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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 CHARLENE
CLAY**

1 I, Charlene Clay, 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 48 years old and I currently live in Fresno, California. I have
8 lived in Fresno for 15 years. My husband and I have been homeless for
9 approximately six months. We had to leave our last apartment because the rent was
10 \$850 per month and this was more than we could afford to pay. We do not have
11 enough money for an up-front deposit and first and last month's rent to be able to
12 rent an apartment. I would really like to have housing, because I want my
13 grandchildren to be able to visit me. During the time that we have been homeless, I
14 stayed for a little while at the Naomi House for women, but this meant that I could
15 not live with my husband. I have been in several abusive relationships in the past.
16 One of my previous abusers knocked my teeth out. My current husband is not
17 abusive and it is important for us to stay together. Because my husband and I cannot
18 stay together in shelters, and because space is limited there, we sleep outside in tents.

19 3. Sometime during the first two weeks of April, 2006, the City of Fresno
20 took almost all of my personal belongings. I do not recall the exact date, but I
21 remember the events well. We were camped on a hill off of G Street. My husband
22 and I were at the Poverello House when we heard that the City was taking people's
23 property. We initially thought that the City was only taking belongings from in front
24 of the Poverello House, but then someone told us the City was going up to the hill
25 where our belongings were. I walked as fast as I could to get there, but I do not walk
26 very fast because I need surgery on my foot, and I have high blood pressure and
27 asthma. By the time I arrived at the site, it was empty, except for the crumpled shell
28 of our tent and a few other stray items. All the tents and items belonging to the

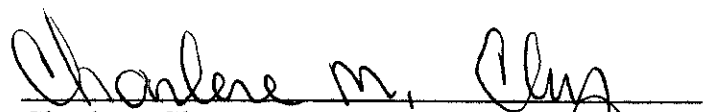
1 Mexican workers we shared the site with were also gone. I could see the tracks in
2 the dirt from where the dump truck had driven.

3 4. The City did not give us any notice that it was going to take and
4 destroy our belongings. My husband and I lost almost everything we owned,
5 including: my teeth, my medications, a small TV, a laptop computer, a bike, our dog
6 food, the blankets, sleeping bags, my husband's weights for lifting, and our clothes,
7 including a new pair of shoes I had and my personal papers. I was extremely upset.

8 5. The City came again to our campsite on October 8, 2006. We were
9 camped in a new spot, under the bridge at San Benito and H Street. At 8:30 in the
10 morning, the police came without any warning and started taking shopping carts
11 from people. The police threw everyone's possessions on the ground and then took
12 all the carts and threw them onto a truck. After taking the carts, the police said they
13 would be back for all the rest of our belongings, at 12:00 that day, but they have not
14 come yet. I do not know where I could go to be safe from these property seizures.

15 6. Based upon my experience, wherever I go as a homeless person in the
16 City of Fresno, the City of Fresno workers, accompanied by the Fresno Police
17 Department, will come to take and destroy my personal possessions. This has
18 happened to me twice already and I believe it will happen again. The City of Fresno
19 has made it clear to me by destroying my property twice and by the way in which
20 they did that, that because I am a homeless person, I will always be vulnerable to
21 having my property taken and destroyed by City of Fresno workers and police.

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

25
26 
27 Charlene Clay