

1 UNITED STATES DISTRICT COURT
2 NORTHERN DISTRICT OF CALIFORNIA

3
4 **MARIN COUNTY LOCAL OF THE**
5 **CALIFORNIA HOMELESS UNION, ET AL.**

6 Plaintiffs,

7 v.

8 **CITY OF NOVATO, ET AL.,**

9 Defendants.

Case No. 21-cv-5401-YGR

**SCHEDULING ORDER RE EVIDENTIARY
HEARING**

10 **TO ALL PARTIES AND COUNSEL OF RECORD:**

11 By Order dated July 15, 2021, the Court granted plaintiffs' *ex parte* application for a
12 temporary restraining order enjoining defendants from: (a) enforcing Novato Municipal Code
13 Sections 7-11, 7-12, 14-20.5, and 14-20.7 until further of the Court; and (b) closing Camp
14 Compassion at Lee Gerner Park or otherwise removing those encamped therein ("the Order").
15 (Dkt. No. 8.)

16 On July 27, 2021, the Court granted in part and denied in part defendants' motion to
17 modify the Order and referred the matter to Magistrate Judge Illman for settlement conference.
18 (Dkt. No. 16.) The Court ordered an evidentiary hearing to be conducted on August 9, 2021.

19 On July 30, 2021, the parties filed a stipulation requesting that the Court continue the
20 evidentiary hearing to October 6, 2021 in light of the settlement discussions, which the Court
21 granted. (Dkt. No. 25.) Since that time, the parties have engaged in numerous settlement
22 discussion. However, the Court is no longer available the week of October 4, 2021. Having
23 reached out to the parties, the Court understands that counsel for plaintiffs is not available the
24 week of October 11, 2021.

25 Having conferred with Magistrate Judge Illman, the Court is satisfied that the status quo
26 can be maintained during this period of a short continuance.

27 Accordingly, the evidentiary hearing shall be continued **to October 20, 2021 at 9:00 a.m.**
28

United States District Court
Northern District of California

1 in Courtroom One of the United States Courthouse in Oakland, California. The Court anticipates
2 that in preparation for this hearing, the defendants have filed a supplemental brief (Dkt. No. 32)
3 and plaintiffs will file a reply on September 30, 2021.

4 The parties shall comply with the following additional requirements. By no later than
5 Wednesday, October 6, 2021, the parties shall (1) **jointly** file a witness list identifying each person
6 who will be testifying, a brief summary of the purpose of the testimony, and the anticipated length
7 of the examination and (2) each file an exhibit list. Two copy sets of the exhibits shall be
8 delivered to the Court by no later than Friday, October 8 at noon and served on the other party.
9 The parties may agree on the nature of the service to facilitate efficiency.

10 For purposes of this evidentiary hearing, no person may enter the courtroom unless that
11 person has been fully vaccinated against COVID-19. Accordingly, by Friday, October 8, 2021,
12 each person attending the proceedings in person shall file a certification under seal attesting to
13 proof of vaccination as follows:

14 I am fully vaccinated (two weeks have passed after receiving the
15 second dose of a two-dose COVID-19 vaccine (Pfizer or Moderna) or
16 after receiving the single dose COVID-19 vaccine (Johnson &
Johnson). Proof of this is attached.

17 I understand that I am required to provide accurate information on this
18 form. I hereby affirm that I have accurately and truthfully provided the
information above.


19 Signature and Date

20 To the extent a witness is not vaccinated, the witness may testify by remote access using the Zoom
21 platform. The Court will provide further orders in this regard once it is known whether that option
22 will be required.

23 Public access will be provided by audio proceedings only using the Zoom platform and
24 will be noticed on the Court’s docket in advance of the proceedings.

25 **IT IS SO ORDERED.**

26 Dated: September 27, 2021

27 
28 YVONNE GONZALEZ ROGERS
UNITED STATES DISTRICT COURT JUDGE