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 8 SAN FRANCISCO LIBRARY COMMISSION AND
 CITY AND COUNTY OF SAN FRANCISCO
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10
 11 UNITED STATES DISTRICT COURT
 12 NORTHERN DISTRICT OF CALIFORNIA

13 JAMES CHAFFEE,

14 Plaintiff,

15 vs.

16 SAN FRANCISCO LIBRARY
 COMMISSION, CITY AND COUNTY OF
 17 SAN FRANCISCO, and DOES 1 through 20,
 inclusive,

18 Defendants.
 19

Case No. CV10-4521 VRW

ANSWER TO COMPLAINT FOR DAMAGES

1 On behalf of themselves and no other persons or entities, Defendants San Francisco Library
2 Commission and City And County Of San Francisco (collectively, "Defendants") hereby answer and
3 respond to the Complaint for Damages ("Complaint"), as follows:

4 1. Answering the allegations of paragraph one, Defendants lack knowledge or information
5 sufficient to form a belief as to the allegations in paragraph one, and deny the same on that basis.

6 2. Answering the allegations of paragraph two, Defendants admit that the San Francisco
7 Library Commission is a department of the City and County of San Francisco whose powers and
8 duties are set forth in the City Charter and other applicable laws. Except as expressly admitted, the
9 allegations are denied.

10 3. Defendants deny each and every allegation in paragraph three.

11 4. Answering the allegations of paragraph four, Defendants lack knowledge or
12 information sufficient to form a belief as to the allegations in paragraph four, and deny the same on
13 that basis.

14 5. Defendants deny each and every allegation in paragraph five.

15 6. Defendants deny each and every allegation in paragraph six.

16 7. Defendants deny each and every allegation in paragraph seven.

17 8. Answering the allegations of paragraph eight, Defendants admit that the Library
18 Commission holds regular and special meetings. Defendants deny the remaining allegations of
19 paragraph eight.

20 9. Defendants deny each and every allegation in paragraph nine.

21 10. Defendants deny each and every allegation in paragraph ten.

22 11. Answering the allegations of paragraph eleven, Defendants admit that some entities
23 who are not speaking as members of the public and are not similarly situated to Plaintiff are allowed to
24 use computerized graphic displays at Library Commission meetings. Defendants admit that Plaintiff,
25 like all other members of the public, is not allowed to use computerized graphic displays during the
26 public comment portion of Library Commission meetings. Unless expressly admitted, Defendants
27 deny the allegations of paragraph eleven.

28 12. Defendants deny each and every allegation in paragraph twelve.

1 13. Defendants deny each and every allegation in paragraph thirteen.

2 14. Defendants deny each and every allegation in paragraph fourteen.

3 15. Defendants deny each and every allegation in paragraph fifteen.

4 16. Answering the allegations of paragraph sixteen, Defendants deny that Plaintiff has
5 suffered any harm as a result of Defendants conduct. On that basis, Defendants deny each and every
6 allegation in paragraph sixteen.

7 17. Defendants deny each and every allegation in paragraph seventeen.

8 18. Defendants deny each and every allegation in paragraph eighteen.

9 19. Answering the allegations of paragraph nineteen, Defendants deny that Plaintiff has
10 suffered any harm related to the allegations set forth in the Complaint. On that basis, Defendants deny
11 each and every allegation in paragraph nineteen.

12 20. Defendants deny each and every allegation in paragraph twenty.

13 21. Defendants deny each and every allegation in paragraph twenty-one.

14 22. Defendants deny each and every allegation in paragraph twenty-two.

15 23. Answering the allegations of paragraph twenty-three, Defendants deny that Plaintiff has
16 suffered any harm related to the allegations set forth in the Complaint. On that basis, Defendants deny
17 each and every allegation in paragraph twenty-three.

18 24. Answering the allegations of paragraph twenty-four, Defendants deny that Plaintiff is
19 entitled to attorneys fees for bringing this action. Defendants deny any remaining allegations
20 contained in paragraph twenty-four.

21 25. Answering the allegations of paragraph twenty-five, Defendants deny that Defendants'
22 policies and practices violate any of Plaintiff's rights. Defendants admit that Plaintiff contends
23 otherwise in his Complaint. Except as expressly admitted, the allegations of paragraph twenty-five are
24 denied.

25 26. Answering the allegations of paragraph twenty-six, Defendants deny that Defendants'
26 policies and practices violate any of Plaintiff's rights. Defendants admit that Plaintiff contends
27 otherwise in his Complaint. Except as expressly admitted, the allegations of paragraph twenty-six are
28 denied.

1 4. That Defendants be granted such other and further relief as the Court deems just and
2 proper.

3
4 Dated: October 27, 2010

5 DENNIS J. HERRERA
6 City Attorney
7 WAYNE SNODGRASS
8 TARA M. STEELEY
9 Deputy City Attorneys

10 By: /s/Tara M. Steeley
11 TARA M. STEELEY

12 Attorneys for Defendants
13 SAN FRANCISCO LIBRARY COMMISSION AND
14 CITY AND COUNTY OF SAN FRANCISCO

PROOF OF SERVICE

I, HOLLY TAN, declare as follows:

I am a citizen of the United States, over the age of eighteen years and not a party to the above-entitled action. I am employed at the City Attorney’s Office of San Francisco, City Hall, Room 234, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102.

On October 27, 2010, I served the following document(s):

ANSWER TO COMPLAINT FOR DAMAGES

on the following persons at the locations specified:

JAMES CHAFFEE
In Pro Per
63 Stoneybrook Avenue
San Francisco, CA 94112
Telephone: 415-584-8999

in the manner indicated below:

BY UNITED STATES MAIL: Following ordinary business practices, I sealed true and correct copies of the above documents in addressed envelope(s) and placed them at my workplace for collection and mailing with the United States Postal Service. I am readily familiar with the practices of the San Francisco City Attorney's Office for collecting and processing mail. In the ordinary course of business, the sealed envelope(s) that I placed for collection would be deposited, postage prepaid, with the United States Postal Service that same day.

BY PERSONAL SERVICE: I sealed true and correct copies of the above documents in addressed envelope(s) and caused such envelope(s) to be delivered by hand at the above locations by a professional messenger service. **A declaration from the messenger who made the delivery** **is attached** or **will be filed separately with the court.**

BY OVERNIGHT DELIVERY: I sealed true and correct copies of the above documents in addressed envelope(s) and placed them at my workplace for collection and delivery by overnight courier service. I am readily familiar with the practices of the San Francisco City Attorney's Office for sending overnight deliveries. In the ordinary course of business, the sealed envelope(s) that I placed for collection would be collected by a courier the same day.

BY FACSIMILE: Based on a written agreement of the parties to accept service by fax, I transmitted true and correct copies of the above document(s) via a facsimile machine at telephone number Fax #415-554-4699 to the persons and the fax numbers listed above. The fax transmission was reported as complete and without error. The transmission report was properly issued by the transmitting facsimile machine, and **a copy of the transmission report** **is attached** or **will be filed separately with the court.**

I declare under penalty of perjury pursuant to the laws of the State of California that the foregoing is true and correct.

Executed October 27, 2010, at San Francisco, California.

/s/Holly Tan
HOLLY TAN