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

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16 GRISCHY, PENNY HELMS, )  
17 BENJAMIN HERNANDEZ, DOUG )  
18 HIGGINS, SUZONNE KEITH, )  
19 GERALD STARK, ANNA STARK, and )  
20 DAVID WILSON, individually and on )  
21 behalf of themselves and all others )  
22 similarly situated, )

23 Plaintiffs, )

24 vs. )

25 CITY OF SAN DIEGO, )

26 Defendant. )

Case No.: 3:17-cv-02324-AJB-MSB

**DECLARATION OF PATRICK  
QUINONES IN SUPPORT OF  
EMERGENCY EX PARTE  
MOTION FOR TEMPORARY  
RESTRAINING ORDER**

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## DECLARATION OF PATRICK QUINONES

I, Patrick Quinones, declare:

1. I am a resident of the City of San Diego and have learned that I am a potential class member in the above-entitled matter. I have personal knowledge of the facts set forth in this declaration and, if called to testify, I could competently testify as to these facts.

2. I am 31 years old and currently unable to work. I cannot afford the high rents in San Diego. My only income is a small allowance of about \$400 per month from my grandmother's estate. I also receive food stamps. For the last four years, I have been homeless. I have lived in a few locations around San Diego and have relied on vehicles on and off for housing since I lost my apartment in 2016. I live with schizophrenia, which has been untreated since my truck was towed in March 2020, and I lost access to medication. The truck had my Medi-Cal card. I live with my fiancé Christopher Voelp who was recently discharged from the hospital for stage 2 systolic congestive heart failure. I am aware that Christopher's age, immunocompromised disability and congestive heart failure puts him at a higher risk for complications and death from Covid-19 infection. I live with constant worry and stress about his health and my own.

3. I came down to San Diego six years ago. I had relocated with my now ex-wife and also transferred my business down here. I am a personal trainer and the owner of Qfit, a fitness company. We lived in a loft at Horton on 4<sup>th</sup> Street. However, as the location became more popular, the landlord raised our rent to an unaffordable amount in a very short time. The building was being converted into multi-million dollar lofts. During this conversion the landlord raised our rent from \$1000 per month to \$1600 per month within two months. We were forced out of the loft. We were living on only my income and it was not enough to cover the rent. After we moved out of the loft, my marriage fell apart.

///

1           4. After the loft, I lived at the junkyard in Otay Mesa for a year. Then, I  
2 lived with a friend in downtown San Diego and eventually was back on the streets and  
3 everywhere in between. During this time, I met Christopher and we became engaged.  
4 We have been able to purchase vehicles here and there to live in and store our most  
5 important belongings. I have not lived in a loft or an apartment since the place on  
6 Horton.

7           5. The last few months have been incredibly difficult for us. Christopher  
8 was hospitalized and diagnosed with congestive heart failure. He was discharged  
9 around January 2020 and needs consistent care and medication. We then bought a  
10 truck with a pop up trailer to live in. But, unfortunately, the truck was towed in the  
11 City of Carlsbad in the beginning of March 2020. We lost all of our most important  
12 belongings that were stored in it: Christopher's heart medication, Medi-Cal  
13 identification card, identification, food stamp cards, jackets, blankets, warm clothing,  
14 shoes, gloves, phone, cooking equipment, and food.

15           6. After the truck was towed, I tried to get it back but Carlsbad charged  
16 \$2,600 plus a cost of \$70 for every day the truck was left in the tow yard. We  
17 struggled for many weeks after the truck was towed. It took a lot of time to have  
18 Christopher's medication replaced and to take care of our other needs. Unfortunately,  
19 due to the uncertainty of our living situation, I have been unable to obtain my  
20 medication to treat my mental health disability, schizophrenia.

21           7. In April, we were able to get some help from family who gave us money  
22 to pay for a few nights at a motel and \$500. I was so happy and relieved when I was  
23 able to buy a motorhome for \$500 on April 9, 2020 that would provide shelter for us.  
24 On the evening of April 9<sup>th</sup>, I met the owner at the tow yard and purchased the  
25 motorhome. I received a bill of sale and title to the motorhome. I then drove the  
26 motorhome back to where we were temporarily renting a motel room near Mission  
27 Beach and parked it on a public street near the motel where we were staying.

28

1           8.     The next morning, on April 10th, I left the motel unit to check out the  
2 motorhome. I had not had a chance to inspect it the night before. As I went to the  
3 door of the motorhome, a San Diego police officer approached and questioned me  
4 about the motorhome. I don't know why he approached me when there were so many  
5 other cars and trucks parked alongside the street as I was. The officer said the tags on  
6 the motorhome were not right. We intended to live in the motorhome as Christopher  
7 and I need a private space so I could take care of him, and we have no other options  
8 for reliable shelter. His health is very fragile so I wanted have a place where he could  
9 rest and not be stuck outdoors on the streets. The officer did not care that we would  
10 be staying in the RV and despite showing him a bill of sale with all of the information  
11 that was provided to me, he towed the motorhome. Attached as Exhibit A is a copy of  
12 the vehicle transfer and reassignment.

13           9.     Without the motor home, we looked into shelters but it would not work  
14 for us. If we stayed at a shelter, we would be separated and I would not be able to  
15 care for Christopher. Christopher is very high risk and most likely will die if he  
16 contracts coronavirus. Also, I cannot manage my disability without my dog, Kailani,  
17 and the shelters did not allow her to stay with us. I also think the congregate shelters  
18 would raise Christopher's and my stress levels through the roof. This would be very  
19 bad for our health, including Christopher's heart condition. His recent congestive  
20 heart failure hospitalization has limited our options of places to stay even more than it  
21 did before the pandemic.

22           10.    The motorhome was the best housing option for us with our minimal  
23 funds. We can keep our food in the cooler, keep Christopher's medication in a  
24 temperature controlled environment, and have a place to care for Christopher since he  
25 is physically very weak. I also can take care of myself when my schizophrenia flares  
26 up. But despite explaining that we needed the motorhome for a place to stay, the  
27 officer had the motorhome towed. The San Diego tow yard said it would cost over  
28 \$800 to get the motorhome back. Our money ran out and when the motorhome was

1 towed, we ended up on the streets. I frantically tried to find a place for us to rest,  
2 sleep and keep our belongings safe. It was incredibly stressful and triggered my  
3 anxiety. I've been anxious ever since.

4 12. Attached as Exhibit B is a photo which shows the police officer talking to  
5 me and attached as Exhibit C is a photo of my motorhome being towed. This  
6 happened on April 10, 2020.

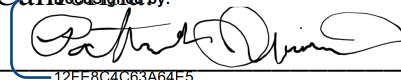
7 13. On April 14th, through the help of some amazing advocates who helped  
8 raise funds to address the registration on behalf of Christopher and me. We were able  
9 to get the motorhome back. Attached as Exhibit D is the receipt for registration.

10 14. The last few months have been very stressful and though we have the  
11 motorhome for the time being, I am constantly wary and worried about where we can  
12 park, how we can live during this pandemic, and how I am going to continue to care  
13 for Christopher. I am worried that the police might impound my vehicle once again  
14 and throw us back on the streets. I also want to get treated for my own conditions and  
15 it has been so difficult with the ongoing uncertainty during this pandemic. For myself,  
16 living on the streets and the current stress makes my schizophrenia worse and I  
17 experience hallucinations, trouble with speaking, and have a very hard time keeping  
18 us on track and organized. My condition has gotten worse over time as we keep  
19 having such these horrific instances happen to us with the City of San Diego.

20 15. We have no options for housing, no help for available services, and live  
21 in constant fear the police will take away the little we have that allows us to live. Most  
22 services that we are familiar with are closed and no one is answering their phones. We  
23 need to replace our Medi-Cal cards, our food stamp debit cards, obtain Christopher's  
24 medication, and also find a place to rest.

25 I declare under penalty of perjury that the foregoing is true and correct.

26 Executed on April 22, 2020 at San Diego, California

27   
28 \_\_\_\_\_  
12FE8C4C63A64E5...

Patrick Quinones

**EXHIBIT A**



**DMV 501784 VEHICLE/VESSEL TRANSFER AND REASSIGNMENT FORM**  
 INSTRUCTIONS ON REVERSE SIDE — ALL SIGNATURES MUST BE IN INK — PHOTOCOPIES NOT ACCEPTED  
 This form is not the ownership certificate. It must accompany the titling document or Application for Duplicate Title. For Car Buyer's Bill of Rights, visit [www.dmv.ca.gov](http://www.dmv.ca.gov).

**SECTION 1 — VEHICLE/VESSEL DESCRIPTION**

IDENTIFICATION NUMBER	YEAR/MODEL	MAKE	LICENSE PLATE/CF NO.	MOTORCYCLE ENGINE NUMBER
S 9 1 6 7 1 4	79	SPORT	CA 4NYU628	

**SECTION 2 — BILL OF SALE**

I/We S & R TOWING INC. (PRINT SELLER'S NAME(S)) sell, transfer, and deliver the above vehicle/vessel to CHRISTOPHER S VALP (PRINT BUYER'S NAME(S)) on 11/11/19 (MO DAY YEAR) for the amount of \$ 500.00 (DOLLARS AND CENTS).  
 If this was a gift, indicate relationship: \_\_\_\_\_ (e.g., parents, spouse, friend, etc.) \$ \_\_\_\_\_ (GIFT VALUE)

**SECTION 3 — ODOMETER DISCLOSURE STATEMENT (Valid if mileage is altered per Erased)**  
 Federal and State Law requires that you state the mileage upon transfer of ownership. Failure to complete or providing a false statement may result in fines and/or imprisonment.

The odometer now reads            (no dashes) miles, and to the best of my knowledge reflects the ACTUAL mileage unless one of the following statements is checked.

Odometer reading is NOT the actual mileage       Mileage EXCEEDS the odometer mechanical limits

Explain odometer discrepancy: \_\_\_\_\_

**SECTION 4 — BUYER AND SELLER (MUST hand print his or her name, date and sign this section)**

**BUYER'S SECTION**  
 I acknowledge the odometer reading and the facts of the transfer. I certify (or declare) under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

PRINT BUYER'S NAME	SIGNATURE	DATE	DLID OR DEALER/DISM #
<u>CHRISTOPHER S VALP</u>	<u>[Signature]</u>		
PRINT SELLER'S NAME	SIGNATURE	DATE	DLID OR DEALER/DISM #
	<u>[Signature]</u>		
BUYER'S MAILING ADDRESS	CITY	STATE	ZIP CODE DAYTIME TELEPHONE NO.
<u>1110 24th St Apt 36</u>	<u>San Diego</u>	<u>CA</u>	<u>92102</u>

**SELLER'S SECTION**  
 I certify (or declare) under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

PRINT SELLER'S NAME	SIGNATURE	DATE	DLID OR DEALER/DISM #
<u>S &amp; R TOWING INC.</u>	<u>[Signature]</u>		
PRINT SELLER'S NAME	SIGNATURE	DATE	DLID OR DEALER/DISM #
	<u>Maria Valderama</u>		
SELLER'S MAILING ADDRESS	CITY	STATE	ZIP CODE DAYTIME TELEPHONE NO.
<u>1060 AIRPORT RD</u>	<u>OCEANSIDE</u>	<u>CA</u>	<u>92058 760 722-6686</u>

**SECTION 5 — POWER OF ATTORNEY**

I/We \_\_\_\_\_ (PRINT NAME(S)) appoint \_\_\_\_\_ (PRINT NAME(S)) as my attorney in fact, to complete all necessary documents, as needed, to transfer ownership as required by law.

SIGNATURE REQUIRED BY PERSON APPOINTING POWER OF ATTORNEY	DATE
<u>X</u>	
SIGNATURE REQUIRED BY PERSON APPOINTING POWER OF ATTORNEY	DATE
<u>X</u>	

**EXHIBIT B**



**EXHIBIT C**



**EXHIBIT D**

NO 112,341

Date: 4/14/2020 Office: \_\_\_\_\_



# Bryant's Auto Registration Service

1235 Palm Avenue, Imperial Beach, CA 91932

TEL 424-6888

Received Of: Christopher S. Vadd  
4 My U628  
79 Sport

CASH	<input checked="" type="checkbox"/>	Amount of Acc't	<u>831</u>	Amnt. Rec'd
CHECK	<input type="checkbox"/>	PAID	<u>831</u>	
M/O	<input type="checkbox"/>	Balance Due		
For:			By:	

- Vehicle Trans. Fees Paid Thru: 4/2021
- Reg. CA OS  Payment Only
- Renewal  Other: \_\_\_\_\_

**A FEW MINUTES WITH US  
WILL SAVE YOU HOURS AT DMV!**

—PLEASE KEEP THIS RECEIPT—