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IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

STACY COBINE, NANETTE DEAN,  
CHRISTINA RUBLE, LLOYD PARKER,  
GERRIANNE SCHULZE, SARAH HOOD,  
AARON KANGAS, LYNETTE VERA,  
AUBREY SHORT, MARIE ANNTONETTE  
KINDER, and JOHN TRAVIS,

No. C 16-02239 JSW

Plaintiff,

v.

**NOTICE OF QUESTIONS RE MOTION  
FOR TEMPORARY RESTRAINING  
ORDER**

CITY OF EUREKA, EUREKA POLICE  
DEPARTMENT, and ANDREW MILLS, in his  
official capacity as Chief of Police,

Defendants.

TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD, PLEASE TAKE NOTICE  
OF THE FOLLOWING QUESTIONS FOR THE HEARING SCHEDULED ON APRIL 29, 2016  
AT 2:00 P.M.:

The Court has reviewed the parties' papers and, thus, does not wish to hear the parties  
reargue matters addressed in those pleadings. If the parties intend to rely on authorities not cited in  
their briefs, they are ORDERED to notify the Court and opposing counsel of these authorities  
reasonably in advance of the hearing and to make copies available at the hearing. If the parties  
submit such additional authorities, they are ORDERED to submit the citations to the authorities  
only, with reference to pin cites and without argument or additional briefing. *Cf.* N.D. Civil Local

1 Rule 7-3(d). The parties will be given the opportunity at oral argument to explain their reliance on  
2 such authority. The Court suggests that associates or of counsel attorneys who are working on this  
3 case be permitted to address some or all of the Court's questions contained herein.

4 The parties shall each have 40 minutes each to address the following questions:

- 5 1. Do Plaintiffs make only an as-applied challenge to the Eureka Municipal Code and not a  
6 facial challenge?
- 7 2. Based on the recent ruling in *Acosta v. City of Salinas*, 2016 WL 1446781 (N.D. Cal. April  
8 13, 2016), do Plaintiffs maintain that the Notice to Vacate provides insufficient procedural  
9 safeguards or insufficient notice to abrogate Plaintiffs' procedural due process rights?
- 10 3. Plaintiffs contend that the number of unsheltered homeless individuals in the City of Eureka  
11 outnumber the number of available shelter beds and other temporary housing units in the  
12 area roughly by a factor of three to one. (*See, e.g.*, Declaration of Paul Boden at ¶¶ 7, 11, 12;  
13 Declaration of Dr. Barry Zevin at ¶ 18.) Defendants represent that there are sufficient  
14 shelters and temporary housing options to house the current members of the Palco Marsh  
15 community. (*See* Declaration of Cyndy Day-Wilson at ¶ 22 (citing adoption but not  
16 effectuation of City Resolution to increase available beds to account for Palco Marsh  
17 residents).) The Court notes that the 2015 Point-in-Time Count found that of the 1,319  
18 homeless individuals surveyed, 844 of them, or 64.3% were unsheltered, but it is not clear if  
19 that was by choice or by necessity. (Request for Judicial Notice, Ex. L.)
  - 20 a. The Court requests precise citations to the record for the number of actual  
21 homeless individuals in the Palo Marsh area currently requiring shelter and  
22 the number of currently available shelter beds and other temporary housing  
23 units in the area.
  - 24 b. If the parties continue to dispute this question, is the resolution of the issue  
25 more appropriately handled on a full record? Can Eureka delay for several  
26 weeks until the factual issue is fully briefed and presented to the Court?
- 27 4. Plaintiffs also contend that there are restrictions on certain shelters that some homeless  
28 individuals are unable to meet, thereby preventing them from obtaining shelter space even  
when the beds may remain unoccupied. Where specifically in the record is there evidence of  
this contention?
5. On the issue of timing for the project, will Eureka be harmed by a delay of several weeks for  
enforcement of the Notice to Vacate? Could the parties agree to a hearing on the full  
evidentiary record on May 27, 2016 at 9:00 a.m.?
6. What is Eureka's position on the applicability of the Uniform Relocation Assistance Act?
7. Should the Court grant the restraining order, do Defendants contend a bond is necessary?
8. Do the parties have anything further they wish to address?

**IT IS SO ORDERED.**

Dated: April 28, 2016

  
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JEFFREY S. WHITE  
UNITED STATES DISTRICT JUDGE