

1 Anthony D. Prince (SBN # 202892)  
2 General Counsel, California Homeless Union  
3 Law Offices of Anthony D. Prince  
4 2425 Prince Street, Ste. 100  
5 Berkeley, CA 94705  
6 Tel: 510-301-1472  
7 Email: [princelawoffices@yahoo.com](mailto:princelawoffices@yahoo.com)

8 Andrea M. Henson (SBN #331898)  
9 General Counsel, Sacramento Homeless Union  
10 Where Do We Go  
11 2726 Martin Luther King Junior Way  
12 Berkeley, CA 94703  
13 Tel: 510-640-7390  
14 Email: [ahenson@wdwg.org](mailto:ahenson@wdwg.org)

15 Attorneys for Plaintiffs/Petitioners

16 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**  
17 **COUNTY OF SACRAMENTO**

18 SACRAMENTO HOMELESS UNION, on ) Case No.: 24-cv-009485  
19 behalf of Itself and Its Members, Residents of )  
20 Camp Resolution Individually as follows: and ) **PLAINTIFFS' EX PARTE EMERGENCY**  
21 SHONN ADAMS; HASSAN ALHAQQ; ) **MOTION FOR A TRO AND SAME DAY**  
22 SUSANNE ALHAQQ; RACHELLE BECK; ) **HEARING**  
23 JOHN BOWEN; VALARIE BOWEN; MARY )  
24 BUCK; VINA CARTER; DARRELL )  
25 CHAPMAN; DONALD COOPER; )  
26 CHRISTOPHER COX; DANNY CRISHOLM; )  
27 WILLIAM DOYLE; BETTY EDWARDS; )  
28 ROBERT NICK ESCOTO, JR.; SUZANNE )  
JEANNIE GILLIES; STEVEN GOBLET; )  
KIMBERLY GOMES; WILLIAM GOMES; )  
ALATREYA GREGORY; EFRON GUZMAN; )  
JOSEPH HARLOW; MICHAEL HAYNES; )  
TWANA JAMES; SHARON JONES; )  
DANIEL KERNS; JOSEPH LEVASSEUR; )  
JULIE MAESTES; CHASTITY MAY; )  
DENNIS McGOTHEN; RIGOBERTO )  
MIRANDA; MARIA MOWER; SATEARAH )  
MURPHY; YVONTI PEREZ; TITA )  
SAMPSON; KIMBERLY SEAY; FRANCES )  
TREADWAY; SCOTT WHITFIELD; )

1 DANIELLE WILD; JOYCE WILLIAMS; )  
2 MICHAEL WILLIAMS; and DOES 1- 30, et )  
3 al. )

4 Plaintiffs )

5 vs. )

6 CITY OF SACRAMENTO; HOWARD )  
7 CHAN, City Manager; RYAN MOORE, )  
8 Assistant City Manager; MARIO LARA, )  
9 Assistant City Manager; DARRELL )  
10 STEINBERG, Mayor of Sacramento; THIEN )  
11 HO, Sacramento County District Attorney; )  
12 DOES 1-50, et al. )

13 Defendant/Respondents )

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14 **PLAINTIFFS' EX PARTE EMERGENCY MOTION FOR SAME-DAY HEARING AND**  
15 **TEMPORARY RESTRAINING ORDER**

16 The Court has set a hearing on Plaintiff's *ex parte* motions for injunctive relief and writ  
17 of mandate for Friday, August 30, 2024 at 11:00 am. Due to miscommunications between  
18 plaintiffs' lead attorney Anthony Prince and co-counsel Andrea Henson, the request for a hearing  
19 was not made before plaintiffs' motions and their second amended complaint were e-filed at 6:03  
20 pm. Thursday, August 22, 2023. (The extreme difficulties that prevented plaintiffs from filing  
21 earlier are described in the NOTE TO THE COURT that precedes the body of plaintiffs'  
22 complaint and motions.)

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24 It was not until the next day, Friday, August 23, 2024 at 3:08 pm that Court Clerk Trevor  
25 Shaddix notified counsel that there was no hearing on calendar. Ms. Henson promptly contacted  
26 Mr. Shaddix explaining, as she had in message accompanying the e-filing, that the matter was  
27 urgent inasmuch as "plaintiffs are scheduled for eviction and removal on Monday, August 26,  
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1 2024.” She was told that the earliest date for a hearing was the following Friday, August 30,  
2 2024.

3 Plaintiffs’ counsel promptly contacted City Attorney Sean Richmond, who had been  
4 provided with a copy of Plaintiffs’ filings minutes after they had been filed Friday evening.  
5 Plaintiffs’ counsel explained that because a hearing was now set, it was his view that the City  
6 should postpone the planned closing. Over the course of the weekend, in email exchanges  
7 between the City attorney and Plaintiffs’ counsel, the City has steadfastly maintained that  
8 plaintiffs were at fault for delaying their motion, that the matter was not before the Court and that  
9 absent an order restraining the City from doing so, the City intended to close the camp on  
10 Monday, August 26.  
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12  
13 Over the weekend, despite working with the City’s Department of Community Resources  
14 (DCR) only one severely disabled resident has been relocated to a hotel. Representatives of DCR  
15 have admitted to union leaders that there are no disability accommodations at either Roseville  
16 Road or the Outreach and Engagement Center, the only two shelters being offered. As explained  
17 below, the irreparable harm predicted by plaintiffs is already occurring as residents with  
18 declarations on file are suffering seizures, traumatic stress, extreme fear and, in some cases, have  
19 fled the site with whatever they could carry fearful that the City will bulldoze their encampments  
20 and meager possessions and they will face arrest if they remain because they have nowhere safe  
21 to go.  
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24 Although there is no order in place, Plaintiffs believe that the interests of justice can only  
25 be served if the City is restrained from closing Camp Compassion until the hearing on the matter  
26 can be heard. Since the City is refusing, plaintiffs now file this emergency ex parte motion for a  
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1 same-day hearing tomorrow and pray this Court will immediately enter an Order so restraining  
2 the City.

3 Whether a Court accepts a late-filing or one that is not in strict compliance with technical  
4 requirements is generally left to the Court's discretion and it is well-settled that courts routinely  
5 accept late filings when the filing party can show compelling reasons for the delay, that there is  
6 no prejudice to the opposing party and the interests of justice will not be served by refusing the  
7 late filing. See, Weil & Brown, §7:955.6; *Rancho Mirage Country Club Homeowners*  
8 *Association v. Hazelbaker*, 206 Cal.Rptr.3d 233, 241(2016); *Kapitansky v. Vons Grocery Stores*,  
9 146 Cal.App.3d ("There is a judicial preference for hearing matters on their merits even when  
10 filings are late, but there must be good reason."  
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12  
13 Given its status of Disability Rights California as the federal and state-designated agency  
14 for protection and advocacy of persons with disabilities, the agency's opposition to the closing of  
15 Camp Resolution should weigh strongly in favor of the Court's granting of plaintiffs' motions  
16 for injunctive relief, an immediate hearing and a writ of mandate. The DRC's letter suggests that  
17 in flaunting its own Reasonable Accommodations Policy and its own "Notice of Compliance  
18 under ADA & California State Law" the City may be knowingly violating the law.  
19

20 Over the weekend, the Union has documented all of the interactions with DCR that have  
21 taken place in the last few days. As set forth in the concurrently filed supplemental declaration of  
22 Union President Crystal Sanchez, there have been no offers of housing and DCR personnel  
23 themselves have been recorded admitting that disability accommodations are not available at the  
24 shelters. See, Sanchez Declaration. Moreover, City attorney Richmond's justified his blanket  
25 refusal to accept, let alone consider the formal applications of 30 residents because, as he states  
26 in his letter of August 21, 2023, the issue of the lack of disability accommodations at Roseville  
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1 Road and the Outreach Center was not "ripe" because no one was being forced to go to the  
2 shelters. But under ADA and FEHA whether or not people go to the shelters are doing so  
3 voluntarily or not does not relieve the City from providing the accommodations.

4 Attached to this motion is a letter issued by Disability Rights California, calling upon the  
5 City to postpone the closing of Camp Resolution. As the letter states, is "DRA is the largest  
6 provider of legal services for people with disabilities in the country" and serves as the official  
7 "federally and state-designated protection and advocacy agency for California." The organization  
8 was established in 1978 pursuant to an act of Congress mandating the establishment in each state  
9 of an agency for protection and advocacy of persons with disabilities. That same year, Governor  
10 Jerry designated Disability Rights California, then known as Protection & Advocacy, Inc. (PAI),  
11 as this state's organization with headquarters in Sacramento. Accordingly, this is no ordinary  
12 support letter; it is the opinion of a state agency that is not only well-versed in disability law, but  
13 with the actual conditions at Camp Resolution, Roseville Road and the obligation of the City to  
14 "postpone the closure of Camp Resolution pending consideration of the residents' reasonable  
15 accommodations request(s)" and "allow a comprehensive assessment of the individualized needs  
16 of each resident" as the law requires.

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20 In this case, the City Attorney usurped the responsibility and authority of the City's  
21 disability accommodations Coordinator to implement Section 3 of the City's Reasonable  
22 Accommodations Policy which requires that "[t]he determination whether to provide an  
23 accommodation is made on a case-by-case basis" through which the department and the  
24 individual with a disability discuss and arrange for the necessary (and reasonable) changes." The  
25 City Attorney simply declared that Camp Resolution is not a program, that the issue of the  
26 entitlement of my clients to accommodations in homeless shelters is "not ripe" because no one is  
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1 being forced into the shelters when the law requires the provision of accommodations and the  
2 process that entails whether a person in in a shelter by compulsion or by choice.

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CONCLUSION

For all of the reasons provided above and those which may be provided at a same-day hearing that Plaintiffs pray will be held on Monday, August 26 2024, plaintiffs urge the court to issue an order restraining the City from closing the camp until the hearing is held or, if the Court declines to hold a same-day hearing, an order restraining the City from closing the Camp until the hearing now set for August 30, 2024 at 11:00 am on plaintiffs motion for TRO and Preliminary Injunction can be held and the Court has ruled.

Date: August 25, 2024

Respectfully submitted,

*/s/ Anthony Prince.*

Anthony D.Prince,  
Attorney for Plaintiffs