

1 DENNIS J. HERRERA, State Bar #139669
City Attorney
2 WAYNE K. SNODGRASS, State Bar #148137
AILEEN M. McGRATH, State Bar #280846
3 Deputy City Attorneys
City Hall, Room 234
4 1 Dr. Carlton B. Goodlett Place
San Francisco, California 94102-4682
5 Telephone: (415) 554-4691
Facsimile: (415) 554-4699
6 E-Mail: aileen.mcgrath@sfcityatty.org

7 Attorneys for Defendant
CITY AND COUNTY OF SAN FRANCISCO

ELECTRONICALLY
FILED

Superior Court of California,
County of San Francisco

11/06/2020
Clerk of the Court
BY: EDWARD SANTOS
Deputy Clerk

9 SUPERIOR COURT OF THE STATE OF CALIFORNIA
10 COUNTY OF SAN FRANCISCO
11 UNLIMITED JURISDICTION

12 HOPE WILLIAMS, NATHAN SHEARD, and
13 NESTOR REYES,

14 Plaintiff,

15 vs.

16 CITY AND COUNTY OF SAN
17 FRANCISCO,

18 Defendant.

Case No. CGC-20-587008

**DEFENDANT CITY AND COUNTY OF SAN
FRANCISCO'S ANSWER TO COMPLAINT
FOR DECLARATORY AND INJUNCTIVE
RELIEF**

Date Action Filed: October 7, 2020
Trial Date: None set.

1 **ANSWER**

2 On behalf of itself and no other persons or entities, Defendant the CITY AND COUNTY OF
3 SAN FRANCISCO (“San Francisco” or “Defendant”) answers Plaintiffs HOPE WILLIAMS,
4 NATHAN SHEARD, and NESTOR REYES’ (collectively “Plaintiffs” or individually “Williams,”
5 Sheard,” or “Reyes”) Complaint For Declaratory and Injunctive Relief filed on or about October 7,
6 2020 (“Complaint”) as follows:

7 **GENERAL DENIAL**

8 Pursuant to the provisions of California Code of Civil Procedure section 431.30, San Francisco
9 generally denies the allegations in the Complaint, and further denies that the Plaintiffs have been
10 harmed by reason of any act or omission on San Francisco’s part.

11 **AFFIRMATIVE DEFENSES**

12 Without conceding that it has the burden of proof as to any of these matters, San Francisco
13 alleges on information and belief the following affirmative defenses. By setting forth these affirmative
14 defenses, San Francisco does not assume the burden of proving any fact, issue, or element of a cause
15 of action where such burden properly belongs with Plaintiffs. Moreover, nothing stated in any of these
16 affirmative defenses is intended or shall be construed as an acknowledgment that any particular issue
17 or subject matter is relevant to Plaintiffs’ allegations.

18 1. The Complaint, and every purported cause of action therein against San Francisco, fails
19 to state facts sufficient to constitute a cause of action.

20 2. Plaintiffs are barred from recovery under the doctrine of mootness.

21 3. Plaintiffs’ claims are barred, in whole or in part, because Plaintiffs lack standing to
22 bring some or all of the claims alleged.

23 4. Plaintiffs are not entitled to any relief, insofar as San Francisco substantially complied
24 with all applicable laws, and to the extent that San Francisco made any error, such error was not
25 prejudicial.

26 5. The relief that Plaintiffs seek, if granted, would not confer a public benefit.
27
28

PROOF OF SERVICE

I, Pamela Cheeseborough, declare as follows:

I am a citizen of the United States, over the age of eighteen years and not a party to the above-entitled action. I am employed at the City Attorney’s Office of San Francisco, City Hall, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102.

On November 6, 2020, I served the following document(s):

DEFENDANT CITY AND COUNTY OF SAN FRANCISCO’S ANSWER TO COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELIEF

on the following persons at the locations specified:

Saira Hussain, Esq.
Adam Schwartz, Esq.
ELECTRONIC FRONTIER FOUNDATION
815 Eddy Street
San Francisco, CA ~4109
Telephone.: (415) 436-9333
Facsimile: (415) 436-9993
Email: saira@eff.org
adam@eff.org

Matthew Cagle, Esq.
ACLU FOUNDATION OF NORTHERN CALIFORNIA, INC.
39 Drumm Street
San Francisco, CA 94111
Telephone.: (415) 621-2493
Facsimile: (415) 255-1478
Email: mcagle@aclunc.org

[Co-Counsel for Plaintiffs HOPE WILLIAMS, NATHAN SHEARD, and NESTOR REYES]

[Co-Counsel for Plaintiffs HOPE WILLIAMS, NATHAN SHEARD, and NESTOR REYES]

[VIA E-SERVICE]

[VIA E-MAIL]

in the manner indicated below:

BY ELECTRONIC MAIL: Based on a court order or an agreement of the parties to accept electronic service, I caused the documents to be sent to the person(s) at the electronic service address(es) listed above. Such document(s) were transmitted *via* electronic mail from the electronic address: pamela.cheeseborough@sfcityatty.org in portable document format ("PDF") Adobe Acrobat or in Word document format. OR

BY ELECTRONIC-SERVICE: Based on a court order or an agreement of the parties to accept electronic service, I caused the documents to be served electronically through **File & ServeXpress** in portable document format ("PDF") Adobe Acrobat.

I declare under penalty of perjury pursuant to the laws of the State of California that the foregoing is true and correct.

Executed November 6, 2020, at San Francisco, California.



Pamela Cheeseborough