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

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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.)

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

DECLARATION OF
CHRISTOPHER HAYWARD IN
SUPPORT OF EMERGENCY
EX PARTE MOTION FOR
TEMPORARY RESTRAINING
ORDER

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DECLARATION OF CHRISTOPHER HAYWARD

I, Christopher Hayward, 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 a freelance dance teacher and artist and do not earn enough to afford San Diego’s high rents. For the past seven months, my only shelter has been my mini-van. I also have asthma that I understand puts me in a high risk group for complications and death from Covid-19 infection.


3. Prior to the pandemic and the City’s shutting down of the beaches and parks, I regularly used the bathrooms and public showers at the beach during the day. I also normally park at night with the owner’s permission at the private dance studio where I was teaching classes prior to the shut-down. However, the studio is now closed due to the pandemic. I also usually charged my phone at the library or Starbucks that are no longer available to me.

4. On March 25, 2020 I visited a friend who provided me with groceries and a home-cooked meal. I stayed overnight in my car on the street near his home, and was able to charge my phone, use the bathroom and take a shower there.

5. During the morning of March 27, 2020, two San Diego police officers came up to me while I was in my car. One of the officers told me that vehicle habitation was illegal. He gave me a verbal warning that if the police found me again, that I would be arrested. I asked where should I park? The second officer shrugged his shoulders and neither made any suggestions for where I should park. The first officer then repeated his warning that the next time I would be arrested.

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

Executed on April 21, 2020 at San Diego, Calif

DocuSigned by:

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Christopher Hayward