

1 BROOKE WEITZMAN SBN 301037  
2 WILLIAM WISE SBN 109468  
3 ELDER LAW AND DISABILITY  
4 RIGHTS CENTER  
5 1535 E 17th Street  
6 Santa Ana, California 92705  
7 t. 714-617-5353  
8 e. bweitzman@eldrcenter.org  
9 e. bwise@eldrcenter.org

6 CAROL A. SOBEL SBN 84483  
7 MONIQUE ALARCON SBN 311650  
8 LAW OFFICE OF CAROL SOBEL  
9 725 Arizona Avenue, Ste 300  
10 Santa Monica, ca 90401  
11 T. 310 393 3055  
12 E carolsobellaw@gmail.com  
13 E. monique.alarcon8@gmail.com

PAUL L. HOFFMAN SBN 71244  
CATHERINE SWEETSER SBN 271142  
SCHONBRUN, SEPLOW, HARRIS &  
HOFFMAN  
11543 Olympic Boulevard  
Los Angeles, California  
T. 310 396-0731  
E. hoffpaul@aol.com  
E. csweetser@sshhlaw.com

11 Attorneys for Plaintiffs

12 UNITED STATES DISTRICT COURT  
13 FOR THE CENTRAL DISTRICT OF CALIFORNIA

14 HOUSING IS A HUMAN RIGHT,  
15 et al.,

Case No. 8:19-cv-00388 PA JDE

16 Plaintiffs,

DECLARATION OF BROOKE  
WEITZMAN IN SUPPORT OF  
TEMPORARY RESTRAINING ORDER

17 v.

18 COUNTY OF ORANGE, et al.

Date: None  
Time: None  
Ctrm: 9A

19 Defendants.  
20  
21  
22  
23  
24  
25  
26  
27  
28

1  
2 Declaration of BROOKE WEITZMAN

3 I, BROOKE WEITZMAN, declare:

4 1. I am an attorney admitted to practice before the Central District of  
5 California and counsel of record for Plaintiffs in this action. I am the Directing  
6 Attorney and Co-Founder of the Elder Law and Disability Rights Center. All the  
7 facts stated below are true and I could testify competently to them if called as a  
8 witness.

9 2. In the course of representing plaintiffs, I traveled to the San Clemente  
10 campsite on several occasions since the City Council first began enforcement on  
11 May 24, 2019 of the new ordinance barring camping in the City other than at the  
12 lot on Avenida Pico.

13 3. Over the course of the past several weeks, I have observed the camp  
14 and the surrounding environment. There is no parking near the camp. A bicycle  
15 lane abuts the camp on both sides of Avenida Pico. Avenida Pico has several lanes  
16 of traffic in both directions. Attached to my declaration at Exhibit A is a  
17 photograph of a sign posted on Avenida Pico, advising that there is no stopping in  
18 the bicycle lane.

19 4. Prior to the relocation to the campsite, I traveled to North Beach,  
20 where Plaintiff Duane Nichols and others were living at the time. When I would  
21 come to that area, I would observe volunteers regularly bringing food and other  
22 supplies. The parking was only a few feet away from where the Plaintiffs stayed.  
23 At the campsite, donations have diminished. I believe that is because there is no  
24 parking and no way to drop-off heavier items, such as water. When I was at the  
25 site on June 20 with my co-counsel and 5 law students, we brought in four cases of  
26 water and snacks by dividing up the items among all us. We had to choose between  
27  
28

1 crossing Avenida Pico illegally or taking a long walk in the heat down the hill and  
2 back up the hill. We stopped Target on our way and bought water and food items  
3 to bring with us. The total of what we bought filled a large shopping cart, with  
4 some of the water on the shelf beneath the basket. Given the weight of the supplies  
5 we bought, it would have been impossible for me to carry the water up the hill if  
6 we had walked down to El Camino Real and then up the hill on the other side of  
7 Avenida Pico.

8  
9 5. On multiple occasions when I have been at the site, I observed that the  
10 toilets were often filled with human excrement. I was at the site today and checked  
11 the toilets. Once again, they were not clean or sanitary. I also observed a few  
12 people leave the toilets and try to use the handwashing station. There was no water  
13 so they were unable to wash their hands. Attached to my declaration at Exhibit B is  
14 a photograph I took this morning of the toilet at the site.

15  
16 6. In my interactions with individuals now at the camp, I observed that  
17 many of them have some disability. Two people have very low vision and I have  
18 observed that they have difficulty navigating the space. The tents are located  
19 against the fence. There is a large open area and the toilets and dumpsters are in  
20 the far corner of the lot, on the opposite side of the only entrance and exit that is  
21 open. Attached to the Scheyer Declaration at Exhibit F is a photograph that  
22 depicts the position of the toilets and dumpsters as I observed them.

23  
24 7. I have also observed quite a few individuals at the camp with mobility  
25 impairments. Many of those with mobility impairments are also older. When I  
26 have been at the campsite, I have watched these same individuals as they moved  
27 around and observed that they had considerable difficulty walking. I am aware  
28 that Mr. Nichols uses a tricycle to get around and Mr. Gustafson uses a cart. Mr.  
Gustafson's mobility issues were apparent to me when I watched him walk even a

1 short distance. He told me that he has two serious hernias that make it difficult for  
2 him to walk. I also observed that he wears a black elastic brace on his right knee.

3 8. There are several topography issues at the site for everyone at the site  
4 but especially for people with mobility and visual disabilities, in particular. Just  
5 inside the entrance gate there is a divot. It is largely indistinguishable in color  
6 from the ground around it. I believe this is the same divot that Allyssa Scheyer  
7 described in her declaration as the place where she tripped. I took several  
8 photographs of the spot where the divot is. Exhibits C and D attached to my  
9 declaration show the change in the grade at this point. There is also a change in  
10 ground height that runs across the entire area near the entrance. It is not marked in  
11 any manner and the ground is the same color and texture as the rest of the lot.

12 9. I estimate that the change in height is only a few inches; however, I  
13 have observed individuals stumble over this rise. To illustrate the problem, I used  
14 a half-full water bottle and placed it on the incline and then on the flat ground to  
15 show the change in the water level inside. Exhibit E is an accurate depiction of  
16 the water bottle with the top of the bottle resting on the higher ground. Exhibit F  
17 is an accurate depiction of the water bottle resting on the flat ground, just below  
18 the ridge.  
19

20  
21 I declare under penalty of perjury that the forgoing is true and correct.  
22 Executed on this 30<sup>th</sup> day of June 2019 in Tustin, California.  
23

24 

25 \_\_\_\_\_  
26 Brooke Weitzman

**EXHIBIT A**

**NO  
PARKING  
ANY TIME  
ENTIRE  
BLOCK**

  
**BIKE LANE**



**EXHIBIT B**









EXHIBIT D



EXHIBIT E



**EXHIBIT F**

