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8 Attorneys for Defendants

City of Novato, City Manager Adam

9 McGill, Mayor Pat Eklund, Mayor Pro

Tem Eric Lucan, Chief of Police Mathew

10 McCaffrey, Public Works Director Chris

Blunk

11 **UNITED STATES DISTRICT COURT**

12 **NORTHERN DISTRICT OF CALIFORNIA**

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

**[PROPOSED] ORDER MODIFYING  
TEMPORARY RESTRAINING  
ORDER UNDER FRCP 65(B)(4)**

Hearing Date: July 26, 2021  
Time: 1:30 p.m.  
Ctrm: 1

Colantuono, Highsmith & Whatley, PC  
790 E. Colorado Blvd., Suite 850  
Pasadena, CA 91101  
SCN/CMA CA 05474

**[PROPOSED] ORDER**

Defendant City of Novato filed a Motion to Modify Temporary Restraining Order under FRCP 65(b)(4) on July 23, 2021. The Motion was heard on July 26, 2021 at 1:30 p.m. by Zoom webinar.

Having reviewed the Motion, Memorandum of Points and Authorities, the Declarations of Adam McGill, Mary Kay Sweeney, and Jeffrey Walter, and good cause appearing, the Court GRANTS the motion and ORDERS as follows:

**TEMPORARY RESTRAINING ORDER**

The Temporary Restraining Order issued on July 15, 2021 is hereby modified in its entirety to provide as follows:

Pending hearing on the Order to Show Cause, Defendants and their agents, assigns and/or transferees, are immediately restrained and enjoined from:

(a) enforcing Novato Municipal Code Sections 7-11, 7-12, and 14-20.7 until further order of this Court; and

(b) closing Camp Compassion at Lee Gerner Park or otherwise removing those persons who were encamped at Lee Gerner Park as of July 15, 2021, except as follows:

(1) The City may offer voluntary placement at the New Beginnings Center, or, if the New Beginnings Center has no available beds, Homeward Bound’s Kerner shelter in San Rafael, to persons currently encamped at Lee Gerner Park, including offering transportation and storage of personal property;

(2) The City may not remove any person who was encamped at Lee Gerner Park as of July 15, 2021, even if that person refuses to accept voluntary placement at a Homeward Bound shelter;

(3) The City may take reasonable enforcement efforts to prevent any person who was not encamped in Lee Gerner Park as of July 15, 2021 from establishing a new campsite within the park after July 15, 2021;

(4) The City may remove any person who was not encamped in Lee Gerner Park as of July 15, 2021 if that person is offered voluntary placement at a Homeward

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1 Bound shelter and declines that offer;

2 (5) The City may remove any person who receives two or more citations  
3 under Municipal Code section 14-20.5 from Lee Gerner Park; and

4 (6) the City may arrest or detain and thereby remove any person within Lee  
5 Gerner Park who commits a crime unrelated to camping, sitting, lying, or sleeping at  
6 the Park.

7  
8 IT IS SO ORDERED.

9 DATED: \_\_\_\_\_

By: \_\_\_\_\_

10 Yvonne Gonzalez Rogers  
11 United States District Court Judge

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**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 July 23, 2021, I served the document(s) described as **[PROPOSED] ORDER MODIFYING TEMPORARY RESTRAINING ORDER UNDER FRCP 65(B)(4)** 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 July 23, 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 July 23, 2021, at Pasadena, California.

/s/McCall Williams  
McCall L. Williams

Colantuono, Highsmith & Whitley, PC  
790 E. Colorado Blvd. Suite 850  
Pasadena, CA 91101

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