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14 UNITED STATES DISTRICT COURT
15 EASTERN DISTRICT OF CALIFORNIA: FRESNO DIVISION
16

17
18 Pamela Kincaid, Doug Deatherage, Charlene
19 Clay, Cynthia Greene, and Joanna Garcia,
Individually on Behalf of Themselves and All
20 Others Similarly Situated,
Plaintiffs,

21 v.

22 City of Fresno, Fresno Police Department,
23 California Department of Transportation, Alan
Autry, Jerry Dyer, Ralph Garner and Will
24 Kempton, individually and in their official
capacities; DOES 1-100, inclusive,

25 Defendants.
26
27

Civil Action No.:

**DECLARATION OF CYNTHIA
MARIE GREENE**

1 I, Cynthia Marie Greene, hereby declare as follows:

2
3 1. I am a resident of Fresno, California and am currently homeless.

4 Unless otherwise indicated, I personally observed and experienced the events that are
5 described in the following paragraphs of this declaration.

6
7 2. I was born in Madera, California almost 60 years ago. I attended
8 several colleges, including UC Santa Cruz, and I have had a variety of professional
9 jobs, including welding for a high-rise in Los Angeles. I moved back to the Fresno
10 area from Los Angeles to care for my parents when they both became critically ill.
11 After my mom died, I was caring for my dad and working as an in-home health care
12 worker for other elderly people, living with one of my elderly clients. I lost my job
13 (and therefore my home) shortly before my father passed away. Since my brother
14 had already passed away, there were no family members that could take me in, and I
15 became homeless. I now earn money doing odd jobs and recycling, but I do not
16 make enough to afford an apartment.

17 3. During the past year, I have witnessed many occasions when the police
18 and City of Fresno workers come to take the belongings of homeless people. The
19 City has taken some or all of my belongings approximately five times since January
20 2006. None of that property has been returned. I believe almost all of it was
21 destroyed. I do not recall the exact dates of each of these events, but below is my
22 best recollection of the City raids in which I lost the most property.

23 4. In March or April 2006, my belongings were on the grassy strip across
24 the highway from E Street. It was early in the morning, and I was with my
25 belongings. However, when the City workers came, they would not let me save most
26 of my property. I had to watch as they took most of what I owned. We had no
27 notice that they were coming that morning; they gave us only a few minutes to gather
28 a few belongings before they came and took the rest. In particular, on that occasion,

1 I lost many irreplaceable photographs of my father, my mother, and my brother, all
2 of whom have passed away. I earn money by repairing bicycles, and the City took
3 two bicycles that belonged to me and threw them in a dumpster. These were good
4 bicycles in working order that I was hoping to sell. The City also took my tent and
5 all my bedding. It was still raining quite a bit at the time, and I got sick as a result of
6 being out in the rain without any shelter.

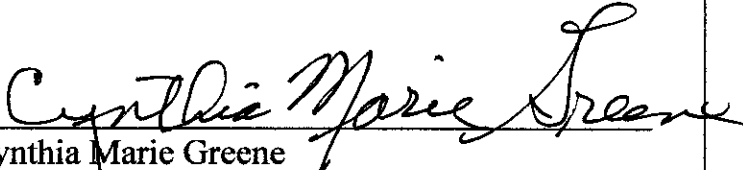
7 5. In August 2006 – I believe it was Saturday, August 26, 2006, we
8 received some notice that the City was going to come to the area where we were
9 living. At the time, we were on the CalTrans strip of land on E Street, around the
10 corner from the Poverello House. The notice the City gave was confusing. First, on
11 Friday at about 11:00 a.m., they told us we had one hour to move everything. Then,
12 someone called Liza Apper, an advocate for homeless people, who negotiated with
13 the City to give us more time. As I recall, that afternoon, the Mayor came, and the
14 City crews did not confiscate everything right away. As a result of the conflicting
15 messages, we were not sure when or whether City workers would actually come. By
16 the time City crews came back, I had moved most of my belongings, but I did not
17 save everything. The City workers took and threw away my tent, tarps, bicycle
18 pump and patches and winter gear such as rain suits and umbrella. The City then put
19 up fences on the CalTrans strip of land on E Street.

20 6. As a result of the new fences on E Street, Joanna Garcia and I moved
21 our property to the other side of the fences, near the bridge on Santa Clara that goes
22 over the highway. We had all of our things packed into carts. The very next
23 morning, I believe on Sunday, August 27, we saw a police car, a garbage truck, a
24 bulldozer with claws, and some City pickup trucks parked across E Street, in front of
25 the dairy. We thought they might go around the corner to the people camped near
26 the Poverello House. Very soon after we noticed them there, the vehicles all came
27 close to where we were. The police came and told us we had five minutes to move
28 our belongings, or else they would take our belongings. We each grabbed one cart of

1 the four or five carts we had, and started moving them across the street. A friend of
2 ours, Terry, saw what was happening, and he started to come over to help. However,
3 as soon as Joanna and I started moving away with one cart each, the bulldozer truck
4 came in and started picking up the rest of our property. The bulldozer with claws put
5 all of it directly into the dump truck. We had four or five carts, and even though we
6 ran back to tell the workers that we had a place to move everything, they continued
7 to take and throw away our personal property. Meanwhile, other City employees
8 were sitting in their cars and laughing. We did not have time to get our property
9 before it was destroyed. As a result, I lost my medication, personal papers, my ID,
10 some bicycles, a backpack, dog food, my sleeping bag, a new tent, blankets, food,
11 dog food, a bag of recycling, a bag full of watches that I had collected from
12 dumpsters over a year and I was going to repair, and a nice dolly that a friend gave
13 me to transport things.

14 7. I have repeatedly lost belongings that I needed for survival as a result
15 of the City's actions. City employees have consistently treated me like I am not a
16 person. Based upon my experience, wherever I go as a homeless person in the City
17 of Fresno, the City of Fresno workers, accompanied by the Fresno Police
18 Department, will come to take and destroy my personal possessions. This has
19 happened to me several times already and I believe it will happen again. The City of
20 Fresno has made it clear to me by destroying my property and by the way in which
21 they did that, that because I am a homeless person, I will always be vulnerable to
22 having my property taken and destroyed by City of Fresno workers and police.

23 I declare under penalty of perjury under the laws of the State of California at
24 the foregoing is true and correct. Executed on October 11, 2006 in Fresno,
25 California.

26
27
28 
Cynthia Marie Greene