

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

12 Attorneys for Plaintiffs

14 UNITED STATES DISTRICT COURT
15 FOR THE CENTRAL DISTRICT OF CALIFORNIA

17 HOUSING IS A HUMAN RIGHT,
18 et al.,

19 Plaintiffs,

20 v.

21 COUNTY OF ORANGE, et al.

22 Defendants.

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

DECLARATION OF O'MALLEY RE:
EX PARTE APPLICATION FOR A
TEMPORARY RESTRAINING ORDER

Date: None
Time: None
Ctrm: 9A

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Declaration of MICHAEL O'MALLEY

1. My name is Michael O'Malley. All the facts stated below are true and I could testify competently to them if called as a witness.

2. I have lived in San Clemente for over 25 years and was forced to leave my family home due to a family dispute in 2018. Since then, I have been homeless in San Clemente.

3. I have limited income and I am disabled. I received In Home Support Services when I lived inside but I cannot receive IHSS now because it requires an address. My physical limits and trauma have been exacerbated since becoming homeless. I am particularly vulnerable due to my severe physical limits and have been beaten up and robbed multiple times. Currently, I sleep in my car. Sleeping sitting up in my car continues to make my physical condition decline. I cannot walk long distances or stand for an extended time. It is very hard for me to get up and down from the ground.

4. As a result of my past trauma from being beaten up and robbed, I am afraid to be in crowded spaces with people I don't know.

5. I know that in San Clemente it is illegal to sleep in my vehicle. I also know that it is illegal to sleep outside in a tent. Due to these laws, I am always scared that I will be cited or arrested because I am homeless. I used to try to stay in motels sometimes but I cannot afford it with my disability income.

6. If there an indoor shelter with parking and the appropriate disability accommodations, I would be very excited to try staying there. I have applied for housing and work with a county health care worker hoping for housing.

7. Despite being afraid of the crowding, and knowing that with my disability it would be dangerous to be exposed to the elements all day, I decided to

1 try and stay at the designated area anyway.

2 8. When I arrived, I found that there was no parking. Due to my limited
3 mobility, I pulled up next to a car in the driveway to investigate. I know I would
4 not be able to walk from the lot across the street due to my disability. And I could
5 not pull over because stopping is not permitted on that road. When I pulled in, I ran
6 into a volunteer who offered to help me. I made sure the handicapped plaque was
7 showing in my car and headed into the fence. I saw the security guard's car and
8 thought I could pull in but that gate was closed.

9 9. I approached the security guard and told him I needed a place to stay.
10 He explained that all the spots were full and no one came to make more so I could
11 be on his waitlist. He handed me a list and told me to write my name. I explained
12 that I could not because of my disability. The volunteer and I saw the list and the
13 names on it before he took it back to write it for me. This made me worry about my
14 privacy if I put my name on the list.
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16 10. Before I was added to the waitlist, I asked the security guard if I could
17 set up in the empty middle area and he said no. I could not use any empty space if
18 it did not have lines.

19 11. Next, I asked the security guard how to get on the waitlist. He told me
20 I had to read the rules to him out loud. I told him I could not. He asked how I took
21 my driving test and said I had to read out loud.

22 12. When I finished reading out loud, he proceeded to tell me about all the
23 unwritten rules. These included finger symbols for when I did or did not talk to the
24 guests, whistles for when security wants my attention, and the unwritten policy to
25 keep all personal belongings inside the marked white lines. This was a lot to
26 remember and understand while he was telling me I could not stay. Next, he told
27 me about the unwritten rule about where to smoke cigarettes and how to signal if
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1 someone pushing their religion is bothering me. Finally, he said there would be an
2 area for canning but not inside the white line and all visiting guests should check in
3 with him. I understood this to mean a place to store recycling.

4 13. Before he put me on the waitlist, security told me if I was there and he
5 wanted to talk to me, I needed to stop what I was doing and talk to him. He
6 explained that he might ask me to leave at any time and I would need to leave or he
7 would call the police. I agreed that I understood. This was scary because I
8 understood that I could be asked to leave at any time for any reason.

9 14. The security proceeded to tell me that some residents take medication
10 and if they are out of control due to their episodes, I should let him handle it. He
11 also explained that some people drive by and yell, and I should not respond. But, if
12 I get a license plate I could submit it to him to handle. I have no idea if he would
13 do a police report. This concerned me because I know we have a right to keep our
14 medical information like medication private, but, if I had to tell him, he might tell
15 others.
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17 15. Before adding me to the waitlist, he asked me if I took any
18 medication. I felt like I had to answer so I did. He accepted my name and said I
19 was number 28 on the list. Since I did not have a phone, and he did not offer a
20 number to call, I told him I would come by daily to check for a spot.

21 16. I walked back to my car and a police officer pulled up. He explained
22 that I could not park here. He said his boss sent him to write a ticket because
23 someone called to complain so he had to. I explained I am disabled and homeless
24 and trying to go to a sleeping area. I asked where to park. He said to park down the
25 hill. I explained I could not walk that far. He suggested I come up the hill with a
26 wheel chair. I told him I no longer have a power wheel chair. The officer
27 proceeded to issue me a ticket. Tonight I have no idea where I will sleep or how I
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1 will pay the ticket.

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DECLARATION OF MICHAEL O'MALLEY

My name is Michael O'Malley. All the facts stated below are true and I could testify to them if called as a witness.

I have lived in San Clemente for over 25 years and was forced to leave my family home due to a family dispute in 2018. Since then, I have been homeless in San Clemente.

I have limited income and I am disabled. I received In Home Supportive Services when I lived inside but I cannot receive IHSS now because it requires an address. My physical limits and trauma have been exacerbated since becoming homeless. I am particularly vulnerable due to my severe physical limits and have been beat up and robbed multiple times. Currently, I sleep in my car. Sleeping sitting up in my car continues to make my physical condition decline. I cannot walk long distances or stand for extended time. It is very hard for me to get up and down from the ground.

As a result of my trauma, ^{from being beaten up and robbed} I am afraid to be in crowded places with people I don't know.

I know that in San Clemente, it is illegal to sleep in my vehicle. I also know it is illegal to sleep outside in a tent. Due to these laws, I am always scared that I will be cited or arrested because I am homeless. I used to try to stay in motels sometimes but I cannot afford it with my disability income.

If there were an indoor shelter with parking and the ~~the~~ appropriate disability accommodations, I would be very excited to try staying there. I have applied for housing and work with a county health care worker hoping for housing.

Despite being afraid of the crowding, and knowing that with my disability it would be dangerous to be exposed to the elements all day, I decided to try and stay ~~there~~ ^{at the designated area} anyway.

When I arrived, I found that there was no parking. Due to my limited mobility, I pulled up next to a car in the driveway to investigate. I knew I would not ^{be able to} walk from the lot across the street. ^{due to my disability,} I could not pull over because the road ~~was~~ ^{is not permitted on that road.} stopping. When I pulled in, I ran into a volunteer who offered to help me. I made sure the handicapped plaque was showing in my car and headed into the fence. I saw the security guard's car and thought I could pull in but that gate was closed.

I approached the security guard and told him I needed a place to stay. He explained that all the spots were full and no one came to make more so I could be on his waitlist. He handed me a list and told me to write my name. I explained that I could not because of my disability. The volunteer and I saw the list and the names on it before he took it back to write for me. This made me worry about my privacy if I put my name on the list.

Before I was added to the wait list, I asked the security guard if I could set up in the empty middle ^{area} and he said no. I could not use any empty space if it did not have lines.

Next, I asked the security guard how to get on the waitlist. He told me I had to read the rules to him out loud. I told him I could not. He asked how I took my driving test and said I had to. ^{read out loud.} ~~I had to read the rules to him out loud.~~ ~~I had to read the rules to him out loud.~~ ~~I had to read the rules to him out loud.~~ ~~I had to read the rules to him out loud.~~

When I finished reading, ^{out loud} he proceeded to tell me about all the unwritten rules. These included finger symbols for when I did or did not talk to guests, whistles ~~signals~~ for when security wants my attention, and the ^{unwritten} policy to keep all ^{personal} belongings inside the white lines. This was a lot to remember and understand while he was telling me I could not stay. Next, he told me about the unwritten rule about where to smoke cigarettes and how to signal if someone pushing their religion is bothering me. Finally, he said there would be an area for smoking, but not inside the white line, and ^{all writing} guests should check in with him.

Before he put me on the waitlist, security told me if I was there and he wanted to talk to me, I needed to stop what I was doing and talk to him. He explained that he might ask me to leave at any time and I would need to leave or he would call police. I agreed that I understood. This was scary because I could be asked to leave at any time for any reason.

The security proceeded to tell me that some residents take medication and if they are out of control due to their episodes, I should let him handle it. He also explained that some people drive by and yell, and I should not respond. But, if I got a license plate I could submit it to him to handle. I have no idea if he would do a police report. This concerned me because I know we have a right to keep our medical information like medication private, but if I had to tell him he might tell others.

Before adding me to the waitlist, he asked me if I took any medication. I felt like I had to answer so I did. He accepted my name and said I was number 28 on the list. Since I did not have a phone, and he did not offer a number, I told him I would come by daily to check for a spot.

I walked back to my car and a police officer pulled up. He explained that I could not park here. He said his boss sent him to write a ticket because someone called to complain so he had to. I explained I am disabled and homeless and trying to go to the sleeping area. I asked where to park. He said to park ~~at the park~~ ^{down the hill.} I explained I could not walk that far. He suggested I come up the hill with a wheel chair. I told him I no longer have a power wheel chair. The officer proceeded to issue me a ticket. Tonight, I have no idea where I will sleep or how I will pay the ticket.

I declare under penalty of perjury that the foregoing is true and correct. Executed May 28th 2019 in San Clemente.

Michael O'Malley


