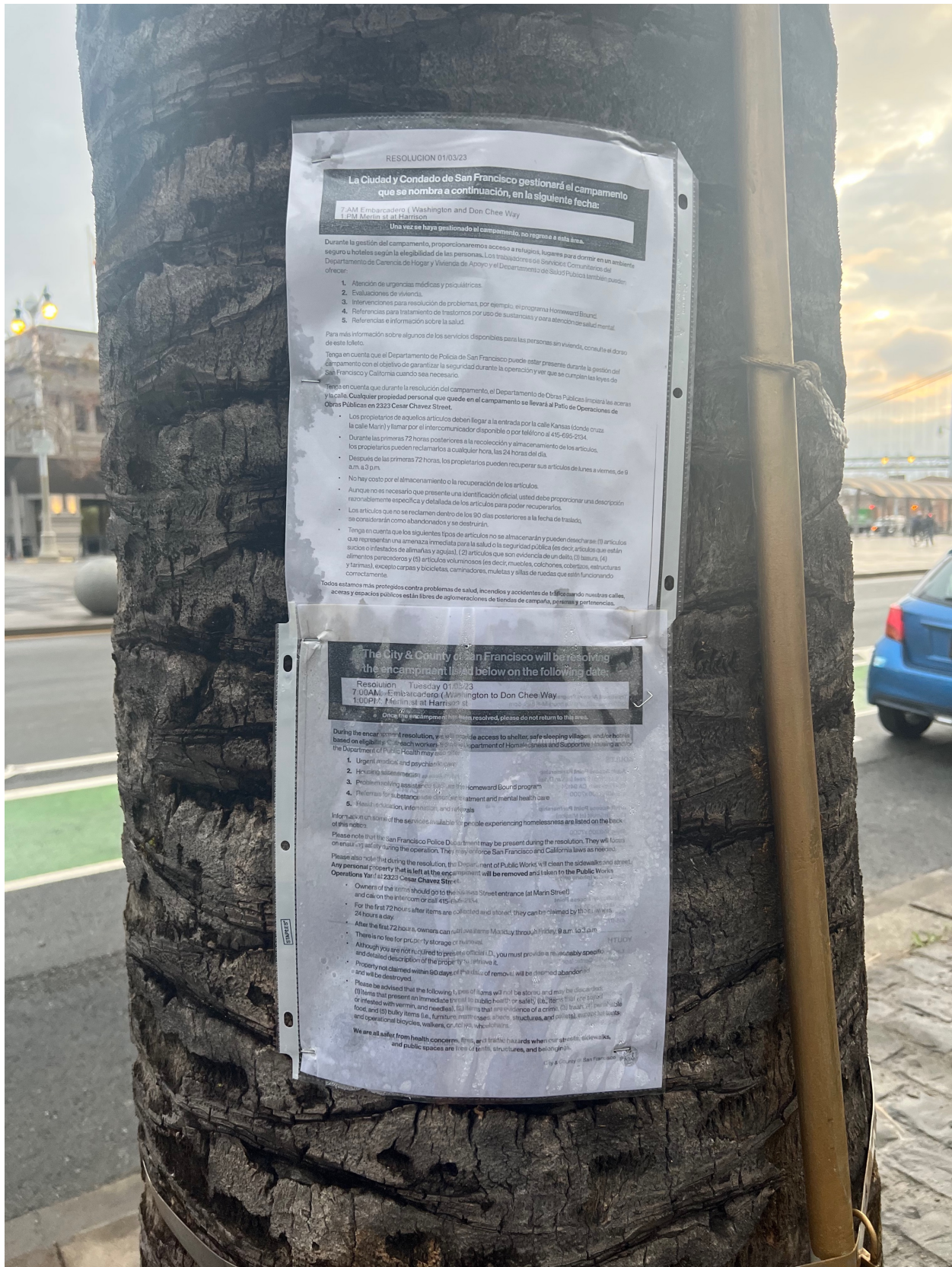


# **EXHIBIT B**

TO

SECOND SUPPLEMENTAL DECLARATION OF  
CHRISTIN EVANS





RESOLUCION 01/03/23

**La Ciudad y Condado de San Francisco gestionará el campamento que se nombra a continuación, en la siguiente fecha:**

**7 AM Embarcadero ( Washington and Don Chee Way  
1 PM Merin st at Harrison**

**Una vez se haya gestionado el campamento, no regrese a esta área.**

Durante la gestión del campamento, proporcionaremos acceso a refugios, lugares para dormir en un ambiente seguro u hoteles según la elegibilidad de las personas. Los trabajadores de Servicios Comunitarios del Departamento de Cuidado de Hogar y Vivienda de Apoyo y el Departamento de Salud Pública también pueden ofrecer:

1. Atención de urgencias médicas y psiquiátricas.
2. Evaluaciones de vivienda.
3. Intervenciones para resolución de problemas, por ejemplo: el programa Homeeward Bound.
4. Referencias para tratamiento de trastornos por uso de sustancias y para atención de salud mental.
5. Referencias e información sobre la salud.

Para más información sobre algunos de los servicios disponibles para las personas sin vivienda, consulte el folleto de este folleto.

Tenga en cuenta que el Departamento de Policía de San Francisco puede estar presente durante la gestión del campamento con el objetivo de garantizar la seguridad durante la operación y ver que se cumplen las leyes del San Francisco y California cuando sea necesario.

Tenga en cuenta que durante la resolución del campamento, el Departamento de Obras Públicas limpiará las aceras Públicas en 2323 Calle Chavez Street.

- Los propietarios de aquellos artículos deben llegar a la entrada por la calle Kansas (donde cruza la calle Marin) y llamar por el intercomunicador disponible o por teléfono al 415-695-2134.
- Durante las primeras 72 horas posteriores a la recolección y almacenamiento de los artículos, los propietarios pueden reclamarlos a cualquier hora, las 24 horas del día.
- Después de las primeras 72 horas, los propietarios pueden recuperar sus artículos de lunes a viernes, de 9 a.m. a 3 p.m.
- No hay costo por el almacenamiento o la recuperación de los artículos.
- Aunque no es necesario que presente una identificación oficial, usted debe proporcionar una descripción razonablemente específica y detallada de los artículos para poder recuperarlos.
- Los artículos que no se reclaman dentro de los 30 días posteriores a la fecha de traslado, se considerarán como abandonados y se destruirán.
- Teng en cuenta que los siguientes tipos de artículos no se almacenarán y pueden destruirse: (1) artículos que representan una amenaza inmediata para la salud o la seguridad pública (es decir, artículos que están sucios o infestados de alfileras y plagas); (2) artículos que son evidencia de un delito; (3) armas; (4) alimentos perecederos; y (5) artículos voluminosos (es decir, muebles, colchones, cobertores, estufas, sillas y sillas), excepto carpas y bicicletas, caminadores, muletas y sillas de ruedas que estén funcionando correctamente.

Estamos más protegidos contra problemas de salud, incendios y accidentes de tráfico cuando nuestras calles, aceras y espacios públicos están libres de aglomeraciones de tiendas de campaña, puentes y pertenencias.

**The City & County of San Francisco will be resolving the encampment listed below on the following date:**

**Resolution Tuesday 01/03/23  
7:00AM - Embarcadero ( Washington to Don Chee Way  
1:00PM - Merin st at Harrison**

**Once the encampment has been resolved, please do not return to this area.**

During the encampment resolution, we will provide access to shelter, safe sleeping villages, and refuges based on eligibility. Community workers from the Department of Homelessness and Supportive Housing and the Department of Public Health may also offer:

1. Urgent medical and psychiatric care.
2. Housing assessments and assistance.
3. Provisions for substance use treatment and mental health care.
4. Referrals for substance use treatment and mental health care.
5. Medical, education, and information services.

Information on the services available for people experiencing homelessness are listed on the back of this notice.

Please note that the San Francisco Police Department may be present during the resolution. They will focus on maintaining safety during the operation. They may enforce San Francisco and California laws as needed.

Any personal property that is left at the encampment will be removed and taken to the Public Works Operations Yard (at 2323 Calle Chavez Street).

- Owners of the items should go to the Kansas Street entrance (at Marin Street) and call on the intercom or call 415-695-2134.
- For the first 72 hours after items are collected and stored, they can be claimed by their owners 24 hours a day.
- After the first 72 hours, owners can still retrieve items through Friday, 9 a.m. to 3 p.m.
- There is no fee for priority storage or retrieval.
- Although you are not required to provide official ID, you must provide a reasonably specific and detailed description of the property to retrieve it.
- Property not claimed within 90 days of the date of removal will be deemed abandoned and will be destroyed.
- Please be advised that the following types of items will not be stored and may be discarded: (1) items that present an immediate threat to public health or safety; (2) items that are infested with vermin and needles; (3) items that are evidence of a crime; (4) tools, or portable food; and (5) bulky items (i.e., furniture, mattresses, shelves, structures, and personal goods) beds and operational bicycles, wheelers, or other equipment.

We are all safer from health concerns, fires, and traffic hazards when our streets, sidewalks, and public spaces are free of tents, structures, and belongings.

City & County of San Francisco

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22 *Additional Counsel Below*

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24 **NORTHERN DISTRICT OF CALIFORNIA**  
25 **OAKLAND DIVISION**

26 COALITION ON HOMELESSNESS, et al.,  
27  
28 Plaintiffs.  
v.  
CITY AND COUNTY OF SAN FRANCISCO,  
et. al.,  
Defendants.

CASE NO. 4:22-cv-05502-DMR

**SECOND SUPPLEMENTAL  
DECLARATION OF CHRISTIN  
EVANS**

**Judge:** The Hon. Donna M. Ryu

**Hearing Date:** January 12, 2023

**Time:** 1:00 p.m.

**Place:** Courtroom 4 – 3<sup>rd</sup> Floor  
1301 Clay Street  
Oakland, CA 94612



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1                    **SECOND SUPPLEMENTAL DECLARATION OF CHRISTIN EVANS**

2 I, Christin Evans, hereby declare pursuant to 28 U.S.C. § 1746:

3            1.        I am a volunteer with the Coalition on Homelessness (“COH” or “the Coalition”).

4            2.        As part of my volunteer work with the Coalition, I regularly monitor San  
5 Francisco’s Healthy Streets Operation Center (“HSOC”) encampment resolutions and have  
6 personally witnessed over 50 encampment resolutions.

7            3.        I have previously submitted two declarations regarding my observations of the  
8 City’s HSOC encampment resolutions, Dkt. Nos. 9-3 [1-21 – 1-29] and 50-1. I submit this further  
9 supplemental declaration regarding my observations at the HSOC encampment resolution that  
10 took place on January 3, 2023.

11           4.        All facts set forth in this declaration are based upon my personal knowledge, and,  
12 if called upon to testify as to the truth of these facts, I could and would competently do so.

13 **Observations at HSOC Encampment Resolution January 3, 2023: Embarcadero from**  
14 **Washington to Don Chee Way**

15           5.        On January 3, 2023, I observed an encampment resolution scheduled to take  
16 place by the Ferry Building on the Embarcadero from Washington to Don Chee Way at 7 AM. I  
17 arrived to the location at approximately 7 AM.

18           6.        SFMTA arrived first. HOT arrived at approximately 7:12 AM, as well as a Park  
19 Ranger from SF Parks & Rec. Soon after, two SFPD officers arrived in an SFPD vehicle with its  
20 lights on. Two additional SFPD officers arrived later. DPW did not arrive until after 8 AM. The  
21 SFFD incident commander was present as well.

22           7.        *Enforcement without shelter availability:* When they arrived, first the Park  
23 Ranger and then the two SFPD officers joined the HOT team in contacting the individuals  
24 present at the site. Attached as **Exhibit A** is a photograph of the Park Ranger, two SFPD  
25 officers, and members of the HOT team congregated around one individual’s tent.

26           8.        I spoke with one couple right after they had been contacted by City workers at the  
27 beginning of the sweep. They had just spoken with HOT workers and expressed that they were  
28 very interested in shelter. HOT had informed them that the HOT team would not know actual

1 shelter availability until 8:30 AM. Nonetheless, the HOT team informed one member of the  
2 couple that they should “start packing up.”

3 9. I had difficulty locating any notices on site, but did locate one set which is  
4 photographed and attached as **Exhibit B**. The notice states: “Once the encampment has been  
5 resolved, please do not return to this area.” The Spanish notice says “no regrese a esta área” which  
6 a Google translation translates as “do not return to this area.” To the best of my knowledge, these  
7 are the same notices the City purportedly provided prior to the Preliminary Injunction. There was  
8 no indication that individuals could remain at the site or would only need to move temporarily. I  
9 spoke with one individual who was packing up proactively before he had even been approached  
10 by the City, based on his understanding that an encampment resolution meant permanent removal,  
11 as indicated by the notice.

12 10. *Issues with unabandoned property:* I understand that one individual,  
13 Gary, reached out to alert us to the sweep. He indicated that he had an orange tent with a gray  
14 tarp over it. I spoke with other people at the site who confirmed that that was Gary’s tent and  
15 that he would be back for his belongings. The tent appeared to be in good usable condition.  
16 However, Gary was momentarily absent from his tent during the sweep. Despite this, I  
17 heard the incident commander and the Park Ranger declare that the tent was abandoned, and it  
18 seemed to me that they were preparing to dispose of the tent and the surrounding property.  
19 This was particularly troubling to me given the extensive rain the City would be receiving.

20 11. I spoke with a representative from the City, named Chris, who eventually told  
21 City workers that the tent was not abandoned. After that, a couple staying near Gary offered to  
22 pack up his tent and keep it for him until he returned. I believe that without COH’s intervention,  
23 Gary’s tent and belongings would have been disposed of.

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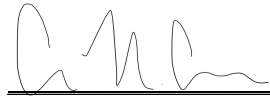
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1 I declare under penalty of perjury that the contents of this declaration are true and correct to the  
2 best of my knowledge, and that I executed this declaration on January 5, 2023 in San Francisco,  
3 California.



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5 Christin Evans  
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# **EXHIBIT A**

TO

SUPPLEMENTAL DECLARATION OF  
SHANNA COUPER ORONA



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22 *Additional Counsel Below*

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

26 COALITION ON HOMELESSNESS, et al.,

27 Plaintiffs.

28 v.

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

Defendants.

CASE NO. 4:22-cv-05502-DMR

**SUPPLEMENTAL DECLARATION OF  
SHANNA COUPER ORONA**

**Judge:** The Hon. Donna M. Ryu

**Hearing Date:** January 12, 2023

**Time:** 1:00 p.m.

**Place:** Courtroom 4 – 3<sup>rd</sup> Floor  
1301 Clay Street  
Oakland, CA 94612

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28



1 SUPPLEMENTAL DECLARATION OF SHANNA COUPER ORONA

2 I, Shanna Couper Orona, hereby declare pursuant to 28 U.S.C. § 1746:

3 1. I am a declarant in this case and previously submitted a declaration regarding both  
4 my personal experiences with and my observations of San Francisco’s homelessness sweeps, Dkt.  
5 No. 9-6 [4-56 – 4-61].

6 2. Though I am currently housed, I serve as a street medic, work for which I am  
7 widely known in the houseless community. I also volunteer with organizations including  
8 Homeless Youth Alliance, the Coalition on Homelessness (“COH” or “the Coalition”), the Lyon-  
9 Martin Women’s Community Clinic, and the Mission Neighborhood Resource Center.

10 3. I submit this supplemental declaration regarding my observations at the HSOC  
11 encampment resolution that took place on January 4, 2023.

12 4. All facts set forth in this declaration are based upon my personal knowledge, and,  
13 if called upon to testify as to the truth of these facts, I could and would competently do so.

14 Observations at HSOC Encampment Resolution January 4, 2023: Erie Street

15 5. On January 4, 2023, I observed an encampment resolution scheduled to take place  
16 on Erie Street at 7 AM. I arrived to the location at approximately 7:15 AM.

17 6. When I arrived, it was already raining. This was the beginning of a “bomb  
18 cyclone”-fueled storm when people were urged to stay home and not travel if at all possible.<sup>1</sup>  
19 HOT, SFPD, and the SFFD Incident Commander were present at the beginning of the sweep.  
20 There were approximately 8 SFPD cars and trucks present at the site throughout the sweep, many  
21 with their lights on. Attached here as **Exhibit A** is a photo of the heavy police presence. Though  
22 DPW did not arrive until later, they did eventually arrive with approximately 4 DPW vehicles,  
23 including a power washer. City workers indicated that they intended to power wash the street,  
24 just before an intense rain storm.

25 7. *Threats of enforcement without shelter availability:* I observed that SFPD and the  
26 \_\_\_\_\_

27 <sup>1</sup> See Jill Tucker, Trisha Thadani, & Julie Johnson, *Flooding, Landslides and Closed Roads and*  
28 *Schools: What’s in Store for Bay Area as Storm Hits*, S.F. Chronicle, Jan. 4, 2023,  
<https://www.sfchronicle.com/bayarea/article/Flooding-landslides-and-closed-roads-and-17694377.php>.

1 SFFD incident commander were present and approached individuals with HOT at the beginning  
2 of the sweep. I spoke with one individual who stated that HOT had informed them that they would  
3 be offering services but would not know what those services were until later in the morning. HOT  
4 told that individual to start packing up in the meantime. There was no indication that any request  
5 to move would be temporary or voluntary.

6 8. The SFFD incident commander approached several individuals at the site who  
7 were monolingual Spanish speakers. He attempted to speak to them but, when one person  
8 responded to him in Spanish, he turned away, saying, "I don't speak Mexican!" It did not appear  
9 that HOT had a Spanish-speaking worker present, so they were not able to communicate with  
10 these individuals at any point during the sweep. The Spanish-speaking individual was left to try  
11 and pack up his belongings as quickly as possible, and the City did not communicate that any  
12 move was voluntary or temporary.

13 9. At around 8:20 AM, the SFFD incident commander, with SFPD present, again  
14 told everyone to pack up and move. He said that, if people did not leave the area immediately,  
15 SFPD would begin "running names," meaning conducting warrant checks on the individuals  
16 present at the site. He also said that DPW was going to come and throw people's property away  
17 if they did not pack up quickly enough. At this point, no concrete shelter offers had been made.

18  
19 I declare under penalty of perjury that the contents of this declaration are true and correct to the  
20 best of my knowledge, and that I executed this declaration on January 5, 2023 in San Francisco,  
21 California.

22  
23   
24 Shanna Couper Orona 1/5/23  
25  
26  
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21 *Attorneys for Plaintiffs*

22 *Additional Counsel Below*

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

26 COALITION ON HOMELESSNESS, et al.

27 Plaintiffs.

28 v.

CITY AND COUNTY OF SAN FRANCISCO,  
et al.,

Defendants.

CASE NO. 4:22-cv-05502-DMR

**DECLARATION OF JOHN THOMAS  
H. DO IN SUPPORT OF PLAINTIFFS'  
ADMINISTRATIVE MOTION**

**Judge:** The Hon. Donna M. Ryu

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**DECLARATION OF JOHN THOMAS H. DO**

I, John Thomas H. Do, hereby declare pursuant to 28 U.S.C. § 1746:

1. I am a Senior Staff Attorney with the ACLU of Northern California. I am also counsel of record for the Coalition on Homelessness (the “Coalition”), Toro Castaño, Sarah Cronk, Joshua Donohoe, Moliq Frank, David Martinez, Teresa Sandoval, and Nathaniel Vaughn in the above-captioned action. I am admitted to practice before this Court.

2. Pursuant to the local rules of this District, I submit this declaration in support of Plaintiffs’ administrative motion for status conference. I previously filed two declarations in this case. Dkt. # 57 and # 59. I have personal knowledge of the facts set forth herein, and if called as a witness, could and would testify competently to them.

**I. PARTIES’ CORRESPONDENCE**

3. I have extensively met and conferred with Defendants on the subject matter of the administrative motion: their noncompliance and need for monitoring. Attached hereto as **Exhibit 1** is a true and accurate copy of correspondence between the parties between December 29, 2022 and January 3, 2023. This includes memorialization of our meet and confers. Defendants did not contest that memorialization. I requested their position on this motion for status conference to address these issues on January 3, 2023. Defendants did not provide further information on their position. Due to the urgency of the issues, Plaintiffs file this motion now in advance of the January 12, 2023 status conference.

4. Attached hereto as **Exhibit 2** is a true and accurate copy of correspondence between the parties between December 26, 2022 and December 27, 2022, discussing Defendants’ actions immediately after the issuing of the preliminary injunction order and the continued HSOC operations.

5. Attached hereto as **Exhibit 3** is a true and accurate copy of correspondence between the parties between December 29, 2022 and January 4, 2023, discussing Plaintiffs’ request for continued disclosures to monitor Defendants’ compliance with the preliminary injunction order.

1           6.       Attached hereto as **Exhibit 4** is a true and accurate copy of a January 3, 2023 email  
2 I sent to Defendants' counsel requesting that Defendants halt confiscation of tents and survival  
3 gear during the storm that was then occurring. Defendants did not respond.

4           7.       Attached hereto as **Exhibit 5** is a true and accurate copy of correspondence between  
5 the parties between November 7, 2022 and December 20, 2022, discussing ongoing issues with  
6 Defendants' failure to provide 72-hour notice and failure to provide meaningful SFPD disclosures.

7           **II. DEFENDANTS' PRIOR PRODUCTION OF REQUESTED DOCUMENTS**

8                               **Records Produced by Defendants**

9           8.       Pursuant to the Court's order regarding expedited discovery, Dkt. # 44, Defendants  
10 released approximately eight months of weekly HSOC resolution schedules. Attached hereto as  
11 **Exhibit 6** is an excerpt of a true and correct copy of this release, showing the weekly HSOC  
12 schedules for January 2022, bearing Bates stamps CCSF\_COH\_PI\_HSOC\_000423-000426. The  
13 full release spans approximately January through July 2022.

14           9.       Pursuant to the Court's order regarding expedited discovery, Dkt. # 44, Defendants  
15 released over a year of HSOC encampment reports. Attached hereto as **Exhibit 7** is an excerpt of  
16 a true and correct copy of this release, bearing Bates stamp CCSF\_COH\_PI\_HSOC\_000460,  
17 showing HSOC encampment reports from August 30, 2021 to October 5, 2021. The full release  
18 spans approximately August 30, 2021 through November 8, 2022.

19           I have reviewed the information contained in this declaration. I declare under the penalties  
20 of perjury that the contents are true and correct to the best of my knowledge.

21           Executed on: January 6, 2023

22   *s/ John Thomas H. Do*

23   John Thomas H. Do

# **EXHIBIT 1**



**From:** [John Do](#)  
**To:** [Emery, Jim \(CAT\)](#)  
**Cc:** [Joseph.Lee@lw.com](#); [Al.Pfeiffer@lw.com](#); [Zal Shroff](#); [Wang, Edmund \(CAT\)](#); [Snodgrass, Wayne \(CAT\)](#)  
**Subject:** RE: COH v SF: m/c on ongoing productions and a motion for clarification  
**Date:** Tuesday, January 3, 2023 4:50:00 PM  
**Attachments:** [image001.png](#)  
[image005.png](#)  
[image006.png](#)

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Thanks for the response. We'd like a status conference due to the urgency of the matter. The motion would ask the Court to affix the date at its earliest convenience, which may be on 1/12.



**JOHN THOMAS H. DO**  
**SENIOR STAFF ATTORNEY**  
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**From:** Emery, Jim (CAT) <[Jim.Emery@sfcityatty.org](mailto:Jim.Emery@sfcityatty.org)>  
**Sent:** Tuesday, January 3, 2023 3:43 PM  
**To:** John Do <[JDo@aclunc.org](mailto:JDo@aclunc.org)>  
**Cc:** [Joseph.Lee@lw.com](#); [Al.Pfeiffer@lw.com](#); [Zal Shroff <zshroff@lccrsf.org>](#); [Wang, Edmund \(CAT\) <Edmund.Wang@sfcityatty.org>](#); [Snodgrass, Wayne \(CAT\) <Wayne.Snodgrass@sfcityatty.org>](#)  
**Subject:** RE: COH v SF: m/c on ongoing productions and a motion for clarification

Hi John,

I do have in mind your request from last Thursday that San Francisco respond today to plaintiffs' proposal for ongoing disclosures. With the intervening holiday, I am still collecting information from clients for a substantive response. I will let you know where things stand before the end of the day.

Since we have a status conference coming up next week, it's not clear to me why plaintiffs would ask the Court to schedule another one. The parties have not yet finalized their joint 26(f) statement, which is due Thursday Jan 5.

**Jim Emery**  
Deputy City Attorney  
Office of City Attorney David Chiu  
(415) 554-4628 Direct  
[www.sfcityattorney.org](http://www.sfcityattorney.org)

---

**From:** John Do <[JDo@aclunc.org](mailto:JDo@aclunc.org)>  
**Sent:** Tuesday, January 3, 2023 3:14 PM  
**To:** Emery, Jim (CAT) <[Jim.Emery@sfcityatty.org](mailto:Jim.Emery@sfcityatty.org)>; Wang, Edmund (CAT) <[Edmund.Wang@sfcityatty.org](mailto:Edmund.Wang@sfcityatty.org)>

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

**Subject:** RE: COH v SF: m/c on ongoing productions and a motion for clarification

Jim,

I see you have filed your administrative motion instead of our proposal for a joint letter. We have yet to receive a response to our specific disclosure requests. Due to the urgency, we asked for a response today. Do you intend on responding? If not, ***please let us know if you oppose a motion for status conference on the need for ongoing disclosures to ensure compliance with the preliminary injunction.*** Thank you.

Regards.

John



**JOHN THOMAS H. DO**  
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**From:** John Do

**Sent:** Thursday, December 29, 2022 5:37 PM

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

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

**Subject:** RE: COH v SF: m/c on ongoing productions and a motion for clarification

Hi Jim,

Thank you for the meet-and-confer today. We write to memorialize our discussions and identify any follow-up.

- **Settlement:** We understand that Defendants are available on any of the dates offered by Judge Cisneros, but would prefer January 25. As we discussed on the call, we will discuss with our clients and get back to you regarding availability. We understand that Defendants intend to have representatives from DEM, DPW, SFPD, and HSH present at the settlement conference. While Plaintiffs expect to have a Coalition representative at the settlement conference, we may not have all individual plaintiffs present, but we will be prepared to negotiate on their behalf, to which we understand Defendants have no objections.
- **Scope of Preliminary Injunction:** We understand that Defendants intend to treat the preliminary injunction as prohibiting enforcing or threatening to enforce the laws identified in the Court's preliminary injunction order against any unhoused individual regardless of whether that

individual has a firm and adequate offer of shelter, unless and until contrary guidance is provided by the Court. We further understand that Defendants contend that the preliminary injunction is susceptible to different interpretations regarding whether the prohibitions on enforcement and threat of enforcement apply to such individuals, and that it intends to seek clarification from the Court regarding the scope of the preliminary injunction. You further stated that under Defendants' current treatment of the preliminary injunction, Defendants contend there is a potential conflict between the Defendants' obligations under it and the City's obligations under the stipulated injunction in *Hastings College of the Law v. City & County of San Francisco*, Case No. 3:20-cv-03033-JST (N.D. Cal., filed May 4, 2020). But we understand that Defendants do not believe their concerns regarding the scope of the preliminary injunction would be resolved by addressing them in a limited fashion (e.g., by limiting any modification of the preliminary injunction to the Tenderloin neighborhood that is the subject of the Hastings settlement). We further understand that Defendants expect to file an administrative motion regarding clarification by early next week. As discussed, Plaintiffs have followed up separately regarding our position on Defendants' motion.

- **Current Operations:** We understand that Defendants maintain that they are complying with the preliminary injunction by not currently enforcing sit/lie/sleep laws against unhoused individuals because the number of unhoused individuals living in San Francisco exceeds the number of shelter beds. To the extent you have provided us with additional information regarding Defendants' current operations, we have summarized it below. However, to a large extent, we understand Defendants' stated position regarding its operations amounts to a restatement of the preliminary injunction order and does not explain what, if any, changes have been made to Defendants' current operations to ensure compliance with the preliminary injunction or how Defendants are interpreting the preliminary injunction. We understand that at least part of the lack of additional information is due to your lack of knowledge regarding what specific instructions and guidance has been provided to the individuals carrying out Defendants' policies. Accordingly, as discussed on the call, we request that you investigate and provide more information as outlined below.
  - **Training:** You explained that SFPD police officers have been instructed as to the scope of the preliminary injunction, but that you were not aware of what the format was and whether there has been an official police bulletin. We ask that you follow up with the individuals responsible for providing instructions and training regarding the scope of the preliminary injunction and provide us with copies of any guidelines provided to them, including any police bulletins. We ask for the same for HOT and DPW.
  - **Requests to Move:** You explained that as of this moment, only HOT employees were requesting individuals to move from encampment resolutions, and that SFPD police officers were not making the same asks. At the same time, you indicated SFPD being present or making the same requests would not be threatened enforcement in your view. You also explained that you did not know whether any indication was given that requests to move were temporary or voluntary since you did not know specifically what was communicated to unhoused individuals. It is your belief that the unhoused people understood the requests to be temporary. You also explained to us that any requests to move continued to occur prior to the actual confirmation of whether the City had shelter beds available. What guidance, if any, has been provided to Defendants' employees regarding what they can and cannot ask individuals to do (e.g., are employees required to explain that any request is only temporary

and need not be complied with)? In addition, what guidance has been provided to employees regarding what constitutes an actual firm offer of appropriate shelter?

- Nuisance: You explained that the recent operations were aimed at abating a nuisance. You indicated that the 9/27 locations had been determined to be a nuisance but could not say how and when that determination was made. You could not confirm whether such nuisance determinations occur for all HSOC operations or not.

More generally, we requested certain disclosures to aid in monitoring compliance. You requested we send you a list via email, so that was sent separately along with our position on the motion for reconsideration. If you have any questions regarding our requests or the follow-up identified above, we would be happy to discuss.

Regards,



**JOHN THOMAS H. DO**  
**SENIOR STAFF ATTORNEY**  
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# **EXHIBIT 2**

**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](#)  
**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:** Tuesday, December 27, 2022 2:10:04 PM  
**Attachments:** [image005.png](#)  
[image008.png](#)

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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  
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---

**From:** John Do <[JDo@aclunc.org](mailto:JDo@aclunc.org)>  
**Sent:** Tuesday, December 27, 2022 11:30 AM  
**To:** Emery, Jim (CAT) <[Jim.Emery@sfcityatty.org](mailto:Jim.Emery@sfcityatty.org)>; Wang, Edmund (CAT) <[Edmund.Wang@sfcityatty.org](mailto:Edmund.Wang@sfcityatty.org)>; Garcia, Sophia (CAT) <[Sophia.Garcia@sfcityatty.org](mailto:Sophia.Garcia@sfcityatty.org)>; Cheeseborough, Pamela (CAT) <[Pamela.Cheeseborough@sfcityatty.org](mailto:Pamela.Cheeseborough@sfcityatty.org)>  
**Cc:** Zal Shroff <[zshroff@lccsf.org](mailto:zshroff@lccsf.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 17<sup>th</sup> 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](mailto:jdo@aclunc.org); [zshroff@lccrsf.org](mailto:zshroff@lccrsf.org); [Joseph.Lee@lw.com](mailto:Joseph.Lee@lw.com); [Al.Pfeiffer@lw.com](mailto:Al.Pfeiffer@lw.com)). In particular, please be sure to include [sf.probono.unhoused.persons.litigation@lw.com](mailto: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**  
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**From:** Emery, Jim (CAT) <[Jim.Emery@sfcityatty.org](mailto:Jim.Emery@sfcityatty.org)>  
**Sent:** Monday, December 26, 2022 7:15 PM  
**To:** John Do <[JDo@aclunc.org](mailto:JDo@aclunc.org)>; Wang, Edmund (CAT) <[Edmund.Wang@sfcityatty.org](mailto:Edmund.Wang@sfcityatty.org)>  
**Cc:** Zal Shroff <[zshroff@lccrsf.org](mailto:zshroff@lccrsf.org)>; [Joseph.Lee@lw.com](mailto:Joseph.Lee@lw.com); [Al.Pfeiffer@lw.com](mailto:Al.Pfeiffer@lw.com); Garcia, Sophia (CAT) <[Sophia.Garcia@sfcityatty.org](mailto:Sophia.Garcia@sfcityatty.org)>; Cheeseborough, Pamela (CAT) <[Pamela.Cheeseborough@sfcityatty.org](mailto: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](http://www.sfcityattorney.org)

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**From:** John Do <[JDo@aclunc.org](mailto:JDo@aclunc.org)>  
**Sent:** Monday, December 26, 2022 11:42 AM  
**To:** Emery, Jim (CAT) <[Jim.Emery@sfcityatty.org](mailto:Jim.Emery@sfcityatty.org)>; Wang, Edmund (CAT) <[Edmund.Wang@sfcityatty.org](mailto:Edmund.Wang@sfcityatty.org)>  
**Cc:** Zal Shroff <[zshroff@lccrsf.org](mailto:zshroff@lccrsf.org)>; [Joseph.Lee@lw.com](mailto:Joseph.Lee@lw.com); [Al.Pfeiffer@lw.com](mailto: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](mailto:ECF-CAND@cand.uscourts.gov) <[ECF-CAND@cand.uscourts.gov](mailto:ECF-CAND@cand.uscourts.gov)>  
**Sent:** Friday, December 23, 2022 6:36 PM  
**To:** [efiling@cand.uscourts.gov](mailto: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](mailto:Al.Pfeiffer@lw.com), [#sflitigationsservices@lw.com](mailto:#sflitigationsservices@lw.com), [al-pfeiffer-0552@ecf.pacerpro.com](mailto:al-pfeiffer-0552@ecf.pacerpro.com), [Linda.Tam@lw.com](mailto:Linda.Tam@lw.com)

**Brandon Lashawn Greene** [bgreene@aclunc.org](mailto:bgreene@aclunc.org), [aalas@aclunc.org](mailto:aalas@aclunc.org), [tcoughlin@aclunc.org](mailto:tcoughlin@aclunc.org)

**Edmund T. Wang** [edmund.wang@sfcityatty.org](mailto:edmund.wang@sfcityatty.org), [anita.murdock@sfcityatty.org](mailto:anita.murdock@sfcityatty.org), [celena.sepulveda@sfcityatty.org](mailto:celena.sepulveda@sfcityatty.org), [sophia.garcia@sfcityatty.org](mailto:sophia.garcia@sfcityatty.org), [winnie.fong@sfcityatty.org](mailto:winnie.fong@sfcityatty.org)

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**John Thomas H. Do** [jdo@aclunc.org](mailto:jdo@aclunc.org), [aalas@aclunc.org](mailto:aalas@aclunc.org)

**Joseph Hyuk Lee** [joseph.lee@lw.com](mailto:joseph.lee@lw.com), [#ocecf@lw.com](mailto:#ocecf@lw.com), [joseph-lee-8312@ecf.pacerpro.com](mailto:joseph-lee-8312@ecf.pacerpro.com)

**Kevin Wu** [kevin.wu@lw.com](mailto:kevin.wu@lw.com)

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Yvonne Rosil Mere [yvonne.mere@sfcityatty.org](mailto:yvonne.mere@sfcityatty.org), [martina.hassett@sfcityatty.org](mailto:martina.hassett@sfcityatty.org)

Zal Kotval Shroff [zshroff@lccrsf.org](mailto: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 3**

**From:** [John Do](#)  
**To:** [Emery, Jim \(CAT\)](#)  
**Cc:** ["Joseph.Lee@lw.com"](#); ["Al.Pfeiffer@lw.com"](#); ["Zal Shroff"](#); [Wang, Edmund \(CAT\)](#); [Snodgrass, Wayne \(CAT\)](#); [SF.PROBONO.UNHOUSED.PERSONS.LITIGATION@lw.com](#)  
**Bcc:** [Sweeps Litigation Team](#)  
**Subject:** RE: COH v SF: m/c on ongoing productions and a motion for clarification  
**Date:** Wednesday, January 4, 2023 9:24:00 AM  
**Attachments:** [image001.png](#)  
[image005.png](#)

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Hi Jim,

Thank you for responding below. Given that HSOC operations are continuing at encampments, I write specifically regarding the scope of the 72 Hour Notices that the City has agreed to provide. You have previously indicated that unhoused people may be asked to move on a voluntary and/or temporary basis by HSOC agencies. Can you confirm that such instances are still considered a "planned homeless encampment resolution" for which you will provide notice? For example, are the HSOC operations that happened on the Embarcadero and at Harrison/Merlin yesterday and the ones today at [Erie St and by Best Buy](#) the type of operations that you will provide notice of moving forward? And I assume we can expect to receive notices starting now? Please let me know. Thank you.

Regards,  
John



**JOHN THOMAS H. DO**  
**SENIOR STAFF ATTORNEY**  
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---

**From:** Emery, Jim (CAT) <[Jim.Emery@sfcityatty.org](mailto:Jim.Emery@sfcityatty.org)>  
**Sent:** Tuesday, January 3, 2023 8:27 PM  
**To:** John Do <[JDo@aclunc.org](mailto:JDo@aclunc.org)>  
**Cc:** 'Joseph.Lee@lw.com' <[Joseph.Lee@lw.com](mailto:Joseph.Lee@lw.com)>; 'Al.Pfeiffer@lw.com' <[Al.Pfeiffer@lw.com](mailto:Al.Pfeiffer@lw.com)>; 'Zal Shroff' <[zshroff@lccrsf.org](mailto:zshroff@lccrsf.org)>; Wang, Edmund (CAT) <[Edmund.Wang@sfcityatty.org](mailto:Edmund.Wang@sfcityatty.org)>; Snodgrass, Wayne (CAT) <[Wayne.Snodgrass@sfcityatty.org](mailto:Wayne.Snodgrass@sfcityatty.org)>  
**Subject:** RE: COH v SF: m/c on ongoing productions and a motion for clarification

Hi John,

You asked me to respond today to the request you transmitted last Thursday for weekly reporting of information relating to San Francisco's compliance with the preliminary injunction.

In October, the Court resolved plaintiffs' asserted need for interim disclosures. What you requested on Thursday in your email below is significantly more extensive and more burdensome than what plaintiffs sought in October and what the Court at that time deemed relevant and appropriate while the PI motion was pending. Now that the Court has decided the PI motion and discovery has opened, plaintiffs have less need for ongoing disclosures, not more. The reasons you have offered for the six broad categories of information plaintiffs seek are generic, and do not explain why the particular information requested is necessary on an ongoing weekly basis, rather than through normal discovery.

1. San Francisco will agree to provide 72-hour notice of "planned homeless encampment resolution[s]," as the Court directed in its October 18 Order (Dkt #34). San Francisco adheres to its understanding of the scope of this notice requirement, as explained in the parties' extensive meet-and-confer efforts on the topic.
2. It's not clear what plaintiffs mean by "weekly HSOC encampment reports" or "dispatch/progress logs." I believe "encampment resolution schedules" are covered by item 1, above. To generate additional reports on plaintiffs' proposed weekly schedule is burdensome on its face. Plaintiffs should avail themselves of ordinary discovery tools to obtain the additional information they seek from HSOC.
3. Plaintiffs' expanded request for ongoing disclosure of SFPD data is significantly broader than the request the Court rejected in October (Dkt #38). As San Francisco already explained (Dkt #37), searches of individualized records and the proposed key-word searches are impractical on a weekly basis. Plaintiffs now in addition seek bodycam footage and photographs on a weekly basis. Public disclosure of bodycam footage requires individualized review and redactions, and is not practical on an ongoing basis. Plaintiffs should avail themselves of ordinary discovery tools to obtain the information they seek from SFPD. The Court specifically contemplated plaintiffs could "seek[ ] production of different categories of records from SFPD once discovery is open." (Dkt #38, at 2).
4. Plaintiffs' expanded request for ongoing disclosure of DPW documents and photos exceeds the scope of what plaintiffs requested and what the Court authorized while the PI motion was pending. Collecting, processing, and producing the disparate records plaintiffs now seek from DPW on a weekly basis would be unduly burdensome and disruptive to staff. The proposed 72-hour notice of planned encampment resolutions will provide ample opportunity for plaintiffs to verify DPW's adherence to its bag-tag policies. Plaintiffs should avail themselves of ordinary discovery tools to obtain the information they seek from DPW.
5. The Court did not require weekly reporting of HSH data. (Dkt #34 para 3.d). Plaintiffs have not justified weekly reporting of that data now, which imposes an ongoing burden both on HSH and the City Attorney's office. The information plaintiffs seek now from HSH is even broader than what it sought in October. Because plaintiffs have not alleged any threat of criminal enforcement in connection with SFHOT outreach, the request for weekly reporting of SFHOT outreach data is entirely unjustified. Plaintiffs should avail themselves of ordinary discovery tools to obtain the information they seek from HSH.
6. San Francisco proposes to provide promptly upon publication non-privileged departmental policy bulletins and directives addressing (1) enforcement of sit/lie/sleep laws against people experiencing homelessness; or (2) bag-and-tag. Any additional documentation regarding compliance are available through ordinary discovery tools.



I expect to continue to receive from client departments more detailed descriptions of the burden arising from plaintiffs' request for ongoing weekly productions.

**Jim Emery**

Deputy City Attorney  
Office of City Attorney David Chiu  
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---

**From:** John Do <[JDo@aclunc.org](mailto:JDo@aclunc.org)>  
**Sent:** Thursday, December 29, 2022 4:25 PM  
**To:** Emery, Jim (CAT) <[Jim.Emery@sfcityatty.org](mailto:Jim.Emery@sfcityatty.org)>; Wang, Edmund (CAT) <[Edmund.Wang@sfcityatty.org](mailto:Edmund.Wang@sfcityatty.org)>  
**Cc:** [Joseph.Lee@lw.com](mailto:Joseph.Lee@lw.com); [Al.Pfeiffer@lw.com](mailto:Al.Pfeiffer@lw.com); Zal Shroff <[zshroff@lccrsf.org](mailto:zshroff@lccrsf.org)>  
**Subject:** COH v SF: m/c on ongoing productions and a motion for clarification

Hi Jim:

As requested, this email covers our position on (1) ongoing productions to ensure compliance and (2) a motion for clarification you are considering in light of “operational questions” with the settlement in *Hastings College of the Law v. City & County of San Francisco*, Case No. 3:20-cv-03033-JST (N.D. Cal., filed May 4, 2020).

As described today, it is clear that Defendants are taking a position on “involuntary homelessness” that is fundamentally incompatible with the Court’s order—which establishes that San Francisco’s massive shelter/housing shortage, combined with the shelter system’s closure, the 1000 people languishing on a shelter waitlist with no access to it, and the closure of same-day lines and all self-referral into shelter, precludes all enforcement/displacement operations of unhoused people—even where the City purports to provide some shelter incident to its enforcement/resolution process. *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”). Indeed, you acknowledged that Defendants would treat the Court’s order as precluding all enforcement/displacement operations. Moreover, you recognize the Court’s order could be read consistent with that understanding.

Therefore, we would oppose a motion for clarification. The Court’s order is clear. We similarly do not read a conflict between the settlement in the UC Hastings lawsuit and the preliminary injunction.

We also discussed that Plaintiffs have no way of assessing or ensuring Defendants' compliance without ongoing notice and disclosure of relevant documents during the pendency of the preliminary injunction, and at suitable intervals such that Plaintiffs can ensure that unhoused individuals are not suffering constitutional injuries on an ongoing basis. These disclosures are informed in part based on what the Court has ordered previously, but all such documents are critical to assessing Defendants' compliance. As you yourself noted today, you would not be able to guarantee compliance and could not represent that there would be no errant behavior of different City officials in complying with the injunction. That is the very basis for these requests, which are as follows:

1. **Ongoing 72-Hour Notice.** We ask that Defendants agree to the same type of notice of any planned sweep operations (e.g., an operation where unhoused people are asked to move) as required by the Court's previous orders. *See* Dkt. No. 34.

Reason: So that Plaintiffs have an opportunity to monitor ongoing sweep operations for compliance with the Court's order. This request did not prove burdensome. Per City practice/policy, such notices are already posted in advance and such operations are planned a week in advance. As raised on the call, we would also be willing to accept earlier notice, for example at the time Defendants decide where and when to conduct such operations, which Defendants have previously represented are determined the Wednesday before.

2. **HSOC Resolution Data.** All weekly HSOC encampment reports, encampment resolution schedules, and dispatch/progress logs.

Reason: So that Plaintiffs have an opportunity to plan how to monitor ongoing sweep operations for compliance with the Court's order, and to identify Defendants' representations regarding shelter offers, arrests, and displacement operations across the City.

3. **SFPD Data.** All underlying SFPD dispatch logs and incident reports—both in summary report form and individualized records—pertaining to interactions, including all incident reports:

- related to 915 (homeless complaints), 917 (suspicious person), 919 (person sitting/lying on a sidewalk), 920 (aggressive solicitor), and 800cr (mentally disturbed person) dispatches; and
- responsive to the following search terms: "homeless" AND "encampment"; or "homeless" AND "tent"; or "homeless" AND "complaint"

SFPD should also produce all bodycam or photographs related to any of the incident reports described above.

Reason: This data regarding SFPD's interactions with unhoused people is critical to

assessing whether law enforcement is in fact honoring the prohibition on enforcement. SFPD is dispatched to respond to homelessness complaints thousands of times every month beyond HSOC operations and without the presence of the HOT team. Without data on these interactions, the vast majority of potential non-compliance with the Court's order will remain without scrutiny.

4. **DPW Data.** All incident reports or logs identifying DPW cleaning or removal operations regarding unhoused individuals, any associated incident reports, property logs, or bag and tags, including photographs of disputed property (e.g. property not bagged and tagged) and copies of any notices posted prior to any property removal.

Reason: DPW is conducting daily cleaning and property removal operations beyond HSOC that all involve unhoused individuals. Without the DPW-specific data regarding time, place, location, factual circumstances, and removal data, Plaintiffs will be unable to monitor DPW's overall compliance with the preliminary injunction order.

5. **HSH Data.** HSH daily shelter availability disclosures, outreach, and shelter placement reports from the HOT team regarding specific and individualized shelter offers and acceptances across San Francisco.

Reason: HSH's shelter bed availability, ways to access the shelter system, and the timing of shelter offers is critical to assessing if and when enforcement of anti-homeless ordinances are ever appropriate.

6. **Information regarding PI Compliance.** All non-privileged information communicated by Defendants to staff regarding how to comply with the preliminary injunction order.

Reason: Plaintiffs have no insight into Defendants' conduct without understanding any trainings or guidance given to Defendants' staff regarding their understanding of how to comply with the Court's order. Plaintiffs must have that information to confirm that Defendants' staff are being appropriately advised regarding the Court's order.

Save for #1 72-Hour Notices, Plaintiffs request that all such document disclosures should continue on a weekly basis, or on a bi-weekly basis on a demonstration of a legitimate burden, to ensure ongoing compliance with the Court's order while safeguarding the rights of unhoused individuals through swift intervention in light of obvious non-compliance. We note in this regard that Defendants have not yet provided information regarding any alleged burden by which Plaintiffs or the Court could fairly evaluate Defendants purported concerns.

We will await your response regarding whether Defendants will stipulate to an order requiring the disclosures described above. Given that the City continues with some sort of sweep operations, we appreciate your prompt attention to these urgent matters and ask that you please respond by Tuesday.

You have identified that it is Defendants' preference to address these issues with the Court as soon as possible. We certainly agree. We believe that the appropriate and most efficient mechanism to do so is via the parties' joint CMC statement and 26(f) report—which is due on Thursday, 1/5.

However, you have communicated a desire to instead file some request for relief on Tuesday, 1/3 in the form of an administrative motion. We note that it appears to be the judge's distinct preference that the parties seek to resolve any issues by the submission of joint statements. As such, Plaintiffs propose that the parties file a joint letter brief to the Court regarding the areas in dispute and requesting that the Court provide guidance to the parties either before or at the CMC on 1/12. Please advise if Defendants can agree to a joint submission, and we are happy to agree to a mutual restriction on page limits.

Regards and Happy New Year,  
John



**JOHN THOMAS H. DO**  
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# **EXHIBIT 4**

**From:** [John Do](#)  
**To:** [Emery, Jim \(CAT\)](#); [Wang, Edmund \(CAT\)](#); [Snodgrass, Wayne \(CAT\)](#)  
**Cc:** [Al.Pfeiffer@lw.com](#); [Joseph.Lee@lw.com](#); [Zal Shroff](#)  
**Bcc:** [Sweeps Litigation Team](#)  
**Subject:** COH v SF: confiscating usable tents in current stretch of storms  
**Date:** Tuesday, January 3, 2023 11:50:00 AM  
**Attachments:** [image001.png](#)  
**Importance:** High

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Jim, Ed and Wayne,

This morning at HSOC operations by the Ferry Building, we noted that the City declared at least one tent, an orange and grey one, abandoned. Fortunately, plaintiffs' had a monitor present who informed the City that the tent was likely unattended, which likely prevented a disposal that would have been in violation of the City's policies and the Preliminary Injunction. We again note the heavy law enforcement presence and our concerns that "requests" to move may not be perceived as voluntary or temporary.

***And given the unprecedented rain we are receiving, we ask that the City end confiscating/destroying usable tents (and other survival gear) unless there is an immediate health and safety hazard during the pendency of the current stretch of bad weather, regardless of the City's position regarding whether it can do so under its current "bag-and-tag" policies.*** To do otherwise would be inhumane. We understand there is an HSOC operation today at 1pm at Harrison and Merlin, so we again appreciate your prompt response to this urgent matter.

Regards,  
John



**JOHN THOMAS H. DO**  
**SENIOR STAFF ATTORNEY**  
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# **EXHIBIT 5**



**From:** [Wang, Edmund \(CAT\)](#)  
**To:** ["Zal Shroff"](#); [Wesley Tiu](#); [John Do](#); [Hadley Rood](#); [Al Pfeiffer](#); [Tulin Gurer](#); [Neda Shahram](#); [Joseph Lee](#); [Brandon Greene](#); [Rachel Mitchell \(SD\)](#); [Kira Setren](#); [Elisa Della-Piana](#); [sf.probono.unhoused.persons.litigation@lw.com](mailto:sf.probono.unhoused.persons.litigation@lw.com); [kevin.wu@lw.com](mailto:kevin.wu@lw.com)  
**Cc:** [Emery, Jim \(CAT\)](#); [Garcia, Sophia \(CAT\)](#)  
**Subject:** RE: Coalition on Homelessness et al. v. CCSF et al – 72-hour notice and expedited discovery matters  
**Date:** Tuesday, December 20, 2022 11:31:38 PM  
**Attachments:** [image005.png](#)  
[image008.png](#)  
[image009.png](#)  
[image013.png](#)  
[image017.png](#)  
[image020.png](#)  
[image023.png](#)  
[image026.png](#)  
[image029.png](#)  
[image033.png](#)  
[image035.png](#)  
[image038.png](#)

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Zal, et al.,

**72-Hour Notice.** The City has been providing you notice of all “planned homeless encampment resolutions” within the meaning of the Court’s order, which definition was clarified in my previous email. To the extent you believe there have been “planned homeless encampment resolutions” of which you have not received notice, we would be happy to look into any such alleged instance. As set forth in our previous emails, the two instances that you have identified (240 Clayton Street on 11/6, and 16th St. & Pond St. on 11/7) were not “planned homeless encampment resolutions.” You contend that DPW daily posts written notices at various locations across the City but you have not provided any specifics (other than as it relates to 240 Clayton Street) to allow us to look into the issue. The mere posting of a written notice, without more, does not indicate a “planned homeless encampment resolution,” see, for example, the situation at 240 Clayton Street. DPW responded to the area on 11/4 to address abandoned (not merely unattended) property. Rather than immediately discard the abandoned property, a notice was posted. As set forth in DPW’s policy, of which you have a copy, DPW staff evaluate the facts and circumstances surrounding the item to determine whether it is abandoned or unattended. Abandoned items are unaccompanied by objective indications of ownership, for example, an empty or broken tent. In addition, DPW staff are not required to sort through belongings that are co-mingled or littered with needles, human waste, or other health risks. You have not provided any information about the property left at 240 Clayton Street on 11/4 to suggest the property was unattended rather than abandoned. Removing abandoned property does not constitute an encampment resolution. And in any event, the property was not discarded on 11/4. We have not identified any record of any operation at 240 Clayton St. on 11/6. As we have expressed previously, if you have additional information about the alleged events on 11/6, it would help us further investigate (e.g., time of day, number of personnel, any names of personnel, any vehicle numbers, etc.). But in any event, even if there were any operations at 240 Clayton St. on 11/6, it was unrelated to the notice posted on 11/4 and was not a “planned homeless encampment resolution.” With respect to 16th St. & Pond St. on 11/7, it is not a surprise that we are

receiving divergent reports. No Court order requires early disclosure of the material you now demand. We will respond to any discovery requests in the course of discovery.

**SFPD Reports.** You misunderstand the City's position on the SFPD reports. As set forth in our prior responses, the Court ordered certain information be produced during the pendency of Plaintiff's motion for preliminary injunction. The Court order adopted the City's proposal which was based on the parties' meet and confer and your representations therein. We have provided that information to you. Plaintiffs can seek additional information in the course of discovery and the City will respond to any such requests in the course of discovery.

Thanks.

Ed

**Edmund T. Wang** (he/him)  
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**From:** Zal Shroff <zshroff@lccrsf.org>  
**Sent:** Monday, December 12, 2022 6:33 PM  
**To:** Wang, Edmund (CAT) <Edmund.Wang@sfcityatty.org>; Wesley Tiu <Wesley.Tiu@lw.com>; John Do <jdo@aclunc.org>; Hadley Rood <hrood@lccrsf.org>; Al Pfeiffer <Al.Pfeiffer@lw.com>; Tulin Gurer <Tulin.Gurer@lw.com>; Neda Shahram <nshahram@lccrsf.org>; Joseph Lee <Joseph.Lee@lw.com>; Brandon Greene <bgreene@aclunc.org>; Rachel Mitchell (SD) <Rachel.Mitchell@lw.com>; Kira Setren <ksetren@lccrsf.org>; Elisa Della-Piana <edellapiana@lccrsf.org>; sf.probono.unhoused.persons.litigation@lw.com; kevin.wu@lw.com  
**Cc:** Emery, Jim (CAT) <Jim.Emery@sfcityatty.org>; Garcia, Sophia (CAT) <Sophia.Garcia@sfcityatty.org>  
**Subject:** Re: Coalition on Homelessness et al. v. CCSF et al – 72-hour notice and expedited discovery matters

Ed:

As you are aware, the reason for the Court's order mandating that you provide us notice of all planned encampment resolutions is that we are not and could not possibly be aware of all sweep operations conducted by the City and its departments on any given day, nor could you be—for that, we are relying exclusively on information from your clients. However, based upon your representations in your November 29 email, as well as during our phone conference on December 7, it now seems clear that Defendants are not only violating the Court's notice order but also admitting

to the very same unlawful enforcement actions against unhoused residents that form the basis of this suit. Please confirm your responses to the below at your earliest convenience.

**72-Hour Notice of DPW Removal Operations.** DPW regularly posts a “72-Hour Notice of Planned Removal of Property” at various locations across the City to signify that a planned encampment resolution is set to occur. Yet you have not provided us with notice of a *single* such instance. The planned removal of unhoused individuals’ personal property is, unquestionably, an encampment resolution under the Court’s order—as you yourself concede. *See* Nov. 29, 2022 email (“a ‘planned homeless encampment resolution’ refers to an operation that is pre-planned with the specified intention of clearing an area”). Please confirm your express agreement that DPW’s planned resolution notices must be disclosed to us, and that you will appropriately educate your clients regarding their obligations under the Court’s order with respect to these planned operations. Again, these planned operations happen across the City on a daily basis without any notice to Plaintiffs. This is extremely concerning.

**Sweep at 240 Clayton on November 6, 2022.** The shifting rationales for DPW’s conduct at this site are dizzying. First, you purported that there was no record anywhere of any DPW activity at the location. Then we provided you DPW’s own notice at the site, only to have you suggest that a sweep operation was to be carried out but was then cancelled—hence the lack of notice to us. You maintained that DPW’s conduct at this location on November 6, if any, was entirely separate from the November 8 DPW sweep that was planned and supposedly cancelled. And now, you purport that the property at the site was “abandoned” and that, if any sweep did occur, DPW was entitled to remove and dispose of the property onsite without further notice—and with no notice to Plaintiffs’ counsel. Respectfully, you are admitting to a violation of DPW’s own policy. *See* DPW Bag and Tag Policy (“Unattended property is not abandoned if it is accompanied by signs of ownership – for example, an unattended tent that is filled with personal belongings or items that are being stored in an orderly manner”). If DPW is admitting that it considers all property that is not immediately attended by its owner to be abandoned, we need to be aware of this. As we have already reported to you, there were 4 tents with unhoused individuals residing in them at the site—as identified by a housed neighbor in the area. DPW forcibly displaced the unhoused people present at the site—apparently without any HOT team staff there to make a shelter offer—days earlier than the DPW notice stated, and with no notice to us. Please clarify your position on purportedly “abandoned” property, and identify whether DPW’s position is that no notice is required before summarily seizing and disposing of tents merely because they are momentarily unattended. That would certainly explain Defendants’ failure to properly notice us regarding *any* DPW encampment resolutions under the Court’s order.

**Pond & 16<sup>th</sup> Street on November 7, 2022.** After reporting that SFPD was dispatched to the Harvey Milk Library in response to a complaint that individuals were obstructing the entrance to the library—at 6AM on a day when the library was obviously closed until 10AM, it appears your client has now backtracked after being pressed for the underlying dispatch logs. Your client’s newest explanation for the displacement of the unhoused individuals onsite is that Officer Fernandez was on routine patrol when he identified Toro Castaño as “obstructing” the library entrance. But this explanation is inconsistent with the reports we received from several sources indicating that there were multiple unhoused individuals present at the time, and that Officer Fernandez walked through the encampment and told everyone present that they must immediately pack up their belongings and vacate the area—without any offers of shelter to anyone onsite. Please provide the incident report generated by this interaction, as well as any bodycam footage of the incident, if Officer Fernandez’s bodycam was activated.

These incidents and what they say about Defendants’ pattern of conduct toward unhoused individuals even after the filing of this case are gravely concerning. The Coalition on Homelessness has already diverted precious resources to identifying and monitoring the City’s sweep operations,

and yet it is clear that there have been many more—with your clients failing to appropriately inform both your office and Plaintiffs. This makes it impossible for us or for the Court to have an accurate sense of the City's operations and directly violates the Court's order.

**SFPD Reports:** Your position appears to be that Plaintiffs are only entitled to information that was available to Plaintiffs via public records act request prior to this litigation being filed, notwithstanding the clear terms of the Court's order regarding the required reports from SFPD. Indeed, nothing in the Court's order is tethered to Plaintiffs' former PRA requests. As already established, the relevant prior reports from SFPD *do* include time and location data for citations and arrests. It also flies in the face of common sense that SFPD would choose to disclose a dispatch log that merely indicates—with no information whatsoever—the number of dispatches on a given day. The mere number of dispatches a day could be summarized in a one-sentence email, and is certainly not a "report" sufficient to communicate any information at all regarding SFPD's dispatches in response to homelessness. Again, at a minimum, we expect that you provide at least date, time, and location for each SFPD dispatch. We also reject your assertion that any "goalposts" have changed. You have not ever provided the information required by the Court's order, and we have continued to raise those defects with you since your very first production.

Thank you for your attention to these matters. We will await your responses and determine our next steps accordingly—including, if necessary—raising these issues with the Court.

Best regards,



**Zal K. Shroff** (he/him)  
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Lawyers' Committee for Civil Rights of the San Francisco Bay Area  
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**From:** "Wang, Edmund (CAT)" <[Edmund.Wang@sfcityatty.org](mailto:Edmund.Wang@sfcityatty.org)>  
**Date:** Tuesday, December 6, 2022 at 1:27 PM  
**To:** Zal Shroff <[zshroff@lccrsf.org](mailto:zshroff@lccrsf.org)>, Wesley Tiu <[Wesley.Tiu@lw.com](mailto:Wesley.Tiu@lw.com)>, John Do <[jdo@aclunc.org](mailto:jdo@aclunc.org)>, Hadley Rood <[hrood@lccrsf.org](mailto:hrood@lccrsf.org)>, Al Pfeiffer <[Al.Pfeiffer@lw.com](mailto:Al.Pfeiffer@lw.com)>, Tulin Gurer <[Tulin.Gurer@lw.com](mailto:Tulin.Gurer@lw.com)>, Neda Shahram <[nshahram@lccrsf.org](mailto:nshahram@lccrsf.org)>, Joseph Lee <[Joseph.Lee@lw.com](mailto:Joseph.Lee@lw.com)>, Brandon Greene <[bgreene@aclunc.org](mailto:bgreene@aclunc.org)>, "Rachel Mitchell (SD)" <[Rachel.Mitchell@lw.com](mailto:Rachel.Mitchell@lw.com)>, Kira Setren <[ksetren@lccrsf.org](mailto:ksetren@lccrsf.org)>, Elisa Della-Piana <[edellapiana@lccrsf.org](mailto:edellapiana@lccrsf.org)>, "[sf.probono.unhoused.persons.litigation@lw.com](mailto:sf.probono.unhoused.persons.litigation@lw.com)" <[sf.probono.unhoused.persons.litigation@lw.com](mailto:sf.probono.unhoused.persons.litigation@lw.com)>, "[kevin.wu@lw.com](mailto:kevin.wu@lw.com)" <[kevin.wu@lw.com](mailto:kevin.wu@lw.com)>  
**Cc:** "Emery, Jim (CAT)" <[Jim.Emery@sfcityatty.org](mailto:Jim.Emery@sfcityatty.org)>, "Garcia, Sophia (CAT)" <[Sophia.Garcia@sfcityatty.org](mailto:Sophia.Garcia@sfcityatty.org)>  
**Subject:** RE: Coalition on Homelessness et al. v. CCSF et al – 72-hour notice and expedited

discovery matters

All,

Tomorrow at 3:00 p.m. works best for us for the 26(f) conference. With respect to my further inquiries into the events at 16th & Pond on 11/7, I did not agree to provide documentation. I have, however, looked into the matter further, as we discussed, and can share the additional information that we have tomorrow during our 26(f) conference. We'll speak with everyone tomorrow. Thanks.

Ed

**Edmund T. Wang** (he/him)  
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**From:** Zal Shroff <[zshroff@lccrsf.org](mailto:zshroff@lccrsf.org)>

**Sent:** Tuesday, December 6, 2022 12:10 PM

**To:** Wang, Edmund (CAT) <[Edmund.Wang@sfcityatty.org](mailto:Edmund.Wang@sfcityatty.org)>; Wesley Tiu <[Wesley.Tiu@lw.com](mailto:Wesley.Tiu@lw.com)>; John Do <[jdo@aclunc.org](mailto:jdo@aclunc.org)>; Hadley Rood <[hrood@lccrsf.org](mailto:hrood@lccrsf.org)>; Al Pfeiffer <[Al.Pfeiffer@lw.com](mailto:Al.Pfeiffer@lw.com)>; Tulin Gurer <[Tulin.Gurer@lw.com](mailto:Tulin.Gurer@lw.com)>; Neda Shahram <[nshahram@lccrsf.org](mailto:nshahram@lccrsf.org)>; Joseph Lee <[Joseph.Lee@lw.com](mailto:Joseph.Lee@lw.com)>; Brandon Greene <[bgreene@aclunc.org](mailto:bgreene@aclunc.org)>; Rachel Mitchell (SD) <[Rachel.Mitchell@lw.com](mailto:Rachel.Mitchell@lw.com)>; Kira Setren <[ksetren@lccrsf.org](mailto:ksetren@lccrsf.org)>; Elisa Della-Piana <[edellapiana@lccrsf.org](mailto:edellapiana@lccrsf.org)>; [sf.probono.unhoused.persons.litigation@lw.com](mailto:sf.probono.unhoused.persons.litigation@lw.com); [kevin.wu@lw.com](mailto:kevin.wu@lw.com)

**Cc:** Emery, Jim (CAT) <[Jim.Emery@sfcityatty.org](mailto:Jim.Emery@sfcityatty.org)>; Garcia, Sophia (CAT) <[Sophia.Garcia@sfcityatty.org](mailto:Sophia.Garcia@sfcityatty.org)>

**Subject:** Re: Coalition on Homelessness et al. v. CCSF et al – 72-hour notice and expedited discovery matters

Ed:

We have not received a response to our email. Please advise whether Defendants will be available for our 26(f) conference tomorrow during the times we indicated. Please also provide the follow-up documentation we discussed regarding the incidents described below.

Best regards,

**Zal K. Shroff** (he/him)  
Senior Staff Attorney  
Lawyers' Committee for Civil Rights of the San Francisco Bay Area  
131 Steuart Street, Suite 400  
San Francisco, CA 94105



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**From:** Zal Shroff <[zshroff@lccrsf.org](mailto:zshroff@lccrsf.org)>

**Date:** Friday, December 2, 2022 at 11:31 AM

**To:** "Wang, Edmund (CAT)" <[Edmund.Wang@sfcityatty.org](mailto:Edmund.Wang@sfcityatty.org)>, Wesley Tiu <[Wesley.Tiu@lw.com](mailto:Wesley.Tiu@lw.com)>, John Do <[jdo@aclunc.org](mailto:jdo@aclunc.org)>, Hadley Rood <[hrood@lccrsf.org](mailto:hrood@lccrsf.org)>, Al Pfeiffer <[Al.Pfeiffer@lw.com](mailto:Al.Pfeiffer@lw.com)>, Tulin Gurer <[Tulin.Gurer@lw.com](mailto:Tulin.Gurer@lw.com)>, Neda Shahram <[nshahram@lccrsf.org](mailto:nshahram@lccrsf.org)>, Joseph Lee <[Joseph.Lee@lw.com](mailto:Joseph.Lee@lw.com)>, Brandon Greene <[bgreene@aclunc.org](mailto:bgreene@aclunc.org)>, "Rachel Mitchell (SD)" <[Rachel.Mitchell@lw.com](mailto:Rachel.Mitchell@lw.com)>, Kira Setren <[ksetren@lccrsf.org](mailto:ksetren@lccrsf.org)>, Elisa Della-Piana <[edellapiana@lccrsf.org](mailto:edellapiana@lccrsf.org)>, "[sf.probono.unhoused.persons.litigation@lw.com](mailto:sf.probono.unhoused.persons.litigation@lw.com)" <[sf.probono.unhoused.persons.litigation@lw.com](mailto:sf.probono.unhoused.persons.litigation@lw.com)>, "[kevin.wu@lw.com](mailto:kevin.wu@lw.com)" <[kevin.wu@lw.com](mailto:kevin.wu@lw.com)>

**Cc:** "Emery, Jim (CAT)" <[Jim.Emery@sfcityatty.org](mailto:Jim.Emery@sfcityatty.org)>, "Garcia, Sophia (CAT)" <[Sophia.Garcia@sfcityatty.org](mailto:Sophia.Garcia@sfcityatty.org)>

**Subject:** Re: Coalition on Homelessness et al. v. CCSF et al – 72-hour notice and expedited discovery matters

Ed:

Your explanations for the City's conduct with respect to the 72-hour notice and SFPD disclosures required under the Court's orders are not satisfactory. We are discussing internally, but in the meantime will await the follow-up documentation you have agreed to provide. As to our 26(f) conference, Plaintiffs' counsel will be available any time from 2PM-4:30PM on Wednesday, December 7.

Best regards,



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---

**From:** "Wang, Edmund (CAT)" <Edmund.Wang@sfcityatty.org>

**Date:** Tuesday, November 29, 2022 at 11:45 AM

**To:** Zal Shroff <zshroff@lccrsf.org>, Wesley Tiu <Wesley.Tiu@lw.com>, John Do <jdo@aclunc.org>, Hadley Rood <hrood@lccrsf.org>, Al Pfeiffer <Al.Pfeiffer@lw.com>, Tulin Gurer <Tulin.Gurer@lw.com>, Neda Shahram <nshahram@lccrsf.org>, Joseph Lee <Joseph.Lee@lw.com>, Brandon Greene <bgreene@aclunc.org>, "Rachel Mitchell (SD)" <Rachel.Mitchell@lw.com>, Kira Setren <ksetren@lccrsf.org>, Elisa Della-Piana <edellapiana@lccrsf.org>, "sf.probono.unhoused.persons.litigation@lw.com" <sf.probono.unhoused.persons.litigation@lw.com>, "kevin.wu@lw.com" <kevin.wu@lw.com>

**Cc:** "Emery, Jim (CAT)" <Jim.Emery@sfcityatty.org>, "Garcia, Sophia (CAT)" <Sophia.Garcia@sfcityatty.org>

**Subject:** RE: Coalition on Homelessness et al. v. CCSF et al – 72-hour notice and expedited discovery matters

Zal,

I write to follow up on the issues we discussed on November 23, as well as my email of November 24.

**72-Hour Notice.** We disagree with your contention that the parties' agreement regarding 72-hour notice of planned homeless encampment resolutions, memorialized in the Court's order, contemplates, as you now contend below, "advance notice" of every "operation" by SFPD or DPW that may result in the "displacement" of an individual. Given Plaintiffs' three years of public records requests and preparation for this lawsuit, we did not expect any confusion about the term, "planned homeless encampment resolution." To clarify, a "planned homeless encampment resolution" refers to an operation that is pre-planned with the specified intention of clearing an area. A "planned homeless encampment resolution" does not include situations encountered during routine maintenance, responses to service requests, or patrols where someone ultimately must be moved from a particular location due to a health or safety, accessibility, or private trespass issue arising at that particular location. Responding to a service request—regardless of how much, if any, preparation is needed or made for the response, even where the nature of the request suggests that the response may result in the relocation of an individual (due to a health or safety, accessibility, or private trespass issue)—is not a planned encampment resolution. The specified intention of such responses is not the clearing of an area.

I did not agree that the notice posted at or around 240 Clayton on November 4, 2022 signified a "planned homeless encampment resolution" on November 8, 2022. As we discussed, DPW responded to a report of abandoned property at that location, and posted the notice rather than immediately discard the abandoned property. There was never any intention to move any individual or any individual's property from that location. And as we discussed, by November 5, there was no intention of returning to the location to follow up on the November 4 response at all. DPW did not "cancel" a "planned encampment resolution." The removal of abandoned property is not an encampment resolution. And by November 5, there was no plan to do even that. And again, while I understand Plaintiffs' allegations concerning November 6 at 240 Clayton, we have seen no evidence



of any DPW or SFPD interactions with any unhoused individuals at that location on November 6. As discussed during our call, we would welcome any additional information you have regarding the November 6 activity at 240 Clayton.

With respect to 16th Street and Pond Street, while I agreed to look into the issue further in the spirit of cooperation, I made clear that regardless of what the records may show about the timing of SFPD's response to that location, the response was not a "planned homeless encampment resolution" within the meaning of the Court's order. (See above for the definition of "planned homeless encampment resolution"). I will provide further information regarding the relevant dispatch records when I have that information.

I hope this clarifies the points I was trying to make during our lengthy discussion on Wednesday, November 23, 2022.

**SFPD Reports.** Plaintiffs have provided us with two successive examples of the information Plaintiffs wanted included in weekly SFPD reporting. Plaintiffs appear to agree that all such information has been and is being provided to Plaintiffs. Plaintiffs now want to move the goalposts again. During the parties' original meet-and-confer process over SFPD weekly reporting, Plaintiffs provided a pre-litigation PRA response from SFPD as an example of the information they sought on a weekly basis during the pendency of Plaintiffs' preliminary injunction motion. Relying on Plaintiffs' representation that the sample PRA response was the information Plaintiffs were seeking, Defendants agreed and offered to provide that same information for incidents where misdemeanor citations were issued for Cal. Penal Code § 647(e) (lodging without permission) and Cal. Penal Code §§ 370, 372 (public nuisance), and dispatches with incident code 915 (homeless calls for service). Defendants' proposal was put before the Court in a joint letter filed on October 21, 2022. See ECF No. 37 at 2. And the Court adopted Defendants' proposal. See ECF No. 38 at 2. Defendants then provided a weekly report containing the information that was contained in the sample PRA response. Plaintiffs argued that this report was insufficient and provided a second sample PRA response that contained additional information absent from the first sample plaintiffs had provided. Plaintiffs represented that this second PRA response reflected the information they were seeking through weekly SFPD reporting, rather than the first PRA response on which Defendants' proposal and the Court's order was based. In the spirit of cooperation, Defendants agreed to provide the additional information, even though such additional information was not contemplated by the Court's order. Plaintiffs now contend the Court's order requires even more information than what was contained in the second PRA response. We disagree.

**HSOC Spreadsheets.** I apologize if my November 24, 2022 email was unclear. We cannot agree provide Plaintiffs the names (neither first nor last), initials (neither first nor last), or dates of birth (neither month, day, nor year) of its clients in native format or otherwise. It would impose a significant burden on San Francisco to modify the weekly HSOC reports in the way Plaintiffs suggest. We disagree that Plaintiffs have articulated any need for such information. Defendants explain in their opposition to plaintiffs' preliminary injunction motion that San Francisco's policies ensure a person experiencing homelessness is offered shelter before being asked to leave an encampment. Plaintiffs appear to contend that they need names and dates of birth to confirm the number individuals who accepted offers of shelter. But the number of individuals who accepted an offer of

shelter is not at issue. It is unclear what “claim” Plaintiffs contend they cannot “assess” without the names and dates of birth of third parties. In addition, I did not make any representation about “duplicate entries.” Rather, I explained that the Client Log includes individuals who have been engaged at multiple resolutions. These are not “duplicate entries.” Each entry shows a separate engagement of the individual at a different resolution. During the parties’ November 23 call, Plaintiffs provided no explanation for what relevance the personal information of third parties has to the preliminary injunction motion.

**26(f) conference.** We will await Plaintiffs availability from 12/6 to 12/9 for the conference. Please let me know if we have missed an email from Plaintiffs with proposed times.

Thank you.

**Edmund T. Wang** (he/him)  
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**From:** Zal Shroff <[zshroff@lccrsf.org](mailto:zshroff@lccrsf.org)>  
**Sent:** Monday, November 28, 2022 11:52 AM  
**To:** Wang, Edmund (CAT) <[Edmund.Wang@sfcityatty.org](mailto:Edmund.Wang@sfcityatty.org)>; Wesley Tiu <[Wesley.Tiu@lw.com](mailto:Wesley.Tiu@lw.com)>; John Do <[jdo@aclunc.org](mailto:jdo@aclunc.org)>; Hadley Rood <[hrood@lccrsf.org](mailto:hrood@lccrsf.org)>; Al Pfeiffer <[Al.Pfeiffer@lw.com](mailto:Al.Pfeiffer@lw.com)>; Tulin Gurer <[Tulin.Gurer@lw.com](mailto:Tulin.Gurer@lw.com)>; Neda Shahram <[nshahram@lccrsf.org](mailto:nshahram@lccrsf.org)>; Joseph Lee <[Joseph.Lee@lw.com](mailto:Joseph.Lee@lw.com)>; Brandon Greene <[bgreene@aclunc.org](mailto:bgreene@aclunc.org)>; Rachel Mitchell (SD) <[Rachel.Mitchell@lw.com](mailto:Rachel.Mitchell@lw.com)>; Kira Setren <[ksetren@lccrsf.org](mailto:ksetren@lccrsf.org)>; Elisa Della-Piana <[edellapiana@lccrsf.org](mailto:edellapiana@lccrsf.org)>; [sf.probono.unhoused.persons.litigation@lw.com](mailto:sf.probono.unhoused.persons.litigation@lw.com); [kevin.wu@lw.com](mailto:kevin.wu@lw.com)  
**Cc:** Emery, Jim (CAT) <[Jim.Emery@sfcityatty.org](mailto:Jim.Emery@sfcityatty.org)>; Garcia, Sophia (CAT) <[Sophia.Garcia@sfcityatty.org](mailto:Sophia.Garcia@sfcityatty.org)>  
**Subject:** Re: Coalition on Homelessness et al. v. CCSF et al – 72-hour notice and expedited discovery matters

Ed:

Your email does not address our proposal—which is that you immediately disclose to us: (1) native file format versions of the document spreadsheets you disclosed; and (2) that you provide in those spreadsheets solely first name, first initial of last name, and month and date of birth—but not year. Will San Francisco be producing these records as requested and with these safeguards in place? As we reiterated, we will treat the documents as under protective order.

If you cannot commit to producing these records by 12PM on Tuesday, it will be impossible for us to assess the City's claim that it has assisted hundreds of individuals in entering shelter over the past year. Indeed, you yourself represented on our call that the spreadsheets you provided to us do contain duplicate shelter entries for many unhoused individuals. At the very least, the native file format spreadsheets should be produced with all columns with identifying information stricken.

Please advise as soon as possible so that we can determine if it will be necessary for Plaintiffs to take further action in light of our reply deadline. We also await your responses as to the pressing concerns regarding Defendants' improper 72-hour notices and deficient SFPD disclosures.

Best regards,



**Zal K. Shroff** (he/him)  
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**From:** "Wang, Edmund (CAT)" <[Edmund.Wang@sfcityatty.org](mailto:Edmund.Wang@sfcityatty.org)>

**Date:** Thursday, November 24, 2022 at 8:44 PM

**To:** Zal Shroff <[zshroff@lccrsf.org](mailto:zshroff@lccrsf.org)>, Wesley Tiu <[Wesley.Tiu@lw.com](mailto:Wesley.Tiu@lw.com)>, John Do <[jdo@aclunc.org](mailto:jdo@aclunc.org)>, Hadley Rood <[hrood@lccrsf.org](mailto:hrood@lccrsf.org)>, Al Pfeiffer <[Al.Pfeiffer@lw.com](mailto:Al.Pfeiffer@lw.com)>, Tulin Gurer <[Tulin.Gurer@lw.com](mailto:Tulin.Gurer@lw.com)>, Neda Shahram <[nshahram@lccrsf.org](mailto:nshahram@lccrsf.org)>, Joseph Lee <[Joseph.Lee@lw.com](mailto:Joseph.Lee@lw.com)>, Brandon Greene <[bgreene@aclunc.org](mailto:bgreene@aclunc.org)>, "Rachel Mitchell (SD)" <[Rachel.Mitchell@lw.com](mailto:Rachel.Mitchell@lw.com)>, Kira Setren <[ksetren@lccrsf.org](mailto:ksetren@lccrsf.org)>, Elisa Della-Piana <[edellapiana@lccrsf.org](mailto:edellapiana@lccrsf.org)>, "[sf.probono.unhoused.persons.litigation@lw.com](mailto:sf.probono.unhoused.persons.litigation@lw.com)" <[sf.probono.unhoused.persons.litigation@lw.com](mailto:sf.probono.unhoused.persons.litigation@lw.com)>, "[kevin.wu@lw.com](mailto:kevin.wu@lw.com)" <[kevin.wu@lw.com](mailto:kevin.wu@lw.com)>

**Cc:** "Emery, Jim (CAT)" <[Jim.Emery@sfcityatty.org](mailto:Jim.Emery@sfcityatty.org)>, "Garcia, Sophia (CAT)" <[Sophia.Garcia@sfcityatty.org](mailto:Sophia.Garcia@sfcityatty.org)>

**Subject:** RE: Coalition on Homelessness et al. v. CCSF et al – 72-hour notice and expedited discovery matters

We will respond to the other issues (72-Hour Notice; and SFPD Weekly Reports) raised in your email after the holiday weekend, but with regard to the HSOC spreadsheet issues: the City cannot agree to provide Plaintiffs' the names or dates of birth of its clients. The information is protected by the Health Insurance Portability and Accountability Act of 1996 (HIPAA), 42 U.S.C. §1320d et seq., and Confidentiality of Medical Information Act (CMIA), Cal. Civ. Code §56, et seq. *See also, e.g., Queen's Med. Ctr. v. Kaiser Found. Health Plan, Inc.*, No. CIV. 12-

00565 ACK, 2014 WL 1234506, at \*3 (D. Haw. Mar. 24, 2014) (citations omitted) (“Stratose also seeks the Court's permission to redact patients’ names and social security numbers, as required under the Health Insurance Portability and Accountability Act. The Court finds that Stratose has articulated compelling reasons to permit redacting ... personal patient information. .... [T]he need to protect medical privacy qualifies as a ‘compelling reason.’”). Even outside of the HIPAA-context, courts regularly order that identifying information, including names, of third parties be redacted to protect their privacy. *See, e.g., Beckway v. Deshong*, No. C07-05072-TEH (EDL), 2011 WL 13183222, at \*4 (N.D. Cal. Sept. 19, 2011) (“To the extent that the privacy interests of third parties are implicated by any of these documents, the County shall take care to redact all identifying information of third parties from the documents and the documents will be governed by a protective order.”); *In re Rocket Fuel Inc. Sec. Litig.*, No. 14-CV-03998-PJH, 2017 WL 344983, at \*7 (N.D. Cal. Jan. 24, 2017) (“the court will grant the parties leave to redact: (1) specific third-party customer names; (2) the names of Rocket Fuel employees who are not officers, directors, or named defendants in this matter”). Plaintiffs have not articulated a need for knowing the identities of every third party client engaged by the City during encampment resolutions in 2022.

Happy Thanksgiving.

Ed

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**From:** Zal Shroff <[zshroff@lccrsf.org](mailto:zshroff@lccrsf.org)>

**Sent:** Wednesday, November 23, 2022 11:43 AM

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**Cc:** Emery, Jim (CAT) <[Jim.Emery@sfcityatty.org](mailto:Jim.Emery@sfcityatty.org)>; Garcia, Sophia (CAT) <[Sophia.Garcia@sfcityatty.org](mailto:Sophia.Garcia@sfcityatty.org)>

**Subject:** Re: Coalition on Homelessness et al. v. CCSF et al – 72-hour notice and expedited discovery matters

Ed,

Thank you for your responsiveness during our meet-and-confer yesterday. I write to memorialize our conversations as well as note a few follow-up items coming out of our call. As we noted on our call, we stand prepared to work collaboratively to resolve these issues whenever possible—including receiving prompt responses from the City Attorney’s Office when Plaintiffs raise these serious and ongoing constitutional harms. We have a duty to protect our clients from these harms both under the Court’s reporting order and before a ruling on Plaintiffs’ preliminary injunction—as Defendants have not halted sweep operations (destroying individuals’ property and ordering their removal from public property).

**Failure to Provide 72-Hour Notice:** We understand from your representations that Defendants are defining a “planned encampment resolution” as an operation where any Defendant has determined in advance that it will tell individuals that they have to leave the encampment. We further understand that Defendants do not consider a situation where an agency is responding to a call for service or dispatch regarding unhoused people as a planned event, regardless of the duration between the call and the response and regardless of the nature of the response. We also understand that you are not considering “planned encampment resolutions” to include situations where City employees require homeless individuals to vacate—as long as that was not specifically decided in advance, and even if such a response could be reasonably anticipated in advance. You therefore represented to us that in practice, only HSOC performs “planned encampment resolutions.” And we note, you have declined to provide advance notice of a single SFPD or DPW operation displacing unhoused people despite the fact that your own disclosures reveal these operations to be an almost daily occurrence. Your read is an unwarrantedly narrow view of a planned encampment resolution, for which notice is required. For example, regardless of whether the impetus for an encampment resolution may be a call—if the response is coordinated or planned in advance—that would qualify as a planned encampment resolution. As another example, if an agency plans to visit a location of a suspected encampment, if the agency’s plans for an encampment may include the forced displacement of people or their property depending on the situation at the encampment site, that would also qualify as a planned encampment resolution.

In other words, we do not believe that San Francisco is complying with the Court’s reporting obligations—particularly as it pertains to SFPD and DPW resolutions. Most troubling, we have not received a single notice of a DPW sweep operation when we understand that “Planned Removal of Property” notices are posted across the City on an almost daily basis.

As you agreed, the DPW sweep initially planned for November 8 at 240 Clayton Street would be an example of a planned encampment resolution that the Court’s order requires notice to Plaintiffs of in advance. Yet you had no notice of that sweep and could not even find record of it until we provided the relevant DPW notice to you as proof of the planned sweep operation. Now you purport that the sweep operation was cancelled, when we know that concerned housed neighbors near Clayton Street called the Coalition on Homelessness on November 6 to report that their unhoused neighbors were engaged by DPW and SFPD despite the notice clearly indicating that the sweep was not to occur until November 8. As a result, 4 tents were forcibly removed and the unhoused people staying there displaced—apparently without any HOT team staff there to make a shelter offer—days earlier than the notice stated. This is not acceptable, and appears to be a routine practice of failing to notify Plaintiffs of DPW’s noticed “Planned Removal of Property” operations.

Likewise, you committed to examining the circumstances of SFPD’s 6:00AM dispatch of several officers to displace unhoused residents on Pond Street staying near the Harvey Milk Library, and to share any information regarding the dispatch records to determine whether or not this sweep operation was in fact planned in advance. As we noted, the Library was closed and would not open

for another four hours when SFPD was purportedly called to urgently remove unhoused people for “blocking the entrance.” That does not appear to make sense. The unhoused people onsite were also forced to leave the area entirely, again without even the guise of shelter being offered and without notice.

We appreciate your probing these issues with us on our call, and offering your understanding of the City’s reporting obligations under the Court’s order. While we ascribe nothing but the best of intentions to the City Attorney’s Office, we are not confident that Defendant agencies are appropriately reporting sweep operations to you. Please follow up at your earliest convenience with any additional information regarding the above-mentioned sweep operations. We will reserve the right to approach the Court to seek appropriate relief, particularly if we hear of any additional sweep operations that have not been appropriately reported to us.

**SFPD Reports:** While we recognize that Defendants have provided location information in connection with SFPD arrest and citation data, we reiterate that the SFPD 915 Call Logs should also be produced with location information in order to correspond this data with SFPD’s daily interactions with unhoused individuals beyond HSOC operations. We do not have an exact spreadsheet previously produced to us containing this location information for SFPD call logs. However, we understand that such information exists in SFPD’s database as either a street address or intersection. Just as you supplemented the SFPD call logs to re-insert time stamp data, we request you supplement the data spreadsheet to include the street address and intersection information regularly kept by SFPD. We look forward to hearing from you after you have had an opportunity to look into whether Defendants are willing to produce that information. Please advise by next Tuesday 11/29, whether you will supplement these disclosures for the reporting period to date.

**HSOC Spreadsheets:** Thank you for agreeing to look into whether or not Defendants would be amenable to providing full names and dates of births of the individuals referenced in certain HSOC records (CCSF\_COH\_PI\_HSOC\_000001-000052). We do not believe there is a basis for Defendants to withhold this information. As we explained, this information is relevant to this case and the preliminary injunction motion. As one example, this information is necessary for us to be able to properly assess Defendants’ representations in your opposition regarding the number of individuals HSOC has provided shelter to. We agree to treat the City’s productions as confidential in accordance with the Northern District of California’s standard protective order until the entry of an appropriate protective order in this case. As a compromise, and without prejudice to Plaintiffs seeking additional information later, Plaintiffs are willing to agree to accept full first name, first initial of last name, and month and day (but not year) of birth, which should alleviate any potential privacy concerns. Please let us know, if possible by Wednesday, 11/23, but no later than Friday, 11/25, whether Defendants will agree to produce full names and dates of births or at least the more limited name and birthdate information. We may seek relief from the Court to ensure that we can properly analyze this evidence the Court ordered disclosure of precisely so that Plaintiffs could assess its contents in evaluating Defendants’ opposition to the motion.

**26(f) Conference:** Thank you for informing us that Defendants are available between 12/6 – 12/9 to hold our 26(f) conference. We will consult internally and suggest a few proposed times within that window.

Best regards,

**Zal K. Shroff** (he/him)  
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**From:** "Wang, Edmund (CAT)" <[Edmund.Wang@sfcityatty.org](mailto:Edmund.Wang@sfcityatty.org)>  
**Date:** Tuesday, November 22, 2022 at 12:52 PM  
**To:** Zal Shroff <[zshroff@lccrsf.org](mailto:zshroff@lccrsf.org)>, Wesley Tiu <[Wesley.Tiu@lw.com](mailto:Wesley.Tiu@lw.com)>, John Do <[jdo@aclunc.org](mailto:jdo@aclunc.org)>, Hadley Rood <[hrood@lccrsf.org](mailto:hrood@lccrsf.org)>, Al Pfeiffer <[Al.Pfeiffer@lw.com](mailto:Al.Pfeiffer@lw.com)>, Tulin Gurer <[Tulin.Gurer@lw.com](mailto:Tulin.Gurer@lw.com)>, Neda Shahram <[nshahram@lccrsf.org](mailto:nshahram@lccrsf.org)>, Joseph Lee <[Joseph.Lee@lw.com](mailto:Joseph.Lee@lw.com)>, Brandon Greene <[bgreene@aclunc.org](mailto:bgreene@aclunc.org)>, "Rachel Mitchell (SD)" <[Rachel.Mitchell@lw.com](mailto:Rachel.Mitchell@lw.com)>, Kira Setren <[ksetren@lccrsf.org](mailto:ksetren@lccrsf.org)>, Elisa Della-Piana <[edellapiana@lccrsf.org](mailto:edellapiana@lccrsf.org)>, "[sf.probono.unhoused.persons.litigation@lw.com](mailto:sf.probono.unhoused.persons.litigation@lw.com)" <[sf.probono.unhoused.persons.litigation@lw.com](mailto:sf.probono.unhoused.persons.litigation@lw.com)>, "[kevin.wu@lw.com](mailto:kevin.wu@lw.com)" <[kevin.wu@lw.com](mailto:kevin.wu@lw.com)>  
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**Subject:** RE: Coalition on Homelessness et al. v. CCSF et al – 72-hour notice and expedited discovery matters

Zal,

In preparation for our call, please see the below.

**72-Hour Notice.** We have provided you notice of homeless encampment resolutions that were planned in advance. The incidents you have identified were not planned homeless encampment resolutions. We have come across no record of SFPD or DPW interactions at 240 Clayton on 11/6. Notwithstanding the notice posted on 11/4, by 11/5, DPW had decided not follow up on notice.

**SFPD Reports.** We re-produced the reports with the requested additional information on 11/15. These reports included the additional information that you have requested. Our weekly report of incidents where misdemeanor citations were issued for Cal. Penal Code § 647(e) (lodging without permission) and Cal. Penal Code §§ 370, 372 (public nuisance) includes the same information that was contained in the sample PRA response you sent us. Our weekly report of dispatches with incident code 915 (homeless calls for service) also contain the same information that was contained in the sample PRA response you sent us.

**HSOC Spreadsheets.** We agree that the parties should enter into a protective order. We do not agree that Plaintiffs are entitled to identifying information or health information of third parties. Courts regularly order that identifying information be redacted, even from documents produced subject to a protective orders, in order to protect the privacy concerns of third parties. We are open to hearing your articulation of Plaintiffs' compelling need for third parties' private information. We are also happy to discuss how to produce a native version of the spreadsheet that allows for redactions of identifying information and health information.

**26(f) Conference.** Jim has been back east for his mother's 97<sup>th</sup> birthday. We are available 12/6 through 12/9. We can discuss specific times during our call. If 12/5 is truly the only date that works for you that week, we may be able to make that work.

Thanks. Talk to you soon.

Ed

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**From:** Zal Shroff <[zshroff@lccrsf.org](mailto:zshroff@lccrsf.org)>  
**Sent:** Friday, November 18, 2022 4:29 PM  
**To:** Emery, Jim (CAT) <[Jim.Emery@sfcityatty.org](mailto:Jim.Emery@sfcityatty.org)>; Wang, Edmund (CAT) <[Edmund.Wang@sfcityatty.org](mailto:Edmund.Wang@sfcityatty.org)>; Garcia, Sophia (CAT) <[Sophia.Garcia@sfcityatty.org](mailto:Sophia.Garcia@sfcityatty.org)>; Wesley Tiu <[Wesley.Tiu@lw.com](mailto:Wesley.Tiu@lw.com)>; John Do <[jdo@aclunc.org](mailto:jdo@aclunc.org)>; Hadley Rood <[hrood@lccrsf.org](mailto:hrood@lccrsf.org)>; Al Pfeiffer <[Al.Pfeiffer@lw.com](mailto:Al.Pfeiffer@lw.com)>; Tulin Gurer <[Tulin.Gurer@lw.com](mailto:Tulin.Gurer@lw.com)>; Neda Shahram <[nshahram@lccrsf.org](mailto:nshahram@lccrsf.org)>; Joseph Lee <[Joseph.Lee@lw.com](mailto:Joseph.Lee@lw.com)>; Brandon Greene <[bgreene@aclunc.org](mailto:bgreene@aclunc.org)>; Rachel Mitchell (SD) <[Rachel.Mitchell@lw.com](mailto:Rachel.Mitchell@lw.com)>; Kira Setren <[ksetren@lccrsf.org](mailto:ksetren@lccrsf.org)>; Elisa Della-Piana <[edellapiana@lccrsf.org](mailto:edellapiana@lccrsf.org)>; [sf.probono.unhoused.persons.litigation@lw.com](mailto:sf.probono.unhoused.persons.litigation@lw.com); [kevin.wu@lw.com](mailto:kevin.wu@lw.com)  
**Subject:** Re: Coalition on Homelessness et al. v. CCSF et al – 72-hour notice and expedited discovery matters

Jim and Ed:

We write to express our concern regarding several critical outstanding issues in this matter—many of which we have now attempted to address with Defendants several times. Please respond with times that Defendants will be available to meet and confer on these issues on Monday or Tuesday morning, so that we can immediately determine whether we will need to seek the Court's



intervention.

1. Failure to Properly Provide 72-Hour Notice. You have not responded to our repeated requests for information regarding the criteria Defendants are using to determine which sweep operations will be reported to Plaintiffs pursuant to the Court's Order. We have identified obvious gaps in your reporting to us—with Plaintiffs receiving reports of planned SFPD and DPW sweep operations for which we received no notice. In fact, Defendants have not informed Plaintiffs of a *single* DPW or SFPD sweep operation since the Court's Order was entered—instead providing only information about HSOC encampment resolutions. This is in direct violation of the Court's Order—which requires disclosure of *all* planned encampment resolutions. *See* Dkt. 34 (“any planned homeless encampment resolution scheduled by or involving the Healthy Streets Operation Center, Department of Public Works (“DPW”), San Francisco Police Department (“SFPD”), or any other City agency.” SFPD and DPW have clearly continued to conduct their own sweep operations across San Francisco—as Defendants' own weekly disclosures patently demonstrate. Your failure to provide proper notice of these planned sweep operations is exposing our Plaintiffs to exactly the irreparable harms the Court's reporting and disclosure requirements were designed to prevent. We wrote to you urgently on November 7 regarding this matter, again on November 9—and yet again on November 14. You have failed to respond or to adequately address any of these notice issues.

2. Insufficient SFPD Reports. We have already reported our concerns with SFPD's weekly reports regarding citations, arrests, and dispatches—which have failed to include date, time, and location of SFPD's interactions with unhoused people. Your latest production at least included time stamps, but failed to include locations. As it is obvious that SFPD is conducting regular sweep operations outside of HSOC encampment resolutions, and Defendants have refused to notify us in advance of these operations, it is critical that SFPD's reports include the appropriate date, time, and location information for each interaction. You informed us that you were looking into this but then did not respond. Please confirm that by Tuesday morning, we can expect a supplemental disclosure of all prior reports with the required information necessary to satisfy the Court's mandated disclosure obligations. *See* Dkt. No. 38.

3. Unredacted & Native Format Discovery Production. Your expedited discovery production includes solely HSOC schedules, reports, call logs, and client logs. It therefore appears that you have declined to rely on any SFPD or HSH database records in Defendants' preliminary injunction opposition. With respect to the HSOC records provided, however, it is imperative that those records be provided in unredacted format. You have made representations in your opposition regarding the number of individuals HSOC has provided shelter to, but those assertions are impossible to assess based on the records provided—which are redacted to obscure the names and dates of birth of the individuals supposedly assisted. The Defendants have no basis to redact relevant documents that they are required to produce. We will require a supplemental production of these records that properly discloses first name, last name, and dates of birth. We are comfortable, however, with you keeping the redaction of partial SSN information for now. Of course, we are happy for the parties to agree to and execute a protective order if necessary. To address any potential confidentiality concerns, until a case-specific protective order is entered in this case, we are willing to treat any productions designated as confidential in accordance with the Northern District of California's standard protective order. *See* [Model Protective Orders | United States District Court, Northern District of California \(uscourts.gov\)](#).

We also note issues with certain documents that appear to be spreadsheets (and so presumably in Excel or similar format) but that were produced in PDF. It is not practical to review such documents in PDF format, especially given the limited time available for Plaintiffs to prepare their reply. Accordingly, we request that you promptly re-produce the documents in native file format. Please inform us whether you will provide these supplemental discovery disclosures.

4. Refusing to Schedule the 26(f) Conference. Defendants stated that they would be prepared to meet and confer pursuant to Rule 26(f) once Defendants' opposition to the preliminary injunction was filed. Again, *despite approximately ten separate inquiries* and Defendants having filed their opposition, Defendants have simply refused to provide us with dates for our meet and confer. Plaintiffs are prepared to conduct our 26(f) conference on December 5, 2022—as we stated in our last email on November 14. Once again, you have declined to report your availability.

Please provide Defendants' availability for a meet and confer on either Monday or Tuesday to address these pressing matters. If they cannot be resolved, Plaintiffs will expect to seek appropriate relief.

Best regards,



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**From:** "Emery, Jim (CAT)" <[Jim.Emery@sfcityattty.org](mailto:Jim.Emery@sfcityattty.org)>  
**Date:** Tuesday, November 15, 2022 at 9:33 AM  
**To:** Zal Shroff <[zshroff@lccrsf.org](mailto:zshroff@lccrsf.org)>, "Wang, Edmund (CAT)" <[Edmund.Wang@sfcityattty.org](mailto:Edmund.Wang@sfcityattty.org)>, "Garcia, Sophia (CAT)" <[Sophia.Garcia@sfcityattty.org](mailto:Sophia.Garcia@sfcityattty.org)>, Wesley Tiu <[Wesley.Tiu@lw.com](mailto:Wesley.Tiu@lw.com)>, John Do <[jdo@aclunc.org](mailto:jdo@aclunc.org)>, Hadley Rood <[hrood@lccrsf.org](mailto:hrood@lccrsf.org)>, Al Pfeiffer <[Al.Pfeiffer@lw.com](mailto:Al.Pfeiffer@lw.com)>, Tulin Gurer <[Tulin.Gurer@lw.com](mailto:Tulin.Gurer@lw.com)>, Neda Shahram <[nshahram@lccrsf.org](mailto:nshahram@lccrsf.org)>, Joseph Lee <[Joseph.Lee@lw.com](mailto:Joseph.Lee@lw.com)>, Brandon Greene <[bgreene@aclunc.org](mailto:bgreene@aclunc.org)>, "Rachel Mitchell (SD)" <[Rachel.Mitchell@lw.com](mailto:Rachel.Mitchell@lw.com)>, Kira Setren <[ksetren@lccrsf.org](mailto:ksetren@lccrsf.org)>, Elisa Della-Piana <[edellapiana@lccrsf.org](mailto:edellapiana@lccrsf.org)>, "[sf.probono.unhoused.persons.litigation@lw.com](mailto:sf.probono.unhoused.persons.litigation@lw.com)" <[sf.probono.unhoused.persons.litigation@lw.com](mailto:sf.probono.unhoused.persons.litigation@lw.com)>, "[kevin.wu@lw.com](mailto:kevin.wu@lw.com)" <[kevin.wu@lw.com](mailto:kevin.wu@lw.com)>  
**Subject:** RE: Coalition on Homelessness et al. v. CCSF et al – 72-hour notice

Thank you, Zal, for the additional information and the photo regarding 240 Clayton. That's very helpful, and we will investigate further.

**Jim Emery**  
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**From:** Zal Shroff <zshroff@lccrsf.org>

**Sent:** Monday, November 14, 2022 12:15 PM

**To:** Emery, Jim (CAT) <Jim.Emery@sfcityatty.org>; Wang, Edmund (CAT) <Edmund.Wang@sfcityatty.org>; Garcia, Sophia (CAT) <Sophia.Garcia@sfcityatty.org>; Wesley Tiu <Wesley.Tiu@lw.com>; John Do <jdo@aclunc.org>; Hadley Rood <hrood@lccrsf.org>; Al Pfeiffer <Al.Pfeiffer@lw.com>; Tulin Gurer <Tulin.Gurer@lw.com>; Neda Shahram <nshahram@lccrsf.org>; Joseph Lee <Joseph.Lee@lw.com>; Brandon Greene <bgreene@aclunc.org>; Rachel Mitchell (SD) <Rachel.Mitchell@lw.com>; Kira Setren <ksetren@lccrsf.org>; Elisa Della-Piana <edellapiana@lccrsf.org>; [sf.probono.unhoused.persons.litigation@lw.com](mailto:sf.probono.unhoused.persons.litigation@lw.com); [kevin.wu@lw.com](mailto:kevin.wu@lw.com)

**Subject:** Re: Coalition on Homelessness et al. v. CCSF et al – 72-hour notice

Jim:

The Court's order requires "notice of the date, time, and cross street location of any planned homeless encampment resolution scheduled by **or** involving the Healthy Streets Operation Center, Department of Public Works ('DPW'), San Francisco Police Department ('SFPD'), **or** any other City agency." Your response does not provide any explanation of what criteria the City is using in determining what encampment resolutions it is choosing to provide notice of under the Court's order. Given that your response explicitly acknowledges that at least some encampment resolutions, such as the one that the SFPD conducted on Pond Street, are deliberately not being reported to us, please explain the basis for the City not providing the Court ordered notice for any SFPD and DPW encampment resolutions.

Regarding the DPW resolution at 240 Clayton Street, it is unclear what you mean when you say your inquiries came up empty. Are you saying that DPW has no record of this incident occurring? Regardless, the sweep was indeed planned, noticed, and then carried out with complete disregard for that notice days earlier than promised—all with no notice to us. This is exactly the kind of forced displacement that the Court's order was meant to address during the pendency of Plaintiffs' preliminary injunction motion. We attach the DPW notice here, and express our concern that your clients did not provide you with this information. We expect that going forward Defendants will provide notice of all such formal resolutions to us 72 hours in advance of the scheduled sweep or property removal operation. This includes all such noticed property removal operations by DPW.

With respect to the SFPD sweep operation on Pond Street, we are admittedly puzzled. The Harvey Milk Public Library does not open until 10AM on Mondays, and yet you represent that at some time before 6:30AM on Monday morning, there was a call to complain that tents were obstructing access to a library that was not set to open for another 4 hours. Please provide the dispatch records to confirm. If this early morning sweep operation was in fact planned in advance by SFPD—and was not in response to a call for an immediate dispatch—then Defendants should have notified us of the sweep operation and the planned removal of unhoused individuals.

Finally, we note that your articulation of the Court's order—that the City will only provide notice of encampment resolutions if planned at least 72 hours in advance, would render the Court's order illusory. Whenever a sweep is planned in advance (i.e. there is no ongoing "emergency"), it must be scheduled at least 72 hours in advance so that Plaintiffs' counsel have the adequate notice required by the Court's order. Indeed, the Court's order also specifically contemplates that you must re-notice us in the event of any changes to planned sweep operations within the 72-hour notice period. *See* Dkt. No. 34. The 72-hour advance scheduling/notice is hardly burdensome, as it is in fact a requirement of the City's own policies regarding encampment resolutions. *See* DPW's Bag and Tag Policy, Section 3(a) ("the City will provide 72 hours advance written notice, so long as the site does not present any imminent health or safety hazards requiring immediate removal"). Instead of

complying with these clear requirements, you are now suggesting that you have not informed us of non-emergency sweep operations Defendants are aware of and planned across San Francisco, but that were conceived of, planned, and carried out in less than 72-hours. This is fundamentally contrary to the Court's order.

Please clarify your position at your earliest convenience, and confirm that you will be providing 72-hour advance notice before all planned DPW and SFPD encampment resolutions, among all other planned encampment resolutions. We will also request that the parties discuss these issues at a meet and confer tomorrow to confirm Defendants' understanding of the Court's order. Please advise your availability.

Additionally, despite asking Defendants for weeks to provide availability for the Rule 26(f) conference, which the parties need to complete by December 14, 2022, we have yet to receive any response. While we understand Defendants object to any such meeting taking place before Defendants' opposition to the Motion for a Preliminary Injunction is due tomorrow, that should not prevent Defendants from providing availability after that date. Plaintiffs are prepared to conduct our 26(f) conference on December 5, 2022. Please provide Defendants' availability on that date or propose an alternative date and time.

Best regards,



**Zal K. Shroff** (he/him)  
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**From:** "Emery, Jim (CAT)" <[Jim.Emery@sfcityatty.org](mailto:Jim.Emery@sfcityatty.org)>  
**Date:** Friday, November 11, 2022 at 1:01 PM  
**To:** Zal Shroff <[zshroff@lccrsf.org](mailto:zshroff@lccrsf.org)>, "Wang, Edmund (CAT)" <[Edmund.Wang@sfcityatty.org](mailto:Edmund.Wang@sfcityatty.org)>, "Garcia, Sophia (CAT)" <[Sophia.Garcia@sfcityatty.org](mailto:Sophia.Garcia@sfcityatty.org)>, Wesley Tiu <[Wesley.Tiu@lw.com](mailto:Wesley.Tiu@lw.com)>, John Do <[jdo@aclunc.org](mailto:jdo@aclunc.org)>, Hadley Rood <[hrood@lccrsf.org](mailto:hrood@lccrsf.org)>, Al Pfeiffer <[Al.Pfeiffer@lw.com](mailto:Al.Pfeiffer@lw.com)>, Tulin Gurer <[Tulin.Gurer@lw.com](mailto:Tulin.Gurer@lw.com)>, Neda Shahram <[nshahram@lccrsf.org](mailto:nshahram@lccrsf.org)>, Joseph Lee <[Joseph.Lee@lw.com](mailto:Joseph.Lee@lw.com)>, Brandon Greene <[bgreene@aclunc.org](mailto:bgreene@aclunc.org)>, "Rachel Mitchell (SD)" <[Rachel.Mitchell@lw.com](mailto:Rachel.Mitchell@lw.com)>, Kira Setren <[ksetren@lccrsf.org](mailto:ksetren@lccrsf.org)>, Elisa Della-Piana <[edellapiana@lccrsf.org](mailto:edellapiana@lccrsf.org)>, "[sf.probono.unhoused.persons.litigation@lw.com](mailto:sf.probono.unhoused.persons.litigation@lw.com)" <[sf.probono.unhoused.persons.litigation@lw.com](mailto:sf.probono.unhoused.persons.litigation@lw.com)>, "kevin.wu@lw.com" <[kevin.wu@lw.com](mailto:kevin.wu@lw.com)>  
**Subject:** RE: Coalition on Homelessness et al. v. CCSF et al – 72-hour notice

Hi Zal,

I've looked into the events you inquired about in your email below. On Pond Street, the police responded to a complaint that tents were blocking the sidewalk and obstructing access to the Harvey Milk Public Library. The engagement was not planned in advance. My inquiries came up empty about any DPW action on Nov 6 at 240 Clayton. And you are correct, there was no HSOC resolution planned for that location on Nov 6 or Nov 8. If you have any further information about 240 Clayton street, perhaps a photograph of the notice you describe below, please send it to me and I may be able to find out more.

I read the Court's order to require 72-hours notice of encampment resolutions that are planned at least 72 hours in advance. The Pond Street engagement on Nov 7 was neither an "encampment resolution," nor was it planned 72 hours in advance.

**Jim Emery**

Deputy City Attorney  
Office of City Attorney David Chiu  
(415) 554-4628 Direct  
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**From:** Zal Shroff <[zshroff@lccrsf.org](mailto:zshroff@lccrsf.org)>

**Sent:** Wednesday, November 9, 2022 1:17 PM

**To:** Emery, Jim (CAT) <[Jim.Emery@sfcityatty.org](mailto:Jim.Emery@sfcityatty.org)>; Wang, Edmund (CAT) <[Edmund.Wang@sfcityatty.org](mailto:Edmund.Wang@sfcityatty.org)>; Garcia, Sophia (CAT) <[Sophia.Garcia@sfcityatty.org](mailto:Sophia.Garcia@sfcityatty.org)>; Wesley Tiu <[Wesley.Tiu@lw.com](mailto:Wesley.Tiu@lw.com)>; John Do <[jdo@aclunc.org](mailto:jdo@aclunc.org)>; Hadley Rood <[hrood@lccrsf.org](mailto:hrood@lccrsf.org)>; Al Pfeiffer <[Al.Pfeiffer@lw.com](mailto:Al.Pfeiffer@lw.com)>; Tulin Gurer <[Tulin.Gurer@lw.com](mailto:Tulin.Gurer@lw.com)>; Neda Shahram <[nshahram@lccrsf.org](mailto:nshahram@lccrsf.org)>; Joseph Lee <[Joseph.Lee@lw.com](mailto:Joseph.Lee@lw.com)>; Brandon Greene <[bgreene@aclunc.org](mailto:bgreene@aclunc.org)>; Rachel Mitchell (SD) <[Rachel.Mitchell@lw.com](mailto:Rachel.Mitchell@lw.com)>; Kira Setren <[ksetren@lccrsf.org](mailto:ksetren@lccrsf.org)>; Elisa Della-Piana <[edellapiana@lccrsf.org](mailto:edellapiana@lccrsf.org)>; [sf.probono.unhoused.persons.litigation@lw.com](mailto:sf.probono.unhoused.persons.litigation@lw.com); [kevin.wu@lw.com](mailto:kevin.wu@lw.com)

**Subject:** Re: Coalition on Homelessness et al. v. CCSF et al – 72-hour notice

Hi Jim,

Thank you for your email. We look forward to hearing from you as soon as you know more. When you do, please let us know what criteria the city is using to determine what does and does not qualify as a "planned homeless encampment resolution" for which notice is required under the Court's order, and to the extent the Defendants contend that any of the sweep operations identified in my earlier email do not qualify as a "planned homeless encampment resolution," please provide the basis for that contention. Please provide a response no later than COB Thursday, November 10th.

Best regards,



**Zal K. Shroff** (he/him)  
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**From:** "Emery, Jim (CAT)" <[Jim.Emery@sfcityatty.org](mailto:Jim.Emery@sfcityatty.org)>  
**Date:** Tuesday, November 8, 2022 at 9:56 AM  
**To:** Zal Shroff <[zshroff@lccrsf.org](mailto:zshroff@lccrsf.org)>, "Wang, Edmund (CAT)" <[Edmund.Wang@sfcityatty.org](mailto:Edmund.Wang@sfcityatty.org)>, "Garcia, Sophia (CAT)" <[Sophia.Garcia@sfcityatty.org](mailto:Sophia.Garcia@sfcityatty.org)>, Wesley Tiu <[Wesley.Tiu@lw.com](mailto:Wesley.Tiu@lw.com)>, John Do <[jdo@aclunc.org](mailto:jdo@aclunc.org)>, Hadley Rood <[hrood@lccrsf.org](mailto:hrood@lccrsf.org)>, Al Pfeiffer <[Al.Pfeiffer@lw.com](mailto:Al.Pfeiffer@lw.com)>, Tulin Gurer <[Tulin.Gurer@lw.com](mailto:Tulin.Gurer@lw.com)>, Neda Shahram <[nshahram@lccrsf.org](mailto:nshahram@lccrsf.org)>, Joseph Lee <[Joseph.Lee@lw.com](mailto:Joseph.Lee@lw.com)>, Brandon Greene <[bgreene@aclunc.org](mailto:bgreene@aclunc.org)>, "Rachel Mitchell (SD)" <[Rachel.Mitchell@lw.com](mailto:Rachel.Mitchell@lw.com)>, Kira Setren <[ksetren@lccrsf.org](mailto:ksetren@lccrsf.org)>, Elisa Della-Piana <[edellapiana@lccrsf.org](mailto:edellapiana@lccrsf.org)>, "[sf.probono.unhoused.persons.litigation@lw.com](mailto:sf.probono.unhoused.persons.litigation@lw.com)" <[sf.probono.unhoused.persons.litigation@lw.com](mailto:sf.probono.unhoused.persons.litigation@lw.com)>, "kevin.wu@lw.com" <[kevin.wu@lw.com](mailto:kevin.wu@lw.com)>  
**Subject:** RE: Coalition on Homelessness et al. v. CCSF et al – 72-hour notice

Hi Zal,

Thank you for the heads-up. We're looking into your concern. At this point, we do not believe the operations you describe on Nov 6 or Nov 7 were "planned homeless encampment resolution[s]" within the meaning of the court's discovery order.

**Jim Emery**

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**From:** Zal Shroff <[zshroff@lccrsf.org](mailto:zshroff@lccrsf.org)>  
**Sent:** Monday, November 7, 2022 4:25 PM  
**To:** Wang, Edmund (CAT) <[Edmund.Wang@sfcityatty.org](mailto:Edmund.Wang@sfcityatty.org)>; Garcia, Sophia (CAT) <[Sophia.Garcia@sfcityatty.org](mailto:Sophia.Garcia@sfcityatty.org)>; Wesley Tiu <[Wesley.Tiu@lw.com](mailto:Wesley.Tiu@lw.com)>; John Do <[jdo@aclunc.org](mailto:jdo@aclunc.org)>; Hadley Rood <[hrood@lccrsf.org](mailto:hrood@lccrsf.org)>; Al Pfeiffer <[Al.Pfeiffer@lw.com](mailto:Al.Pfeiffer@lw.com)>; Tulin Gurer <[Tulin.Gurer@lw.com](mailto:Tulin.Gurer@lw.com)>; Neda Shahram <[nshahram@lccrsf.org](mailto:nshahram@lccrsf.org)>; Joseph Lee <[Joseph.Lee@lw.com](mailto:Joseph.Lee@lw.com)>; Brandon Greene <[bgreene@aclunc.org](mailto:bgreene@aclunc.org)>; Rachel Mitchell (SD) <[Rachel.Mitchell@lw.com](mailto:Rachel.Mitchell@lw.com)>; Kira Setren <[ksetren@lccrsf.org](mailto:ksetren@lccrsf.org)>; Elisa Della-Piana <[edellapiana@lccrsf.org](mailto:edellapiana@lccrsf.org)>; [sf.probono.unhoused.persons.litigation@lw.com](mailto:sf.probono.unhoused.persons.litigation@lw.com); [kevin.wu@lw.com](mailto:kevin.wu@lw.com)  
**Cc:** Emery, Jim (CAT) <[Jim.Emery@sfcityatty.org](mailto:Jim.Emery@sfcityatty.org)>  
**Subject:** Re: Coalition on Homelessness et al. v. CCSF et al – 72-hour notice

Hi Jim and Ed:

We write to express our concern that Defendants are not complying with the Court's order to provide us with 72-hour notice of "any planned homeless encampment resolution scheduled by or involving



the Healthy Streets Operation Center, Department of Public Works (“DPW”), San Francisco Police Department (“SFPD”), or any other City agency.” *See* Dkt. No. 34.

On Sunday, November 6, DPW conducted a sweep operation at 240 Clayton Street where several unhoused individuals were ordered to move by DPW and SFPD. Furthermore, a posted notice onsite indicated that the sweep was pre-planned and set to occur on November 8—not November 6. We were never given *any* notice of this sweep operation—either 72 hours before the scheduled time listed on the DPW notice or 72 hours before the time the sweep operation actually took place.

Today, on Monday, November 7, SFPD officers started arriving at approximately 6:35AM at 16th Street and Pond Street and ordered unhoused individuals to clear the area. Officer Fernandez was one of the officers present. We were never given 72-hour notice of this sweep operation. Instead, you provided 72-hour written notice of sweep operations for today that were occurring in an entirely different part of the City.

Please advise as soon as possible why we were not informed of these two planned sweep operations 72 hours before they occurred. We are concerned that Defendants are not appropriately informing the City Attorney’s Office of dozens of agency operations occurring across the City in violation of the Court’s order. In your response, please clarify how Defendants—and specifically DPW and SFPD—are informing you about each agency’s homeless sweep/property seizure operations. Additionally, how are Defendants defining a planned encampment resolution subject to 72-hour notice requirements under the Court’s order—and what conduct are Defendants specifically declining to report to us, if any?

We hope that the parties can promptly address any significant gaps in the mandatory reporting ordered by the Court. Additionally, we will expect to see specific DPW and SFPD records that address the two specific sweep operations described above in Defendants’ weekly document disclosures. *See* Dkt Nos. 34, 38.

Best regards,



**Zal K. Shroff** (he/him)  
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**From:** "Wang, Edmund (CAT)" <[Edmund.Wang@sfcityatty.org](mailto:Edmund.Wang@sfcityatty.org)>  
**Date:** Wednesday, November 2, 2022 at 3:37 PM  
**To:** Zal Shroff <[zshroff@lccrsf.org](mailto:zshroff@lccrsf.org)>, "Garcia, Sophia (CAT)" <[Sophia.Garcia@sfcityatty.org](mailto:Sophia.Garcia@sfcityatty.org)>, Wesley Tiu <[Wesley.Tiu@lw.com](mailto:Wesley.Tiu@lw.com)>, John Do <[jdo@aclunc.org](mailto:jdo@aclunc.org)>, Hadley Rood <[hrood@lccrsf.org](mailto:hrood@lccrsf.org)>, Al Pfeiffer <[Al.Pfeiffer@lw.com](mailto:Al.Pfeiffer@lw.com)>, Tulin Gurer <[Tulin.Gurer@lw.com](mailto:Tulin.Gurer@lw.com)>, Neda Shahram <[nshahram@lccrsf.org](mailto:nshahram@lccrsf.org)>, Joseph Lee <[Joseph.Lee@lw.com](mailto:Joseph.Lee@lw.com)>, Brandon Greene <[bgreene@aclunc.org](mailto:bgreene@aclunc.org)>, "Rachel Mitchell (SD)" <[Rachel.Mitchell@lw.com](mailto:Rachel.Mitchell@lw.com)>, Kira Setren

# **EXHIBIT 6**



HSOC Schedule 01/03-01/07

Updated: 12/27/21

Shelter Needs\* 32

32

Date	Location	Police District	Neighborhood	Supervisor	Estimated Tents & Structures	Occupied Vehicles	Estimated Clients	Estimated Need for Shelter*
1/3/2022	200, 100, and 000 blocks of Willow	Tenderloin	Tenderloin	6	18	0	27	11
1/4/2022	King Street Extension (off Berry)	Southern/CHP	Mission Bay	6	15	0	23	9
1/5/2022	300 block of Hyde, Eddy from Larkin to Taylor	Tenderloin	Tenderloin	6	10	0	15	6
1/6/2022	Dubose/13th from Valencia to Harrison	Mission	Mission	9	20	0	30	12
1/7/2022	16th and Pond	Mission	Castro	8	8	0	12	5

Shelter needs for week 32

\*Could include shelter, navigation centers, stabilization units, DPH residential programs, safe sleep and SIP

HSOC Schedule 01/10-1/14

Updated: 01/04/22

Shelter Needs\* 25

25

Date	Location	Police District	Neighborhood	Supervisor	Estimated Tents & Structures	Occupied Vehicles	Estimated Clients	Estimated Need for Shelter*
1/10/2022	Olive between Van Ness and Polk	Northern	Tenderloin	6	14	0	11	8
1/11/2022	12th between Market and South Van Ness	Southern	Civic Center	6	10	0	8	6
1/12/2022	Russ Street from Minna to Folsom	Southern	South of Market	6	12	0	9	7
1/13/2022	600 block of Minna	Southern	South of Market	6	12	0	9	7
1/14/2022	630 Grand View Ave	Mission	Twin Peaks	8	8	0	6	5

Shelter needs for week 25

\*Could include shelter, navigation centers, stabilizaion units, DPH residential programs, safe sleep and SIP

HSOC Schedule 01/17-1/21

Updated: 01/07/22

Shelter Needs\* 24

24

Date	Location	Police District	Neighborhood	Supervisor	Estimated Tents & Structures	Occupied Vehicles	Estimated Clients	Estimated Need for Shelter*
1/17/2022	Holiday					0	0	0
1/18/2022	Larkin from Market/Hayes to McAllister	Northern/Tenderloin	Civic Center	6	10	0	8	6
1/19/2022	Hemlock from Polk to Larkin	Northern	Polk Gulch	3	8	0	6	5
1/20/2022	13th Street from SVN to Potrero	Mission	Mission	9	15	0	11	8
1/21/2022	Various sites around 1515 South Van Ness	Mission	Mission	9	8	0	6	5

Shelter needs for week 24

\*Could include shelter, navigation centers, stabilization units, DPH residential programs, safe sleep and SIP

HSOC Schedule 01/24-1/28

Updated: 01/19/22

Shelter Needs\* 23

23

Date	Location	Police District	Neighborhood	Supervisor	Estimated Tents & Structures	Occupied Vehicles	Estimated Clients	Estimated Need for Shelter*
1/24/2022	Redwood at Franklin + Turk + Larch	Northern	Catherdral Hill	5	12	0	9	7
1/25/2022	4th to Byrant to 5th to Harrison with a focus around the Bryant Street Navigation Center	Southern	South of Market	6	10	0	8	6
1/26/2022	12th from Market to South Van Ness and Otis from South Van Ness to Mission	Southern	Civic Center	6	12	0	9	7
1/27/2022	Russ Street from Minna to Howard + Natoma from Russ to 6th	Southern	South of Market	6	8	0	6	5
1/28/2022	Laskie Alley at Mission Street	Tenderloin	South of Market	6	8	0	6	5

Shelter needs for week 23

\*Could include shelter, navigation centers, stabilizaion units, DPH residential programs, safe sleep and SIP

# **EXHIBIT 7**

