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10 Attorneys for Defendants  
11 City of Novato, et al.

12 **UNITED STATES DISTRICT COURT**  
13 **NORTHERN DISTRICT OF CALIFORNIA**

14 MARIN COUNTY HOMELESS  
15 UNION, a local affiliate of the  
16 CALIFORNIA HOMELESSNESS  
17 UNION, on behalf of itself and those it  
18 represents; CAMP COMPASSION, a  
19 Homeless Union-affiliated encampment  
20 in Lee Gerner Park; Individual Plaintiffs  
21 JASON SARRIS; LEA DEANGELO;  
22 ZACH BOULWARE; CARRIE  
23 HEALON, LISA NICOLE JOHNSON;  
24 DONALD HOBBS; DEBORAH ANN  
25 MIROMONTES; LISA JOHNSON;  
26 CHARLES TALBOT; BETHANY  
27 ALLEN; MICHELANGELO MONTEZ;  
28 DEBORAH ANN MIRAMONTES;  
KALANI WELSCH, and other similarly  
situated homeless persons including  
current residents of Camp Compassion  
homeless encampment,

Plaintiffs,

v.

CITY OF NOVATO; CITY MANAGER  
ADAM MCGILL, MAYOR PAT  
EKLUND, MAYOR PRO TEM ERIC  
LUCAN, CHIEF OF POLICE  
MATHEW MCCAFFREY, PUBLIC  
WORKS DIRECTOR CHRIS BLUNK,

Defendants.

**CASE NO.: 4:21-cv-05401-YGR**

[Assigned to the Hon. Yvonne Gonzalez  
Rogers]

**SUPPLEMENTAL DECLARATION OF  
OFFICER JOSHUA WAX IN SUPPORT  
OF CITY OF NOVATO'S  
SUPPLEMENTAL BRIEF IN  
SUPPORT OF OPPOSITION TO  
ORDER TO SHOW CAUSE FOR  
PRELIMINARY INJUNCTION**

Hearing Date: October 6, 2021  
Time: 9:00 a.m.  
Ctm: 1

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790 E. Colorado Blvd., Suite 850  
Pasadena, CA 91101  
SCN/CMA CA 05474

**DECLARATION OF JOSHUA WAX**

I, JOSHUA WAX, declare and state as follows:

1. I am a police officer in the City of Novato Police Department. I began working at the Novato Police Department (“NPD”) in August of 2015 and began work as a police officer at the NPD in December of 2016. I was assigned to the Novato Response Team (“NRT”) in July 2019 and have been there since. The facts set forth herein are true of my own personal knowledge, and if called upon to testify thereto, I could and would competently do so under oath.

2. On July 30, 2021, I and my partner, Alex Muller, traveled to Lee Gerner Park to assist a camper (not a named Plaintiff in this case) with moving to the New Beginnings Center. The camper had requested a referral to the New Beginnings Center on July 30, 2021.

3. While the camper was packing his belongings, Plaintiff Jason Sarris approached NRT and started yelling at us. When trying to assist the camper with determining the need for storage for some of his property, Plaintiff Sarris told me, “he’s not signing shit” and told the camper to not sign any forms (referring to the City of Novato offer for a bed at New Beginnings Center form). Plaintiff Sarris told me NRT was not supposed to be at the park. The camper told Plaintiff Sarris that NRT secured a bed for him, and he was going to take the shelter offer. The camper also told Plaintiff Sarris to “relax” as the camper was packing up his belongings. Plaintiff Sarris had his attorney (according to Plaintiff Sarris) on speakerphone next to NRT Sergeant Hinkle and NRT Lieutenant Winter. Plaintiff Sarris and his attorney demanded that we leave the park.

4. In my presence, Officer Muller asked the camper if he still wanted to go to the New Beginnings Center. I heard the camper reply by saying, “I want to voluntarily go to New Beginnings”. In my presence, Officer Muller told Plaintiff Sarris that the camper wanted to end his homelessness. Then, I heard the camper say,

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C O L A N T U O N O   C A   N E A T E

1 “Yes, I want to get out of living on the streets”. I continued to assist the camper with  
2 loading his belongings into a truck while Plaintiff Sarris continued to tell NRT that we  
3 needed to leave Lee Gerner Park pursuant to a Court order. The camper requested I  
4 remain at Lee Gerner Park and help him, despite Plaintiff Sarris’ apparent attempt to  
5 prevent NRT from assisting the camper out of the Lee Gerner Park encampment and  
6 into the New Beginnings Center. Officer Muller and I drove the camper to New  
7 Beginnings Center for his intake appointment, which was successful.

8 5. On August 25, 2021, I and my partner, Officer Alex Muller, entered Lee  
9 Gerner Park in search of a person with an outstanding felony warrant out of Redding.  
10 We had been informed that this person was camping in Lee Gerner Park. When we  
11 arrived at the park, we learned that the person with the warrant had been at Lee Gerner  
12 Park previously but was not present at the park at this time.

13 6. While at Lee Gerner Park on this date, I engaged in cordial conversation  
14 with two campers, neither of whom are named Plaintiffs in this case. The two campers  
15 expressed interest in a referral to the New Beginnings Center but wanted to wait until  
16 they could simultaneously enter the New Beginnings Center on the same day. I told  
17 the campers to let us know what we could do to help and advised them we would be in  
18 touch with them when a simultaneous entry was possible for them both.

19 7. While Officer Muller and I were speaking with the campers, Plaintiff  
20 Jason Sarris attempted to interfere with our conversation and prevent the non-plaintiff  
21 campers from engaging in a conversation with us about the New Beginnings Center.  
22 Plaintiff Sarris yelled at Officer Muller and I that we were restrained from Lee Gerner  
23 Park and were not permitted to enter the park because of a Court order.

24 8. After the interrupted conversation with the two non-plaintiff campers,  
25 Leah Deangelo (a named Plaintiff in this case) contacted Officer Muller and I and  
26 asked us to pass along a message to outreach worker Debra Walker of the CARE  
27 Team. Plaintiff Deangelo did not inquire about housing or services, and we did not  
28 offer her housing or services. Plaintiff Sarris again inserted himself into the

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C O N T A C T : 6 2 6 . 7 9 0 . 7 9 0

1 conversation between Officer Muller, me and Plaintiff Deangelo. Plaintiff Sarris told  
2 Plaintiff Deangelo he would pass the message along to outreach worker Debra Walker  
3 of the CARE Team (to prevent her from asking NRT for assistance). Plaintiff  
4 Deangelo declined Plaintiff Sarris' offer and requested Officer Muller and I pass the  
5 message along to CARE Team outreach worker Debra Walker.


6 9. Officer Muller and I were able to eventually locate the person with a  
7 warrant who prompted our August 25, 2021 visit to Lee Gerner Park and took him  
8 into custody without incident. After that person received a new court date from the  
9 jail, he was released from custody and returned to Novato. Officer Muller and I were  
10 able to secure a bed for this person (not a named plaintiff) at the New Beginnings  
11 Center. This person is currently receiving services at the New Beginnings Center has  
12 reported he is doing well.

13 10. Officer Muller and I were also able to obtain placement at New  
14 Beginnings Center for the two campers (not named plaintiffs) who indicated their  
15 interest to us while at Lee Gerner Park on August 25, 2021. Those two campers  
16 moved to New Beginnings Center on September 8, 2021.

17 11. Between July 30, 2021 and September 15, 2021, NRT has successfully  
18 referred 13 people into the New Beginnings Center. Out of the 13 people who have  
19 entered the New Beginnings Center via NRT referrals, five of them have already been  
20 provided with a future housing opportunity: one person was able to transition into  
21 employer-based housing and four people have received conditional housing vouchers.

22 I declare under penalty of perjury under the laws of the State of California that  
23 the foregoing is true and correct

24 Executed on September 16, 2021 at Novato, California.

25   
26  
27 JOSHUA WAX  
28

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C O N T A C T : 6 2 6 . 7 9 7 . 7 2 7 2

**CERTIFICATE OF SERVICE**

*Marin County Homeless Union v. City of Novato, et al.*

United States District Court, Northern District

Case No. 4:21-cv-05401-YGR

I, McCall L. Williams, declare:

I am employed in the County of Los Angeles, State of California. I am over the age of 18 and not a party to the within action. My business address is 790 East Colorado Boulevard, Suite 850, Pasadena, California 91101. My email address is: MWilliams@chwlaw.us. On September 17, 2021, I served the document(s) described as **SUPPLEMENTAL DECLARATION OF OFFICER JOSHUA WAX IN SUPPORT OF CITY OF NOVATO’S SUPPLEMENTAL BRIEF IN SUPPORT OF OPPOSITION TO ORDER TO SHOW CAUSE FOR PRELIMINARY INJUNCTION** on the interested parties in this action as follows:

**BY ELECTRONIC TRANSMISSION:** I hereby certify that I electronically filed the foregoing with the Clerk of the Court for the United States District Court, Northern District by using the CM/ECF system on September 17, 2021. I certify that all participants in the case are registered CM/ECF users and that service will be accomplished by the USDC, Northern District CM/ECF system.

I declare that I am employed in the offices of a member of the State Bar of this Court at whose direction the service was made. I declare under penalty of perjury under the laws of the United States of America that the above is true and correct.

Executed on September 17, 2021, at Pasadena, California.

/s/McCall Williams  
McCall L. Williams

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