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

14 MICHAEL BLOOM, STEPHEN )  
15 CHATZKY, TONY DIAZ, VALERIE )  
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. )  
27 )  
28 )

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

**DECLARATION OF STEPHEN  
CHATZKY IN SUPPORT OF  
EMERGENCY EX PARTE  
MOTION FOR TEMPORARY  
RESTRAINING ORDER**

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**DECLARATION OF STEPHEN CHATSKY**

I, Stephen Chatzky, declare:

1. I am a resident of the City of San Diego. 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 72 years old and I formerly worked as a lawyer. I have asthma and sleep apnea and am prone to lung infections I understand these conditions put me in a high-risk group for complication and death from COVID-19. I currently live with my domestic partner, Suzonne Keith. My sole income is \$1,200 in Social Security benefits which is not nearly enough to afford San Diego’s high market rents for traditional housing nor afford the cost of an RV park. I have lived in an RV since 2005.

3. I have past experience with ticketing and impoundment prior to the pandemic. While in our first RV, a 1986 Jamee, we received multiple tickets for parking between 2:00 to 6:00 a.m. The fines for all our unpaid tickets, including penalties, reached a total of approximately \$3,000. We could not afford to pay that amount. As a result, our first RV was impounded in approximately June of 2015. We also did not have the money to retrieve our RV from impoundment so it was sold.

4. For five months following the impoundment we had no regular or adequate shelter. At the time Suzonne’s daughter was living with us, the three of us were forced to take turns sleeping in my mother’s four door sedan (2011 Ford Fusion). There was no room for three people to stretch out at the same time in the vehicle, so we all would spend some time at night exposed to the elements and were each denied the ability to have a full night of uninterrupted sleep. Later, in order to allow us more of an opportunity to sleep, I purchased a re-branded previously salvaged car at auction so that we would have two vehicles instead of just one to lie down in. Even with two vehicles for the three of us to share, it was still cramped and we could not lie down or sleep properly.

1           5. In November, 2015, I was able to obtain our current RV, a 2002  
2 Fleetwood, with the help of a family member. I have made every effort to avoid  
3 ticketing by parking in remote industrial areas that do not interfere with or  
4 inconvenience residents, business owners, or anyone else. I am now extremely  
5 worried that during this pandemic my RV will be ticketed and impounded again  
6 forcing Suzonne and I to live on the streets or place us in a dangerous environment,  
7 jeopardizing our ability to practice social distancing and maintain our health

8           6. I am also fearful that given my special vulnerability to COVID-19, a  
9 “Safe Lot” filled with lots of people in vehicles or a shelter where social distancing is  
10 more difficult would increase my risk of catching this potentially deadly infection. To  
11 my knowledge, the “safe lot” does not have access to charge stations which I need for  
12 charging my c-pap machine and does not allow an additional vehicle to be parked with  
13 your RV. I have a car that I use to go to doctor appointments, pick up prescriptions,  
14 and shop for essential items. If I parked in a “safe lot,” I would have to worry about  
15 parking my car in another location and the possibility it may get ticketed or  
16 impounded.

17           7. In order to manage my sleep apnea and respiratory issues I use a c-pap  
18 machine every night. The c-pap machine ensures I get appropriate rest and reduces  
19 my daytime sleepiness. It also helps prevent high blood pressure, cardiac disease and  
20 risk of stroke. Prior to the pandemic and the City shutting down non-essential  
21 businesses, I was able to charge the battery for my c-pap machine at local businesses  
22 such as coffee shops and restaurants. That ability to plug in my machine and charge it  
23 for free enabled me to use the machine every night. Due to the closure of non-essential  
24 businesses I do not have access to electricity and cannot charge the battery. I am  
25 currently relying on my domestic partner’s daughter to come pick up the battery and  
26 take it to her boyfriend’s apartment to be charged. Her daughter works at a large  
27 grocery chain and comes into contact with many people. This causes me stress and  
28 anxiety as it puts me and my family at risk for exposure to COVID-19.

1           8. My 98-year-old mother lives alone in senior living apartment and due to  
2 COVID-19, management no longer allows residents to have visitors. Prior to the stay  
3 at home order, I would visit her every day. I would take care of her daily chores and  
4 provide her with comfort and companionship. I am very worried about my mother  
5 being isolated and fear for her well-being. I was also able to charge my c-pap  
6 machine, use her kitchen to cook and store food. Now I have to eat out for most of  
7 my meals which is a lot more expensive and the food I purchase at the market must be  
8 pre-packaged and lacks proper nutrition.

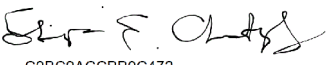
9           9. I am currently parked in a business district where we are exposed to high  
10 voltage electricity and radiation from a 5G tower. I am afraid it is dangerous, but  
11 there is less police activity and we can park in an area without being in front of any  
12 businesses. Based on my past experiences with law enforcement, I am extremely  
13 anxious and apprehensive of being arrested for vehicle habitation or being ticketed for  
14 parking between 2:00 a.m. - 6:00 a.m. which could ultimately lead to having my  
15 vehicle impounded again and being placed at greater risk of catching a COVID-19  
16 This constant stress and worry about losing our shelter has affected my health. My  
17 RV provides me and my partner a safe place to live, and maintain social distancing,  
18 especially in the midst of the COVID-19 pandemic and if we lose that shelter we may  
19 not survive .

20           10. On April 2, 2020 I was hospitalized and required ventral supraumbilical  
21 hernia repair. I injured myself while carrying a 40 pack of water and manipulating the  
22 water into my RV. I typically purchase a 25 pack of water, but due to shortages caused  
23 by COVID-19, I could only find a 40 pack of water at Costco. There is approximately  
24 a 16-pound weight difference and as a result I sustained a hernia. We are parked in an  
25 out-of-the-way place as possible to avoid harassment by police. If I were allowed to  
26 park my RV in a more centralized location without having to fear ticketing,  
27 impoundment and arrest, I would have better access to shopping and options for  
28 purchasing water.

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

Executed on April 20, 2020 at San Diego, California

DocuSigned by:  
  
C9BC9ACCB0C472...

Stephen Chatzky