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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 DOUGLAS  
DEATHERAGE**

1 I, Douglas Deatherage, 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 am 43 years old and I currently live in Fresno, California. I was born  
8 and raised in Fresno. I have a high school diploma and have worked all my life.  
9 However, since I lost my job at Denny's a few years ago, I have not been able to find  
10 full-time work. I currently work part-time for a trucking company, but I can never  
11 get enough hours to make more than a few hundred dollars a month. I stayed for a  
12 while in the Village of Hope, which are temporary shelters at the Poverello House,  
13 but I could not always perform the duties required of residents there because they  
14 conflicted with my work hours. Additionally, I am currently in a relationship with  
15 Pam Streeter, and we are hoping to be married in the near future. Pam and I sleep in  
16 a tent, because there are no facilities in Fresno for couples that I know about. I want  
17 to provide for Pam, and I am trying to get more work so that I can earn enough for an  
18 apartment. Right now, however, we simply do not have the money to provide  
19 housing for ourselves and therefore are homeless.

20 3. Over the past few months, City of Fresno workers have taken my  
21 personal belongings twice. To the best of my recollection, the first time was around  
22 June 22, 2006. Pam and I had our tents on a strip of land between E street and the  
23 highway in Fresno. Early that morning, police and city workers arrived with a dump  
24 truck and a bulldozer and told us that they intended to clear out the strip of land  
25 where our tents were. I had not received any prior notice that they were coming that  
26 morning.

27 4. Before the police and City of Fresno workers began putting items in  
28 the dump truck, a friend and I picked up all of Pam's and my belongings, and moved

1 our tents and belongings to the sidewalk on the other side of the street. Our  
2 belongings were relatively clean, and we packed them as neatly as we could into  
3 shopping carts. We also had some belongings in our tent, and we moved the tent  
4 (still set up) across the street to the sidewalk with the carts. We thought our property  
5 would be safe there, because one of the police officers told us it was okay to move  
6 our belongings to that side of the street. It looked like the City workers were only  
7 destroying things on the side of the street where we originally were. Because I  
8 thought our property would not be taken, I left Pam with all our belongings, and I  
9 went to the store.

10 5. When I returned to where our belongings had been, our stuff was gone.  
11 Pam was extremely distraught. She informed me that City workers had come and  
12 destroyed almost everything on both sides of the street, and that they would not let  
13 her save any of our belongings. I lost essentially all of the personal possessions that  
14 I owned at the time, except the clothes on my back. I lost my tent; my sleeping bag;  
15 all my clothes except the ones I was wearing at the time; shoes; a coat; personal  
16 hygiene supplies; an antique stamp collection; and personal papers, including letters  
17 from my family that were extremely important to me.

18 6. The second time that the City workers took my property was around  
19 August 26, 2006. I had heard the day before that they intended to come into the area  
20 near E Street, which is where I was living. As a result of what happened in June, at  
21 this time I had far fewer personal possessions. I thought that I would be able to  
22 move my belongings when the City workers came through. However, I was staying  
23 at the end of the strip of land on E Street, and the City workers started at my end of  
24 the strip. A friend and I were trying to get our belongings together and move them  
25 out of the way, but the City workers told us we were out of time. They took our  
26 belongings and threw them in the back of a dumpster truck. There was no need to  
27 take my possessions. My relatively small amount of personal possessions were not  
28 bothering anyone and I was ready and willing to move them if the City of Fresno

1 workers wanted to clean the area where they were. It was obvious that my property  
2 was not abandoned since I was there with it. City of Fresno workers took most of  
3 my remaining belongings, including clothing that I had been able to acquire in the  
4 meantime, shoes, and personal items, and threw them into the garbage truck for  
5 immediate destruction. I was given no opportunity to move my personal property  
6 in order to save it from this destruction that morning. I was given no opportunity to  
7 retrieve my personal property or save it from destruction.

8 7. Based upon my experience, wherever I go as a homeless person in the  
9 City of Fresno, the City of Fresno workers, accompanied by the Fresno Police  
10 Department, will come to take and destroy my personal possessions. This has  
11 happened to me twice already and I believe it will happen again. The City of Fresno  
12 has made it clear to me by destroying my property twice and by the way in which  
13 they did that, that because I am a homeless person, I will always be vulnerable to  
14 having my property taken and destroyed by City of Fresno workers and police.

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

18  
19   
20 Douglas Deatherage