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CITY OF CHICO POLICE DEPARTMENT

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA
SACRAMENTO DIVISION

BOBBY WARREN; ANDY LAMBACH;
JONATHON WILLIAMS; MICHAEL
SAMUELSON; TRACY MILLER; TONA
PETERSEN; CAROL BETH THOMPSON;
CHRISTA STEVENS,

Plaintiffs,

vs.

CITY OF CHICO; CITY OF CHICO
POLICE DEPARTMENT,

Defendants.

Case No. 2.21-cv-00640-MCE-DMC

**DEFENDANTS’ SUPPLEMENTAL BRIEF
REGARDING PLAINTIFFS’ MOTION FOR
PRELIMINARY INJUNCTION**

Hearing:
Date: July 2, 2021
Time: 10:00 A.M.
Ctrm: Room 7, 14th Floor
Judge: Hon. Morrison C. England, Jr.

TO THE COURT AND TO ALL PARTIES HEREIN:

PLEASE TAKE NOTICE THAT Defendants CITY OF CHICO AND CITY OF CHICO
POLICE DEPARTMENT (collectively, the “City”) hereby submit the following Supplemental Brief
regarding Plaintiff’s Motion For Preliminary Injunction on file herein.

///

1 Dated: June 21, 2021

ALVAREZ-GLASMAN & COLVIN

2
3 By: /S/ Eric G. Salbert

4 Eric G. Salbert

5 Attorneys for Defendants, CITY OF CHICO and

6 CITY OF CHICO POLICE DEPARTMENT

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1 **1. INTRODUCTION**

2 In this case, eight homeless persons—Bobby Warren, Andy Lambach, Jonathon Williams,
3 Michael Samuelson, Tracy Miller, Tona Petersen, Carol Beth Thompson, and Christa Stevens
4 (collectively, “Plaintiffs”)—seek to enjoin the City from enforcing its so-called anti-camping
5 ordinances on the basis that there is inadequate shelter space in the City. Plaintiff’s Points and
6 Authorities in Support of Plaintiff’s Ex Parte Motion for Temporary Restraining Order (“Mot.”) 5:2-7.
7 Moreover, Plaintiffs contend that the shelter space in the City is practically unavailable to Plaintiffs
8 insofar as shelters do not permit occupants to bring pets, require occupants to live in congregate
9 facilities and do not fulfill the stated needs of those claiming to suffer from mental health disabilities.
10 Mot. 7:4-8:7. The City’s position is that “practical availability” should not be tailored to the most
11 demanding needs a person could possibly have. Creating a monolithic standard based on the most
12 demanding of human needs will be impractical.

13 Recently, the City constructed an outdoor temporary shelter facility at the Chico Municipal
14 Airport that accommodates all 571 of the City’s homeless persons (“Airport Shelter”). Declaration of
15 Erik Gustafson (“Gustafson Decl.”) ¶ 5. The Airport Shelter presently has facilities and services set up
16 to begin servicing the City’s homeless persons. *Id.* At the Airport Shelter, 421 of the 571 spaces
17 available for persons are twenty feet by twenty feet in area, and 150 of the 571 spaces are twenty feet
18 by ten feet in area. *Id.* Homeless persons may bring their tents, personal necessities and pets to the
19 Airport Shelter. *Id.* at ¶ 7. Presently, one shade structure is available for occupants to use, and there
20 are two 275-gallon potable water tanks onsite for drinking and filling onsite handwashing stations. *Id.*
21 at ¶ 5. Three portable toilets, two handwashing stations and a garbage dumpster have been placed at
22 the Airport Shelter. *Id.* The City can place additional shade structures, toilets, handwashing stations
23 and dumpsters at the Airport Shelter as capacity fills. *Id.* Fencing surrounds the Airport Shelter to
24 protect the Airport Shelter occupants and tenants and users of the airport from issues that would arise if
25 people were to enter restricted portions of the airport. *Id.* The airport service road is available for
26 occupants to use for the purpose of entering and leaving the Airport Shelter. *Id.* A security service has
27 been hired to monitor the Airport Shelter, and the City is presently in the process of hiring a
28 professional operator to manage this site. *Id.* at ¶ 6. Based on the foregoing, the Airport Shelter is, in

1 the words of *Martin v. City of Boise*, 920 F.3d 584, 618 (9th Cir. 2019), “practically available” to the
2 City’s homeless population. Thus, the City respectfully requests that the operative temporary
3 restraining order (“TRO”) expire on July 2, 2021, so that it may enforce its anti-camping ordinances for
4 the purpose of protecting public health and safety in the City’s parks, watercourses and greenways.

5 Approximately two months before the TRO issued, a City of Chico Department of Public
6 Works Senior Maintenance Worker took photos at 113 W. Lindo Avenue, Chico, CA 95926, where
7 dozens of hypodermic needles were strewn about public property and had to be collected in seven
8 sharps disposal containers. Declaration of Nolan Prinze (“Prinze Decl.”) ¶ 5, Ex. B. Nearly two
9 months after the TRO issued, Chico Police Department Officer Sergeant Paul Ratto took a photo of a
10 sign one homeless person posted outside his tent at Comanche Creek that reads, “BACK THE FUCK
11 UP Begging ISNT A HUSTLE BITCHES.” Declaration of Gregory Keeney (“Keeney Decl.”) ¶ 4, Ex.
12 I. This openly hostile message is consistent with the arrests of various homeless persons for offenses
13 including, but not limited to, battery, exhibiting a deadly weapon, fighting in public and forcible
14 obstruction of an executive officer. Keeney Decl. ¶¶ 11-19. Further, both before and after issuance of
15 the TRO, homeless persons have collected large amounts of garbage near their encampments within the
16 City’s parks, watercourses and greenways. Keeney Decl. ¶¶ 7 & 9, Exs. L & N. As further explained
17 below, these threats to health, safety and the environment tip the balance of hardships strongly in the
18 City’s favor. Consequently, the City respectfully requests that the TRO expire and that Plaintiffs’
19 request for a preliminary injunction be denied, so that the City may resume enforcement of its anti-
20 camping ordinances outside the Airport Shelter.

21 **2. LEGAL ARGUMENT**

22 **a. LEGAL STANDARD FOR OBTAINING A PRELIMINARY INJUNCTION**

23 To obtain a preliminary injunction, Plaintiffs “must establish that [they are] likely to succeed on
24 the merits, that [they are] likely to suffer irreparable harm in the absence of preliminary relief, that the
25 balance of equities tips in [their] favor, and that an injunction is in the public interest.” *Winter v. Nat.*
26 *Res. Def. Council, Inc.*, 555 U.S. 7, 20 (2008). The last two factors merge if the government is a party.
27 *Drakes Bay Oyster Co. v. Jewell*, 747 F.3d 1073, 1092 (9th Cir. 2014). When considering whether to
28 grant this “extraordinary remedy, ... courts must balance the competing claims of injury and consider

1 the effect of granting or withholding the requested relief, paying particular regard to the public
2 consequences.” *Winter*, 555 U.S. at 24.

3 **b. PLAINTIFFS ARE NOT LIKELY TO SUCCEED ON THEIR 8TH**
4 **AMENDMENT CLAIM.**

5 **i. Legal Standard For Eighth Amendment Claims**

6 The Eighth Amendment reads: “Excessive bail shall not be required, nor excessive fines
7 imposed, nor cruel and unusual punishments inflicted.” U.S. Const., amend. VIII. Interpreting the
8 Eighth Amendment, the Ninth Circuit has ruled that, “the Eighth Amendment prohibits the state from
9 punishing an involuntary act or condition if it is the unavoidable consequence of one’s status or being.”
10 *Jones v. City of Los Angeles*, 444 F.3d 1118, 1135 (9th Cir. 2006). Elaborating on this principle, the
11 Ninth Circuit, in *Martin v. City of Boise*, 920 F.3d 584, 616 (9th Cir. 2019), recently held that, “the
12 Eighth Amendment prohibits the imposition of criminal penalties for sitting, sleeping, or lying outside
13 on public property for homeless persons who cannot obtain shelter.”

14 Carefully circumscribing the limits of its holding, the *Martin* Court explained that:

15 ***Our holding is a narrow one.*** Like the *Jones* panel, “***we in no way dictate to the City***
16 ***that it must provide sufficient shelter for the homeless, or allow anyone who wishes to***
17 ***sit, lie, or sleep on the streets ... at any time and at any place.***” [*Jones*, 444 F.3d at
18 1138.] We hold only that “so long as there is a greater number of homeless individuals in
19 [a jurisdiction] than the number of available beds [in shelters],” the jurisdiction cannot
20 prosecute homeless individuals for “involuntarily sitting, lying, and sleeping in public.”
Id. That is, ***as long as there is no option of sleeping indoors, the government cannot***
criminalize indigent, homeless people for sleeping outdoors, on public property, on the
false premise they had a choice in the matter.”

21 *Martin*, 920 F.3d at 617, emphasis added. The Ninth Circuit concluded that “a municipality cannot
22 criminalize such behavior consistently with the Eighth Amendment when no sleeping space is
23 ***practically*** available in any shelter.” *Id.* at 618, emphasis added. This does not mean that homeless
24 persons have a viable Eighth Amendment claim where they refuse practically available shelter, or that a
25 municipality may never criminalize the act of sleeping outside. As the *Martin* Court explained:

26 Naturally, ***our holding does not cover individuals who do have access to adequate***
27 ***temporary shelter***, whether because they have the means to pay for it or because it is
28 realistically available to them for free, ***but who choose not to use it.*** Nor do we suggest
that a jurisdiction with insufficient shelter can *never* criminalize the act of sleeping
outside. ***Even where shelter is unavailable, an ordinance prohibiting sitting, lying, or***

1 *sleeping outside at particular times or in particular locations might well be*
2 *constitutionally permissible. See Jones, 444 F.3d at 1123.*

3 *Martin, 920 F.3d at 617 n. 8, emphasis added.*

4 **ii. Chico Is Now Providing Additional Temporary Shelter Space To Its**
5 **Homeless Population**

6 The City Council created a Homeless Ad Hoc Committee for the purpose gathering input
7 regarding the development of temporary shelter sites. Declaration of Mark Orme (“Orme Decl”) ¶ 3.
8 That Homeless Solutions Ad Hoc Committee met on April 28, 2021, April 30, 2021, May 3, 2021, May
9 5, 2021, May 6, 2021 and May 7, 2021. Orme Decl. ¶ 4. Considering the input from the various
10 community groups that participated in the Homeless Solutions Ad Hoc Committee meetings, the City
11 reviewed multiple potential temporary shelter site locations. Orme Decl. ¶ 5. Ultimately, the City
12 decided to proceed with creating a temporary shelter site for near-term use at the Airport Shelter, and
13 intends to develop another temporary shelter site on City-owned property that has previously been used
14 as a BMX track (“BMX Shelter”). Orme Decl. ¶¶ 5-6. The Airport Shelter is available now and the
15 City expects the BMX Shelter to be available within one year, owing to the fact that the BMX Shelter
16 would require grading and permitting work. Orme Decl. ¶ 6; Gustafson Decl. ¶ 5.

17 Presently, the Airport Shelter is available for homeless persons to sleep at, and has been
18 developed to provide several services for any homeless person who desires to stay there. The Aiport
19 Shelter consists of a graded pad that is divided into a total of 571 temporary shelter spaces. Gustafson
20 Decl. ¶ 5. The City purchased two 275-gallon potable water tanks and placed them at the Airport
21 Shelter. *Id.* Two handwashing stations, one shade tent, and three portable toilets were placed at the
22 Airport Shelter. *Id.* Fencing has been fully erected around the perimeter of the Airport Shelter to
23 protect homeless persons who might otherwise attempt to access airport runways or other restricted
24 locations, such as private property. *Id.* Trash, sanitation and security services have also been hired for
25 the Airport Shelter. *Id.* at ¶ 6. The City will provide transportation at no cost to homeless persons to the
26 Airport Shelter location four times per day from the City’s downtown transit center.

27 The Airport Shelter has the capacity to provide shelter space to 571 homeless persons who wish
28 to stay there in a tent or a car. *Id.* at ¶ 7. Four hundred and twenty-one tent spaces are each twenty feet

1 by twenty feet in area, and 150 spaces are twenty feet by ten feet in area. *Id.* at 5. To access this
2 location, homeless persons may travel across the Chico Municipal Airport’s service road that leads
3 directly to the fenced-off temporary shelter spaces. Gustafson Decl. ¶¶ 3 & 5, Ex. H.

4 In addition to the security services already available, the City has solicited applications for an
5 operator to manage the Airport Shelter. Gustafson Decl. ¶ 6. Ultimately, the City intends the Airport
6 Shelter to be a temporary shelter site that will be phased out of operation once the BMX Shelter has
7 been established. Orme Decl. ¶¶ 5-6.

8 One reason that the City prefers the BMX Shelter is that the Federal Aviation Administration
9 (“FAA”) has asked the City to use the site on a temporary basis to avoid complications that might arise
10 if garbage in the area were to attract wildlife. Gustafson Decl. ¶ 4. The City agreed to the FAA’s
11 request. *Id.* Even though the City has secured trash collection services to avoid that issue, it
12 nevertheless intends to develop the BMX Shelter to avoid having issues arise at the Chico Municipal
13 Airport. Gustafson Decl. ¶ 6; Orme Decl. ¶ 6.

14 Plaintiffs claim that there are 571 unsheltered adults living in Chico. Mot. 6:22-24. Further,
15 Plaintiffs allege there are a total of 120 spaces at the Torres Shelter. Mot. 7:10-13. The Jesus Center
16 presently has a total of 58 shelter spaces and plans on adding another 100 shelter spaces by the end of
17 2021. Declaration of Laura Cootsona (“Cootsona Decl.”) ¶ 4. Adding the 120 spaces at the Torres
18 Shelter, 58 spaces at the Jesus Center together with the 571 spaces now available at the Airport Shelter
19 results in a total of 749 shelter spaces in Chico. Consequently, the City now has more than enough
20 shelter space available for the entire homeless population required by *Martin* for the City to resume
21 enforcement of its anti-camping ordinances.

22 **iii. The New Shelter Space Is Practically Available**

23 Plaintiffs have argued that, “Even when shelter beds are open, they are not always practically
24 available to unsheltered residents.” Mot. 7:26-27. The reasons previously provided by Plaintiffs are
25 that they either have pets, mental disabilities or fears of COVID-19 that prevent them from entering
26 the homeless shelters operating in the City. Mot. 7:27-8:9. *Martin* does not state that shelter spaces
27 are rendered practically unavailable for such reasons. *See, generally, Martin*, 920 F.3d 584. In any
28 event, pets will be permitted at the Airport Shelter (Gustafson Decl. ¶ 7), and even the State has

1 determined that COVID-19 vaccinations have been available long enough to permit the State to
2 “reopen” as of June 15, 2021.

3 The City expects Plaintiffs will now argue that the shelter spaces available at the Airport
4 Shelter should not be factored into the *Martin* calculus because they are not indoor spaces. Their
5 argument will be based on the *Martin* Court’s directive that, “as long as there is no option of sleeping
6 indoors, the government cannot criminalize indigent, homeless people for sleeping outdoors, on public
7 property, on the false premise that they had a choice in the matter.” *Martin*, 920 F.3d at 617.
8 However, there are options for sleeping indoors: the Torres Shelter and the Jesus Center. Moreover,
9 the *Martin* Court ultimately “conclude[d] that a municipality cannot criminalize such behavior
10 consistently with the Eighth Amendment when no sleeping space is practically available in *any*
11 shelter.” *Martin*, 920 F.3d at 618, emphasis added. The Airport Shelter, Torres Shelter and Jesus
12 Center provide a total of 749 shelter spaces, which is more than enough to cover the estimated 571
13 unsheltered people in Chico.

14 “Whether some ... ordinance is consistent with the Eighth Amendment will depend, as here, on
15 whether it punishes a person for lacking the means to live out the ‘universal and unavoidable
16 consequences of being human’ in the way the ordinance prescribes.” *Martin*, 920 F.3d at 617 n. 8
17 (citing *Jones v. City of Los Angeles*, 444 F.3d 1118, 1123 (9th Cir. 2006)). Plaintiffs urge that
18 placement into shelters that do not allow pets or into congregate shelters violates *Martin*. Mot. 7:26-
19 8:7. The City’s position is that “practical availability” should not be tailored to the most demanding
20 needs a person could possibly have. Creating a monolithic standard based on the most demanding of
21 human needs will be impractical. As explained immediately below, such a standard would also
22 prevent the City from protecting public health and safety.

23 **c. A PRELIMINARY INJUNCTION IS NOT IN THE PUBLIC INTEREST**

24 On June 15, 2021, Chico Police Department Officer Sgt. Paul Ratto took a photo of a sign one
25 homeless person posted outside his tent at Comanche Creek that reads, “BACK THE FUCK UP
26 Begging ISNT A HUSTLE BITCHES.” Keeney Decl. ¶ 4. This openly hostile message reflects the
27 violent behavior that has been documented regarding homeless persons residing in Chico. There have
28 also been documented acts of property destruction, drug use and environmental damage. The following

1 is a sampling of such criminal activity:

- 2 • On February 7, 2019, Officer Daniel Wilson arrested a homeless person named Sean Allen Hall
3 for receipt of stolen property, possession of burglary tools, unlawful possession of drug
4 paraphernalia, and possession of a controlled substance (Chico P.D. report number 19-855).
5 Keeney Decl. ¶ 11.
- 6 • On April 4, 2020, Officer David Bailey arrested a homeless person named John Phillip Baird for
7 exhibiting a deadly weapon (Chico P.D. report number 20-2046). Keeney Decl. ¶ 12.
- 8 • On May 29, 2020, Officer Benjamin Besoain arrested a homeless person named Rocky Eric
9 Shelton for felon in possession of tear gas, unlawful possession of drug paraphernalia, driving
10 on a license suspended or revoked due to a prior conviction for driving under the influence, and
11 possession of a controlled substance (Chico P.D. report number 20-2901). Keeney Decl. ¶ 13.
- 12 • On December 4, 2020, Officer Damon Selland, arrested a homeless person named James Justin
13 Jewkes for battery (Chico P.D. report number 20-6660). Keeney Decl. ¶ 14.
- 14 • On January 21, 2021, Officer David Heyne arrested a homeless person named Robert William
15 Omler for sale of a controlled substance, possession of a controlled substance, resisting arrest,
16 and involved possession for sale of heroin (Chico P.D. report number 21-417). Keeney Decl. ¶
17 15.
- 18 • On April 6, 2021, Officer Andrew Cooper arrested a homeless person named Michelle Renee
19 Goodwin on an arrest warrant for felony forcible obstruction of an executive officer (Chico P.D.
20 report number 21-2094). Keeney Decl. ¶ 16.
- 21 • On April 30, 2021, Officer Derek Ament arrested a homeless person named Martin Edward
22 Martinez for vehicle theft, elder abuse and possession of a controlled substance (Chico P.D.
23 report number 21-2490). Keeney Decl. ¶ 17.
- 24 • On May 2, 2021, Officer Michael Vincent arrested a homeless person named Edward Prescott
25 for failure to comply with sex offender registration requirements, possession of a controlled
26 substance and unlawful possession of drug paraphernalia (Chico P.D. report number 21-2644).
27 Keeney Decl. ¶ 18.
- 28 • On May 5, 2021, Officer Keith Parsons arrested a homeless person named Nicholas Edward

1 Craig for vandalism after he tried to kick in the door of a local business (Chico P.D. report
2 number 21-2701). Keeney Decl. ¶ 19.

3 On June 15, 2021, Chico Police Department Officer Sgt. Paul Ratto took a photo at the
4 Comanche Creek homeless encampment that depicts a red vehicle that was determined to be a vehicle
5 registered in Nevada that had been stolen. Keeney Decl. ¶ 8, Ex. M. At that same location on that
6 same day, Sgt. Paul Ratto photographed a very large amount of refuse that the homeless population in
7 that area collected. Keeney Decl. ¶ 7, Ex. L. The photographs reveal that homeless persons have been
8 using grills dug into the ground and propane tanks to start fires. Keeney Decl. ¶ 6, Ex. K. Indeed, that
9 day the Chico Fire Department responded to a call regarding a vegetation fire that had escaped from a
10 homeless person's cooking fire. Declaration of Steve Standridge ("Standridge Decl.") ¶ 5. The next
11 day, Sgt. Paul Ratto visited the homeless encampment at Teichert Ponds and discovered a similarly
12 concerning amount of trash that homeless persons had collected at that location. Keeney Decl. ¶ 9, Ex.
13 N.

14 If the City is enjoined from enforcing its anti-camping ordinances, public health and safety will
15 suffer. The police will likely not be able to simultaneously enforce the law and clean up the large
16 amount of needles and garbage that the homeless population collects and stores in City parks,
17 contributing to environmental damage. See Keeney Decl. ¶ 20; Prinze Decl. ¶ 5, Ex. B. Likewise, if
18 the local homeless population is able to live at any public park they wish, that will likely increase
19 hostile and violent encounters with the general public, and make it more difficult for police to respond
20 for calls for service over a large geographic area. See Keeney Decl. ¶ 20.

21 In addition to the above-described criminal acts, public health and safety stands to be threatened
22 where behaviors of the homeless population have resulted in increased incidence of disease. Several
23 officials from the City and Butte County met in April 2021 to address concerns about an outbreak of
24 the highly-infectious hepatitis A disease at Comanche Creek. Standridge Decl. ¶ 3. Moreover, these
25 officials were briefed on how to handle wound botulism, a potentially deadly complication from the use
26 of black tar heroin that can paralyze the respiratory system. Standridge Decl. ¶ 4. Exposing the general
27 public to these illnesses at the City's public parks, on the basis argued by Plaintiffs that the City should
28 be providing persons indoor shelter space for every unsheltered person, makes little sense, and is not in

1 the public interest.

2 **d. PLAINTIFFS WILL NOT BE IRREPARABLY HARMED ABSENT**
3 **PRELIMINARY RELIEF**

4 Plaintiffs argue they will be irreparably harmed because the violation of a constitutional right
5 constitutes irreparable harm, and the loss of a home and property in a camp is irreparable harm. Mot.
6 23-9-23. As explained above, Plaintiffs’s constitutional rights will not be violated where they can sleep
7 at the Airport Shelter, the Torres Shelter or the Jesus Center. Thus, this factor tips in favor of the City.

8 **e. THE BALANCE OF EQUITIES IS IN DEFENDANTS’ FAVOR**

9 Considering the equities of this case, Plaintiffs assert that they will lose their safety, community,
10 and places of rest. Mot. 24:3-5. Regarding safety, Plaintiffs have failed to demonstrate that their fear
11 of COVID-19 existing at a congregate shelter is valid in light of their admissions that they reside in
12 congregate homeless encampments where COVID-19 may be present. If Plaintiffs are fearful of
13 COVID-19, they can be vaccinated. The issue is not about the size of their living space, and whether
14 that metric facilitates transmission of COVID-19, but their own behaviors. As explained above, City
15 and Butte County officials have already been briefed on the spread of hepatitis A and wound botulism
16 within local homeless encampments, which became issues because of the behaviors of homeless
17 persons. Standridge Decl. ¶¶ 3-4.

18 If Plaintiffs want to maintain their sense of community, they can go to the Airport Shelter, the
19 Torres Shelter or the Jesus Center. On June 15, 2021, Chico Police Department Officer Sgt. Paul Ratto
20 took a picture of a message written on a heavily graffitied public park sign that says, “Justice Prevails!
21 Next: a Sanctioned CAMPGROUND!” Keeney Decl. ¶ 5, Ex. J. Judging from the defaced
22 (vandalized) public property: the park sign, Plaintiffs’ community apparently favors having a
23 sanctioned campground at the Airport Shelter. At that location, they will have a place of rest.

24 The City would like to resume enforcement of its anti-camping ordinances at locations other
25 than the Airport Shelter. If it is not able to do so, the public will face environmental, fire, health and
26 safety threats because: unregulated camping has resulted in a large buildup of garbage in public parks,
27 greenways and along watercourses (Prinze Decl. ¶¶ 4-10, Exs. A-G; Keeney Decl. ¶¶ 4, 6-7 & 9, Exs. I,
28 K-L & N); homeless persons have been using fire pits crudely placed on the ground near heaps of trash

1 (Keeney Decl. ¶¶ 6, Ex. K) and one recent vegetation fire occurred as a result of a cooking fire at a
2 homeless encampment (Standridge Decl. ¶ 5); the general public has witnessed drug use by homeless
3 persons in broad daylight (Docket Document No. 79); and the general public will be forced to interact
4 with homeless persons who are openly hostile to interactions in the park (Keeney Decl. ¶ 4, Ex. I).
5 Consequently, the balance of equities tips in the City's favor.

6 **3. CONCLUSION**

7 For all the foregoing reasons, Defendants respectfully request that the Court deny Plaintiffs'
8 motion for preliminary injunction.

9
10 Dated: June 21, 2021

ALVAREZ-GLASMAN & COLVIN

11
12 By: /s/ Eric G. Salbert

13 Eric G. Salbert
14 Attorneys for Defendants, CITY OF CHICO and
15 CITY OF CHICO POLICE DEPARTMENT
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CERTIFICATE OF SERVICE

I hereby certify that I electronically filed the foregoing with the Clerk of the Court for the United States District Court, Eastern District of California by using the Court's CM/ECF system on June 21, 2021.

I certify that all participants in the case are registered CM/ECF users and that service will be accomplished by the appellate CM/ECF system.

/S/ Liza Slaughter
Liza Slaughter

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