

Volume 2

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UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

BEFORE THE HONORABLE WILLIAM H. ALSUP

CLARK SULLIVAN, ADAM BREDENBERG)	
AND BENJAMIN ROYER,)	
)	
Plaintiffs,)	
vs.)	No. C 17-06051 WHA
)	
CITY OF BERKELEY,)	
)	San Francisco, California
Defendant.)	Tuesday
)	May 21, 2019
)	7:30 a.m.

TRANSCRIPT OF JURY TRIAL PROCEEDINGS

APPEARANCES:

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BY: DAN SIEGEL, ESQ.
EMILYROSE JOHNS, ESQ.

For Defendant: BERKELEY CITY ATTORNEY'S OFFICE
2180 Milvia Street
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Berkeley, California 94704
BY: LYNNE SARAH BOURGAULT, ESQ.
FARIMAH BROWN, ESQ.

Also Present: Dee Williams-Ridley
Deputy City Manager - City of Berkeley.

Reported By: Debra L. Pas, CSR 11916, CRR
Ana Dub, CSR 7445, CRR

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1 your next break I want you to talk among yourselves whether
2 you're able to go 15 minutes extra today, 15 minutes extra
3 tomorrow and 15 minutes extra maybe on Thursday to try to make
4 up for the lost time. Otherwise we definitely will go into
5 next week.

6 And the other thing is, if it can go wrong, it will go
7 wrong. So leave extra early. It may not have made any
8 difference this time, but it might have. So try your best to
9 anticipate that. Remember there is seven others waiting on
10 you.

11 So, okay. We made some progress over here. You see that
12 big map? You see the two red squares? "Red squares," that
13 kind of sounds like Communism, doesn't it? It is Berkeley, but
14 it's not really Communism. It's two locations in Berkeley that
15 have been mentioned. And we're going to let you have that map
16 in the jury room. We thought it would be useful for you to
17 have that handy.

18 Okay. The plaintiffs may call their next witness.

19 **MS. JOHNS:** Thank you, Your Honor. The plaintiffs
20 call Michael Zint.

21 **THE COURT:** Michael Zint, please come forward and take
22 the oath, please.

23 **MICHAEL ZINT,**
24 called as a witness for the Plaintiff, having been duly sworn,
25 testified as follows:

1 **THE WITNESS:** I do.

2 **THE CLERK:** Please be seated. Speak clearly into the
3 microphone and spell your name for the record.

4 **THE WITNESS:** Last name is spelled Z-I-N-T.

5 **THE COURT:** Welcome, sir.

6 Please go ahead, Ms. Johns.

7 **MS. JOHNS:** Thank you Mr. Zint.

8 **DIRECT EXAMINATION**

9 **BY MS. JOHNS**

10 **Q.** So you stated your name for the record. How are you
11 feeling today?

12 **A.** It's been a rough few hours.

13 **Q.** Would you elaborate?

14 **A.** Yeah. Yesterday after I left here, I found out that
15 another homeless man had died in Berkeley and this one was very
16 close to --

17 **MS. BOURGAULT:** Relevance, Your Honor.

18 **THE COURT:** What?

19 **MS. BOURGAULT:** Relevance.

20 **THE COURT:** What's the relevance of this, Ms. Johns?

21 **MS. JOHNS:** Just asking Mr. Zint how he was feeling
22 today and, also --

23 **THE COURT:** If he's not feeling well, why don't you
24 pass him, bring him back at a time he's feeling better.

25 **THE WITNESS:** I'm okay.

1 **THE COURT:** But it is irrelevant.

2 **MS. JOHNS:** We can move forward, Your Honor.

3 **THE COURT:** Please stick to something that's relevant.

4 **BY MS. JOHNS**

5 **Q.** How old are you, Mr. Zint?

6 **A.** I'm 52.

7 **Q.** Where were you born?

8 **A.** San Diego.

9 **Q.** Is San Diego your home?

10 **A.** No. I don't have a home town.

11 **Q.** Why is that?

12 **A.** I'm a military dependent.

13 **Q.** Would you please describe your educational background?

14 **A.** High school with some college.

15 **Q.** Where did you go to college?

16 **A.** Tidewater Community College, Northern Virginia Community
17 College. I took a few extensions courses at U.C.L.A.

18 **Q.** Can you describe the kind of work that you've done?

19 **A.** Retail management, mostly in the pet industry.

20 **Q.** Could you back away from the microphone just a tad.

21 **A.** All right.

22 **Q.** Thank you.

23 Where do you currently reside?

24 **A.** I have a studio apartment in Oakland.

25 **Q.** Have you ever been homeless?

1 A. Yes.

2 Q. On more than one occasion?

3 A. Yes.

4 Q. When was the first time that you were homeless?

5 A. When I was 18.

6 Q. And when was the most recent time that you became
7 homeless?

8 A. My last stint of homelessness ended on April 19th, 2017.

9 Q. Has your experience of being homeless changed over the
10 years?

11 A. Yes.

12 Q. How has your experience of being homeless changed?

13 A. When I was first homeless, I was in Los Angeles and I was
14 able to not only get a hotel voucher, but get a job to pay for
15 the voucher within just a few hours of signing up for services,
16 and within three weeks I was employed and I had my own place.

17 MS. BOURGAULT: Your Honor, relevance.

18 THE COURT: What is the relevance?

19 MS. JOHNS: This is just for the background of
20 Mr. Zint, his experience being homeless and to introduce him to
21 the jury.

22 THE COURT: The objection is sustained.

23 BY MS. JOHNS

24 Q. What year did you most recently become homeless?

25 A. I became homeless in 2005.

1 Q. And where were you living at the time?

2 A. I was living in Los Angeles.

3 Q. What did you do to find a place to live after you became
4 homeless in 2005 in Los Angeles?

5 A. Relocated --

6 MS. BOURGAULT: Your Honor, relevance.

7 THE COURT: Sustained.

8 BY MS. JOHNS

9 Q. Have you ever been homeless in the City of Berkeley?

10 A. Yes.

11 Q. When were you -- did you become a resident, a homeless
12 resident of the City of Berkeley?

13 A. I don't know what residency requirements are, but I
14 arrived in Berkeley in 2014.

15 Q. When you arrived, did you have sufficient funds to rent a
16 place to live?

17 A. Oh, definitely not.

18 Q. What was your -- what forms of financial support did you
19 have when you were homeless living in Berkeley?

20 A. To start, none. I did not have food stamps or general
21 assistance. I was recycling and making jewelry to support
22 myself.

23 Q. Did you later receive any of those services that you
24 mentioned?

25 A. Yes. As my health deteriorated, I ended up receiving G.A.

1 and food stamps.

2 Q. And with general assistance, how much money were you
3 provided?

4 A. \$275 a month.

5 Q. And how much in food stamps?

6 A. It had dropped. It ended being at 189.

7 Q. And with that assistance were you able to rent a place to
8 live?

9 A. No, not -- not quite like that. It had to be subsidized.

10 Q. Are you familiar with First They Came for the Homeless?

11 A. Yes.

12 Q. How are you familiar with them?

13 A. Sarah Menefee and I founded the movement in 2013.

14 Q. And what is the movement that is First They Came for the
15 Homeless?

16 A. It's a homeless-led movement that concentrates on homeless
17 human rights, equal rights in our country, because they are not
18 equal, and changing the narrative, demonstrating that
19 homelessness is not -- not the stereotypes that you see in the
20 news. Letting the people know that there are other choices in
21 how homeless are dealt with by cities. And recognition that
22 homeless people are able to take care of themselves. They
23 don't need to be put into an institutionalized system or be
24 warehoused in a shelter.

25 Q. Do you have -- did you live in an encampment with other

1 people associated with First They Came for the Homeless?

2 **A.** Multiple times.

3 **Q.** When was the most recent time?

4 **A.** The last time was at the Here There sculpture before I was
5 housed.

6 **Q.** And before that?

7 **A.** Well, that would be during the Poor Tour, which was the --
8 (Court reporter clarification.)

9 **A.** I was with these people during the Poor Tour, as well as
10 the previous protests.

11 **Q.** And with the encampment that you had with the Poor Tour,
12 what benefits did you receive from living in that setting?

13 **A.** The biggest thing would be community. The amount of
14 support that was shared among the group, by the group and our
15 house supporters. It was -- it bettered everybody involved.

16 **Q.** How long -- when did the Poor Tour begin?

17 **A.** The Poor Tour began the day that the City removed us from
18 our location outside of the Hub. You know, our very first
19 location.

20 **Q.** Do you remember what date that was?

21 **A.** Not off the top of my head. Early October is all I can
22 say.

23 **Q.** Is there anything that would refresh your recollection
24 about what date that was?

25 **A.** Yes. We did make a T-shirt that had the dates of most of

1 the raids.

2 Q. Okay. I'm going to --

3 MS. JOHNS: May I approach, Your Honor?

4 THE COURT: Sure.

5 (Whereupon document was tendered to the witness.)

6 BY MS. JOHNS

7 Q. I'm going to show you this document. It is not a Trial
8 Exhibit, but would you please review that document and let me
9 know if it refreshes your recollection?

10 A. This is the design for the shirt.

11 Q. Okay. Does it refresh your recollection --

12 A. So, yes, it defined where we were. We arrived
13 10/3/2016 and we were moved 10/7/2016.

14 THE COURT: Mr. Zint, you moved now too far away from
15 the mic, so move it about one inch closer to you.

16 All right. Let's try it that way. Okay.

17 THE WITNESS: Okay.

18 MS. JOHNS: Thank you.

19 BY MS. JOHNS

20 Q. And you said between -- beginning October 3rd, 2017 where
21 were you in your encampment?

22 A. We had assembled outside the Hub, which is Berkeley's
23 coordinated entry system for the homeless, and we had lined up
24 for services with our gear, gear, our tents. We assembled
25 starting at their door and went up the sidewalk.

1 Q. And why did you do that?

2 A. Because we were waiting in line. That was part of the
3 protest.

4 Q. Did your protest have any rules for residents of the
5 encampment?

6 A. Yes. During any of our protests of this manner, we used
7 the same eight rules as are used by the encampment to this day,
8 and we also used the same form of governance, the graduated
9 consensus for decision making.

10 MS. JOHNS: May I have Exhibit 82?

11 THE CLERK: It's in the box.

12 MS. JOHNS: Oh, thank you. I'm sorry.

13 BY MS. JOHNS

14 Q. I'm going to show you what's been marked as Trial
15 Exhibit 82.

16 (Whereupon document was tendered to the witness.)

17 Q. Do you recognize this document?

18 A. Yes, I do.

19 Q. And what is that document?

20 A. This is the eight rules of the process for bringing in new
21 residents and how the governance, the self governance
22 procedures work.

23 MS. JOHNS: Your Honor, I would like to offer
24 Exhibit 82.

25 THE COURT: Any objection?

1 **MS. BOURGAULT:** No, Your Honor.

2 **THE COURT:** 82 is received.

3 (Trial Exhibit 82 received in evidence).

4 **MS. JOHNS:** May I publish it to the jury?

5 **THE COURT:** Sure. are you going to do it
6 electronically?

7 **MS. JOHNS:** Yes, please.

8 **THE COURT:** Has that been done by somebody over there?
9 (Document displayed)

10 **THE COURT:** Can you see it in the jury box?
11 (Jurors responding affirmatively.)

12 **BY MS. JOHNS**

13 **Q.** Can you please describe the rules?

14 **A.** First rule is no drugs and alcohol. Obviously, we don't
15 want the associated behaviors and the image that comes with
16 that, being is one of the most stereotype or promoted
17 stereotypes of homelessness.

18 We had --

19 **MS. BOURGAULT:** Your Honor, I would like to object to
20 testimony related to drug and alcohol, given plaintiffs
21 asserted their Fifth Amendment right against self-incrimination
22 when I asked about drug and alcohol use.

23 **THE COURT:** All right. Just a moment.

24 Didn't I make a ruling on this very point?

25 **MS. BOURGAULT:** Yes, Your Honor.

1 **MS. JOHNS:** You did, Your Honor.

2 (Brief pause.)

3 **THE COURT:** All right. Well, here is what I -- I'm
4 going to follow what I wrote down in the order.

5 I'm going to let the testimony stand by the witness as to
6 what the rule referred to is, but I also have to advise the
7 jury that the three plaintiffs -- Mr. Zint is not a plaintiff
8 in the case.

9 The three plaintiffs in the case appeared for what's
10 called a deposition prior to the trial. A deposition is where
11 the lawyer comes and asks questions and it's all under oath and
12 then it can be used later in the case for -- it's what's called
13 discovery, but it can be used at trial. So it's a way for the
14 lawyers to investigate.

15 Anyway, at the deposition the City Attorney asked the
16 three about their own drug use and they refused to answer on
17 the ground of the Fifth Amendment.

18 Now, given that the City Attorney was not able to make
19 further inquiry, at least of the plaintiffs themselves. So
20 it's my job to inform you that the three plaintiffs were --
21 declined to answer those questions and that you may draw an
22 adverse inference from the assertion of that privilege at the
23 time of the deposition.

24 Now, that is what I ruled, but nevertheless this testimony
25 by this witness is okay to come in as to what the ground rule

1 was for use of drugs at the encampment.

2 All right?

3 **MS. JOHNS:** Thank you.

4 **THE COURT:** Now, move on to the next question.

5 **MS. JOHNS:** Yes.

6 **BY MS. JOHNS**

7 **Q.** Can you clarify that when you say no drugs and alcohol,
8 did you police people's personal drug and alcohol use?

9 **A.** When I say no drugs and alcohol, I mean drugs that are
10 illegal. And there is legality questions with marijuana in our
11 state. We have medical recommendations, which to me would be a
12 prescription for this particular drug.

13 **MS. BOURGAULT:** Your Honor, move to strike as
14 nonresponsive.

15 **THE COURT:** It is nonresponsive. So that answer is
16 stricken and please ask it again.

17 And the witness needs to just answer the question that is
18 asked.

19 **BY MS. JOHNS**

20 **Q.** Did you police people's personal drug use outside of the
21 encampment?

22 **A.** No.

23 **THE COURT:** I don't understand what you mean "outside
24 of the encampment."

25 **MS. JOHNS:** So the distinction we had in the Motion in

1 Limine, Your Honor, was the distinction between people's
2 personal use and the rule about the use of drugs or alcohol in
3 the encampment. And I was asking --

4 **MS. BOURGAULT:** Your Honor, that is not the
5 distinction and we went over that. The questions --

6 **THE COURT:** I don't agree with that distinction.
7 There was an across-the-board Fifth Amendment.

8 So I'm going to let you ask the question, but that -- that
9 does not bear on the instruction that I gave to the jury.

10 **MS. JOHNS:** I will not ask the question to bear on
11 your instruction.

12 **THE COURT:** I think I understand the point you're
13 getting at.

14 You're saying did the witness police what people did with
15 respect to drugs when they were not at the encampment. Is that
16 what you mean?

17 **MS. JOHNS:** That's correct.

18 **THE COURT:** Oh, all right. First I misunderstood.

19 All right. Do you understand the question? You can say
20 "yes" or "no."

21 **A.** We are not responsible for people outside of the
22 encampment.

23 **BY MS. JOHNS**

24 **Q.** What other rules were a part of the encampment?

25 **A.** I may need to refresh on some of them --

1 **THE COURT:** That actually wasn't what she asked. She
2 didn't ask if you were responsible for people outside of the
3 encampment.

4 She's talking about people in the encampment, but when
5 they were outside of the encampment, like when they were on the
6 way to the hardware store, would that be -- would you be
7 policing them then? That's what she was asking.

8 Right?

9 **MS. JOHNS:** I was asking whether the -- he was
10 responsible for people's behavior outside of the encampment.
11 So, yes, as your Honor describes.

12 **THE COURT:** What are you talking about, total
13 strangers or are you talking about people who lived in the
14 encampment?

15 **MS. JOHNS:** People who lived in the encampment.

16 **THE COURT:** All right. Is that the way you understood
17 the question?

18 **THE WITNESS:** I understood it as residents of the
19 encampment, sir.

20 **THE COURT:** All right. Okay. Then I unnecessarily
21 intruded.

22 All right. Go ahead.

23 **MS. JOHNS:** Thank you, Your Honor.

24 I'm going to grab Trial Exhibit 82 again.

25 (Document displayed)

1 **BY MS. JOHNS**

2 **Q.** Do you see it on the screen there?

3 Would you please review it to refresh your recollection
4 and then speak about the additional rules of the encampment.

5 **A.** Okay. The second rule is no rowdy behavior. The reason
6 being we don't want a football game happening among a community
7 of cloth bags and sticks. It would destroy camp. It also
8 makes camp look bad.

9 One of the biggest ones is the noise curfew. There is a
10 9:00 p.m. noise curfew. You don't make noise. Every homeless
11 person has earphones and their little -- or little phones to
12 watch TV. They don't need to be disturbing the neighbors.

13 Okay. All personal gear must be kept inside of the tents,
14 except for your bike. And this is because homeless camps are
15 full of trash and we don't want to be that. We want to show
16 that there is a difference with what we were trying to do.

17 Maintaining the good neighbor policy is critical for our
18 relationship with the neighborhood of south Berkeley. We rely
19 on them to not only advise the homeless, but to be there as,
20 like, a -- as somebody who can bring them into the house
21 community, to instruct them on how to become a house person.

22 No outside guests within the perimeter. This one --

23 **MS. BOURGAULT:** Your Honor, is there a question
24 pending?

25 **MS. JOHNS:** Yes.

1 **BY MS. JOHNS**

2 **Q.** So I had asked for some additional details on the rules,
3 but I think you have described the rules and they are in
4 evidence.

5 So may I ask you whether people were ever removed from the
6 group for violating the rules?

7 **A.** Yes.

8 **Q.** And can you give an example or two without giving names?

9 **A.** We had a couple of instances of predators showing up. We
10 had to -- well, the police dealt with one and we dealt with the
11 other by filing police reports. That's a violation.
12 Obviously, that's a violation.

13 We have had people try to hide drug abuse, which is --
14 it's going to be our biggest issue. It's hard to tell
15 sometimes. But the homeless community knows what it looks like
16 and after a few days can pick it out, which is why we have a
17 probationary period in camp. We can grab them before they
18 created a situation.

19 Stealing has been an issue in a couple of cases, and those
20 people have been removed from camp.

21 **Q.** Can you -- you described a probationary period?

22 **A.** Yes.

23 **Q.** Can you elaborate on what that probationary period is?

24 **A.** Okay. The way it works is they come in and meet camp and
25 are brought into camp as a resident, a temporary resident for

1 three days or a week. It would vary because it's individual
2 cases based by -- you know, person by person.

3 So they have to -- they are observed. They are watched.
4 They are looked at. And we're looking for things that are
5 going to create a situation in camp that is negative. So if
6 people don't fit in the community itself, the group itself has
7 the decision making ability whether they come in or not. There
8 is not a guarantee.

9 **Q.** And when you say "come in," what do you mean?

10 **A.** Come into the community. Become a member of the camp.
11 They have to be approved by the current residents.

12 **Q.** And would membership allow them to live there?

13 **A.** Yes.

14 **Q.** Okay. You described having set up an encampment in front
15 of the Hub on October 3rd?

16 **THE COURT:** What year is that?

17 **MS. JOHNS:** 2016. Thank you, Your Honor.

18 **BY MS. JOHNS**

19 **Q.** And you said you were removed on October 7th, 2016?

20 **A.** Yes.

21 **Q.** And how were you removed?

22 **A.** The police came out with City workers and garbage trucks
23 and basically performed an eviction.

24 **Q.** Okay. Where did you move from there?

25 **A.** We went from there to our first median occupation on

1 Adeline.

2 Q. Did you stay anywhere between the sidewalk --

3 A. Yeah.

4 Q. -- in front of the Hub and the median?

5 A. Yeah. I'm sorry.

6 We did spend one night outside of the Shattuck Cinema,
7 where is where the Downtown Business Association's offices are.

8 And it was targeted at the business improvement district, the
9 DBA, who is one of the people that we have been fighting
10 against, one of the groups that we have been fighting against.

11 Q. And you said the median was at Adeline Street and Ward
12 Street?

13 A. I'm not sure what the cross street was. It was the
14 closest encampment to Shattuck Avenue.

15 **THE COURT:** You better explain the word "median."
16 Some members of the jury may not know what you're talking
17 about.

18 **MS. JOHNS:** Okay.

19 **BY MS. JOHNS**

20 Q. Well, could you describe the median that you moved to?
21 What it is and what it looked like?

22 A. Yes. There is a series of medians on this road. Each one
23 of them is 50, 60 feet wide. There's picnic tables on some, or
24 there were until the protest. There's community gathering
25 areas built into these medians, so that's why we used these

1 particular medians as an area to set up the encampment.

2 Q. When you say there were picnic tables on the median until
3 the protest, what do you mean?

4 A. They had been removed because we were saying if the picnic
5 table is here, why can't we be here, in occupying the commons.

6 Q. Were you allowed to stay on that median?

7 A. Not more than a week or so. We got removed.

8 Q. Who were you removed by?

9 A. The police and City workers again.

10 Q. Do you recall on what date you were removed?

11 A. No, I don't.

12 Q. Would anything help refresh your recollection?

13 A. To be sure it's accurate.

14 Q. I will bring this back up.

15 (Whereupon document was tendered to the witness.)

16 Q. Please review that and let me know when your memory is
17 refreshed.

18 A. We arrived Adeline and Stuart 10/10/2016 and were removed
19 by the police on 10/18/2016.

20 Q. Okay. And who removed you?

21 A. The police came in with City workers.

22 Q. And where did you move from there?

23 A. We moved from there to a piece of property across the
24 street and down about 200 feet, which we called the triangle,
25 which was at the intersection of Adeline and Shattuck.

1 Q. And were you able to stay there?

2 A. No. This particular property was questionable ownership.
3 On our plat map it came back as public, but there was something
4 going on in the City with the Honda dealership and this piece
5 of property was reportedly included in the deal and became
6 private. So we voluntarily removed ourselves, because we do
7 not cross private property lines. Our goal is to establish the
8 encampment on public property.

9 Q. Did somebody come to inform you that it was private?

10 A. Yes. The police came.

11 Q. Where did you move to next?

12 A. Back to the Hub.

13 Q. Okay. And did you stay in the same place at the Hub, in
14 line on the sidewalk?

15 A. No. This time we wanted more visibility, so we put the
16 encampment in the plaza that's in front of the entire building.
17 It's about, I don't know, 50 or so feet wide by maybe 200 feet
18 long.

19 Q. Were you blocking the sidewalk when you were in the plaza?

20 A. No. There were sidewalks on either side of the plaza.

21 Q. Were you able to stay there?

22 A. For about a week.

23 Q. And what happened after about a week?

24 A. The police and City workers again came in with the intent
25 of removing us.

1 Q. Were they successful in removing you?

2 A. Oh, yes.

3 Q. What did you do after that?

4 A. Well, our next action was -- because of what happened
5 during this raid, our action was -- about four hours after the
6 raid, after every -- you know, everything settled down, we
7 marched from the Hub, which is Fairview and Adeline, to Civic
8 Center, which at the time is the -- is where the City Council
9 and mayor have their offices.

10 Q. Without getting into any specific details, can you say
11 generally what occurred on November 4th that caused you to
12 march?

13 MS. BOURGAULT: Your Honor, objection. This gets into
14 the related case that you've already given a favorable ruling
15 on.

16 MS. JOHNS: He wants to testify to the fact -- certain
17 facts of that without testifying to the case or any --

18 MS. BOURGAULT: I think -- I don't know what this is
19 going to be, but I'm very concerned it's going to violate the
20 favorable ruling in the other case.

21 THE COURT: I don't -- overruled without -- I may give
22 some kind of cautionary instruction if it seems unfair not to.
23 But go ahead, answer the question.

24 THE WITNESS: There was violence and arrests.

25 MS. BOURGAULT: Your Honor, that's exactly what I just

1 objected to. You made a ruling that that was lawful.

2 **THE COURT:** I think that that's correct. We have had
3 a lot of litigation that you, the jury, will only see the tip
4 of the iceberg.

5 Is this the very event that I had the -- the lady, the
6 disabled lady and all that?

7 **MS. JOHNS:** This was the event, and Mr. Zint was just
8 testifying to the arrest.

9 **THE COURT:** I ruled that the police acted properly and
10 constitutionally. And the witness can characterize it however
11 he wants, but for that particular event so far there has been
12 no showing of any constitutional violation. And that was
13 dispatched to the U.S. Court of Appeals.

14 Parts of the case I said would go to -- were not
15 clear-cut, and that's where you come in. The jury gets to
16 decide that. But this part I already ruled on.

17 **MS. BOURGAULT:** Your Honor, for the record, there has
18 been no appeal of the other ruling.

19 **THE COURT:** Okay. I didn't know that. Maybe there
20 still will be an appeal, but nevertheless that -- okay.

21 Next question.

22 **MS. JOHNS:** Thank you, Your Honor.

23 **BY MS. JOHNS**

24 **Q.** When you marched from the plaza to Civic Center, where did
25 that march lead through?

1 A. We ended on the steps of Civic Center.

2 Q. And where did you set up your encampment that evening?

3 A. We did not set up the encampment. We occupied the steps
4 for the entire weekend.

5 THE COURT: The entire what?

6 THE WITNESS: Weekend.

7 THE COURT: Weekend, okay.

8 BY MS. JOHNS

9 Q. Were you able to stay on the steps?

10 A. Yes.

11 Q. Were you ever removed from the steps?

12 A. Yes.

13 Q. When were you removed?

14 A. Monday, for business.

15 Q. Okay. Do you remember the date?

16 A. It was the day before the election.

17 Q. If you need, you can use the document that's in front of
18 you to refresh your recollection about the date.

19 A. 11/7/2016.

20 Q. Okay. And you were removed by the police?

21 A. Yes.

22 Q. Where did you move to next?

23 A. We moved to the south side of the building.

24 Q. Okay. And were you able to stay there?

25 A. Yes. We set up the encampment on their -- on their lawn.

1 **THE COURT:** Which building are you referring to?

2 **THE WITNESS:** Civic Center.

3 **THE COURT:** Okay.

4 **BY MS. JOHNS**

5 **Q.** How long were you able to stay there?

6 **A.** We were able to stay there until -- it says 11/18/2019.

7 Hold on. We've got the wrong...

8 **Q.** So, Mr. Zint, what is your memory of that, if you have
9 one, of the date?

10 **A.** Of the date?

11 **Q.** What is your memory of the date, if you have one? If that
12 doesn't refresh your recollection, you don't need to refer to
13 it.

14 **A.** Well, I don't know the streets. That's the problem. It
15 says 11/7/16 to 11/17/16, which is -- is --

16 **Q.** Is that consistent with your memory of how long you stayed
17 at south lawn at Berkeley City Hall?

18 **A.** Yes, it is.

19 **Q.** And what happened on November 17th, 2016?

20 **A.** The police again came and removed us with City workers.

21 **Q.** And what time did they arrive that day?

22 **A.** Earlier than average. I think it was around 4:30.

23 **Q.** Okay. And did anything different happen on that day for
24 you?

25 **A.** I got arrested and lost everything I owned.

1 Q. Okay. And why --

2 MS. BOURGAULT: Your Honor, relevance.

3 THE COURT: There is no claim for his property damage
4 in this case. He's not a plaintiff.

5 MS. JOHNS: Yes, Your Honor. That's correct.

6 THE COURT: So what's the relevance?

7 MS. JOHNS: I'd like to talk about why he believes
8 that he was arrested. Why he specifically believes that he was
9 arrested that day and what his -- and what the circumstances of
10 the --

11 THE COURT: Okay. On the arrest itself, I will let
12 you go into it, but -- because it conceivably could bear upon
13 the circumstances of the three plaintiffs.

14 But he does not have a property claim in this case. So
15 that part is irrelevant.

16 Yes.

17 MS. BOURGAULT: Your Honor, I would ask that Ms. Johns
18 make an offer of proof. I don't believe Mr. Zint's arrest
19 bears on anything related to the three plaintiffs.

20 THE COURT: No, I'm going to let her do it.
21 Overruled.

22 Please, let's go.

23 BY MS. JOHNS

24 Q. So why do you believe that you were arrested that day?

25 THE COURT: Well, wait, wait.

1 **MS. JOHNS:** Oh, excuse me.

2 **THE COURT:** He can't just say why he believes that.
3 That's total speculation.

4 **MS. JOHNS:** Okay.

5 **THE COURT:** No. That's an improper question.

6 What you could ask is what the place said. If the police
7 said something like, "We're here because you're protesting and
8 that's why we're going to arrest you," then that would be
9 admissible.

10 But it can't be his opinion as to why he was arrested.
11 That is inadmissible.

12 **BY MS. JOHNS**

13 **Q.** What did the police -- what did you observe the police do
14 that morning?

15 **A.** The police came and woke everybody up and were making
16 everybody continually pack. There was to be no idleness.

17 And in my case I have a disability that limits my
18 mobility. My lungs are extremely bad. The police were trying
19 to force me to move before my medication had an opportunity to
20 take effect and, in fact, arrested me about 20 minutes after
21 they woke me up because I was not moving fast enough for them.

22 **Q.** Had you seen in the prior police removals the police tell
23 people that they needed to be packing actively like you
24 described?

25 **A.** This is a tactic that developed. As the Poor Tour

1 continued, they changed their tactics.

2 **Q.** And where did you go -- after you were arrested, where did
3 you go?

4 **A.** To jail, to Santa Rita.

5 **MS. BOURGAULT:** Your Honor, relevance.

6 **THE COURT:** It has some relevance. Overruled.

7 Next question.

8 **BY MS. JOHNS**

9 **Q.** Did you rejoin the encampment at any point?

10 **A.** I was released from jail at 2:00 a.m., where I was picked
11 up and brought back to Civic Center.

12 The encampment had not been set back up when I got there.
13 I was given a piece of cardboard and a blanket and I laid down
14 on the sidewalk and went to sleep for a couple of hours.

15 **Q.** Where did you go after that?

16 **A.** While I was asleep, one of the protestors built a lean-to,
17 a very large lean-to on the north side of the building between
18 some trees. The lean-to was big enough to hold the entire
19 encampment, because at that point most of our tents were gone.

20 **Q.** And how long were you there?

21 **A.** North side of the building, we were there until, let's
22 see, 12/2.

23 **Q.** Of 2016?

24 **A.** 2016.

25 **Q.** Thank you.

1 And were you removed by the police?

2 A. Yes.

3 Q. What time did they come?

4 A. Around 5:00 a.m.

5 Q. And did they behave similarly as they did in the previous
6 removals?

7 A. No. This time they brought us coffee and donuts.

8 Q. They brought you coffee and donuts on December 2nd?

9 A. They brought us coffee and donuts on a couple of different
10 instances.

11 Q. Okay. Did they force you to actively pack, as you had
12 described earlier?

13 A. Yes.

14 Q. Did you observe the police doing anything with property on
15 that day?

16 A. I observed the police aiding us in removing property from
17 the encampment.

18 Q. Aiding you?

19 A. They offered to aid me. I refused their aid because I did
20 not trust where the gear would end up.

21 Q. Where did you move to after that?

22 A. After that we went back to the median strip on Adeline,
23 this time located right next to Berkeley Bowl.

24 Q. Okay. And where did you go from there?

25 A. To the hospital.

1 Q. Why did you end up in the hospital?

2 A. Because when I was arrested, things occurred that got me
3 very sick and it just got to the point where I needed to go to
4 the hospital or I was going to die.

5 Q. When you were released from the hospital, where did you
6 go?

7 A. Went into a nursing home for six weeks.

8 Q. And after the six weeks, where did you go?

9 A. Went to the final location the Poor Tour, which was the
10 Here There signs on BART property.

11 Q. How did you feel about your experience with the Poor Tour,
12 the way that you were treated?

13 MS. BOURGAULT: Objection, Your Honor. Relevance.

14 THE COURT: Sustained.

15 MS. JOHNS: Thank you. I have no further questions.

16 THE COURT: All right. Cross examination.

17 CROSS EXAMINATION

18 BY MS. BOURGAULT

19 Q. Mr. Zint, on November 17, 2016 when you were arrested by
20 the Berkeley police on the south lawn of the Civic Center
21 building for not packing quickly enough, you received notice a
22 couple days in advance that you needed to begin packing and
23 have your belongings removed; correct?

24 A. I don't recall the amount of time, but we did receive
25 notice, yes.

1 Q. And did you begin packing in anticipation of having to
2 leave that location?

3 A. No.

4 Q. Sorry. I didn't hear the answer.

5 A. No.

6 JUROR RANDEL: I'm having a hard time hearing because
7 they are talking over here.

8 THE COURT: You need to say it loudly enough.

9 JUROR RANDEL: I'm having a hard time hearing because
10 of all the talking they are doing.

11 THE COURT: Who is talking?

12 JUROR RANDEL: These guys here.

13 MR. SIEGEL: I am. I'm sorry.

14 THE COURT: All right. We've talked about this for
15 both sides. Whenever one side or the other has the floor, they
16 are entitled to the complete attention of the jury and there
17 should be no distractions.

18 You're right over there in the jury box to raise that
19 problem. Thank you for doing that.

20 Go ahead, Mr. Bourgault.

21 MS. BOURGAULT: Thank you, Your Honor.

22 BY MS. BOURGAULT

23 Q. Mr. Zint, you started using the name First They Came for
24 the Homeless in 2013; correct?

25 A. Yes.

1 Q. And that name, First They Came for the Homeless, predates
2 you ever living homeless in Berkeley; correct?

3 A. Yes.

4 Q. The original members of First They Came for the Homeless
5 were part of the Occupy movement in San Francisco; is that
6 right?

7 A. The founding members came from Occupy San Francisco, yes.

8 Q. And you and your fellow founding members had spent a
9 significant amount of time camping in front of the Federal
10 Reserve building in San Francisco?

11 A. We occupied the Federal Reserve from February 28th of 2012
12 through November something, end of November 2012. It was a
13 nine-month occupation.

14 Q. A nine-month occupation?

15 A. Yes.

16 Q. Now, the apartment that you currently live in in Oakland,
17 that's a government subsidized apartment; correct?

18 A. I'm not sure where the money comes from, but it is a
19 subsidized unit.

20 Q. You pay about \$226 a month for an apartment that would
21 rent for \$1,500 a month; is that right?

22 A. I believe that's the amount that is listed, yes.

23 Q. And you obtained that apartment through the Berkeley Hub;
24 isn't that right?

25 A. That is correct.

1 Q. Now, you never lived in Berkeley in a house or apartment
2 or anything prior to coming there homeless; is that correct?

3 A. That is correct.

4 Q. And you --

5 THE COURT: Would you ask questions that would help
6 the jury understand what Hub means?

7 MS. BOURGAULT: Yes, Your Honor. I actually would
8 prefer to ask those questions of one of my City witnesses who
9 can give accurate information.

10 THE COURT: Well, I'll ask the question then.
11 Do you know what the Hub means?

12 THE WITNESS: You mean, the Hub?

13 THE COURT: Yeah. Can you explain in one simple
14 sentence to the jury when we talk about Hub, what that is.

15 THE WITNESS: Okay. It is the coordinated entry
16 system. An easy way of putting it, it's the one-stop shop for
17 homeless services in Berkeley. You have to go there before you
18 can get anything.

19 THE COURT: All right. Thank you.

20 Next question.

21 MS. BOURGAULT: Thank you, Your Honor.

22 BY MS. BOURGAULT

23 Q. And you did obtain your current apartment through the Hub?

24 A. Yes.

25 Q. And you've never spent a night in a shelter in Berkeley?

1 A. No.

2 Q. You never have, that's correct?

3 A. Never, never.

4 Q. Now, prior to the encampments you were discussing in your
5 testimony, you had a long-term encampment in front of the
6 downtown Berkeley post office?

7 A. I occupied the post office at the request of the postal
8 union for 17 months.

9 Q. A member of the postal union asked you to camp there?

10 A. Yes, ma'am.

11 Q. And you did so?

12 A. It's more complicated than that. The initial approach was
13 to protest privatization of the post office by Staples; when
14 they're putting kiosks and using non-union labor.

15 Q. So let me back up. You were removed from the encampment
16 in front of the Berkeley post office by the U.S. postal police
17 backed up by the Berkeley police; is that right?

18 A. Yes.

19 Q. And after you left your encampment at the Berkeley post
20 office, you went to Vacaville and stayed at the home of a
21 friend?

22 A. I went to Vacaville, where I was put on an organic diet to
23 try to nurse me back to health after the 17 months.

24 Q. My question was whether or not you stayed at the home of a
25 friend.

1 **A.** I stayed at the home of a person who put me on an organic
2 diet to nurse me back to health. A friend is not an accurate
3 description. It is a person.

4 **Q.** Fair enough, Mr. Zint.

5 And so this person's name was -- you knew her as Daisy
6 Mae?

7 **A.** I knew her as, yeah, Daisy Mae.

8 **Q.** And you spent four months in Vacaville at Daisy Mae's
9 home?

10 **A.** Correct.

11 **Q.** And at that point you got a request from two individuals
12 who were members of the Berkeley Homeless Commission to return
13 to Berkeley?

14 **A.** Not correct.

15 **Q.** You did not come back to Berkeley at the request of Paul
16 Blake and Dan McMullin?

17 **A.** I came back to Berkeley based on a conversation with Paul
18 Blake, yes, but that is not the reason that I left the
19 Vacaville residence.

20 **MS. BOURGAULT:** Your Honor, I'd like to read -- I
21 believe you have copies of the depositions.

22 **THE COURT:** Don't need it. Are you reading from the
23 witness's deposition?

24 **MS. BOURGAULT:** Yes, Your Honor.

25 **THE COURT:** What page and line?

1 **MS. BOURGAULT:** I'd like to read from --

2 **THE COURT:** You've got to read the entire question and
3 the entire answer.

4 **MS. BOURGAULT:** Yes. Page 62, Line 20 through
5 Line 63, Page -- excuse me, Page 63, Line 17.

6 **THE COURT:** All right. Now, what is the date of the
7 deposition?

8 **MS. BOURGAULT:** The date of this deposition is
9 December 3rd, 2018.

10 **THE COURT:** All right. The very same witness?

11 **MS. BOURGAULT:** The deposition of Michael Zint.

12 **THE COURT:** Let me explain to the jury what a
13 deposition is.

14 As I said earlier, before the case comes to trial various
15 witnesses and the parties themselves often give depositions or
16 they are required. They are subpoenaed. They come to the
17 deposition and they are -- a court reporter places them under
18 oath and the questions are asked and they give answers and it's
19 all transcribed into a booklet.

20 It can be used at trial for certain purposes and it counts
21 just as much -- once I let it into evidence, it counts just as
22 much as evidence as the testimony from the live testimony.

23 All right. Is there any objection to the passage that
24 counsel wishes to read?

25 **MS. JOHNS:** No, Your Honor.

1 **THE COURT:** All right. So here is -- now, I told you
2 that not one word a lawyer ever says is evidence. Zero.
3 Except this is an exception because she's going to read it
4 exactly.

5 No fixing up the mistakes. You have to read it exactly
6 the way it is in the transcript, and then it does count as
7 evidence.

8 So you say "question" and you read the question. Then you
9 say "answer" and you read the answer. And read it very slowly
10 and clearly so everyone can hear it.

11 Please go ahead.

12 **MS. BOURGAULT:** And, Your Honor, I'm just going to
13 eliminate the objection that's in here.

14 **THE COURT:** Well, you can do that, unless it's needed
15 to understand the questions and answers. Sometimes they are.

16 **MS. BOURGAULT:** I don't believe it is. And Ms. Johns
17 said she had no objection to me reading this, so --

18 **THE COURT:** All right. Well, you can leave it out
19 then.

20 **BY MS. BOURGAULT**

21 **Q.** (As read)

22 **"QUESTION:** Did you need to leave Daisy's house?

23 **"ANSWER:** I don't understand the question. Need? No,
24 I didn't. There was no need.

25 **"QUESTION:** You could have stayed with Daisy Mae at

1 that point?

2 **"ANSWER:** I could have if I chose to. I was done. I
3 had recovered enough where I could move again and I
4 could -- you know, I could carry my gear again.

5 **"QUESTION:** Okay. So why did you come back to
6 Berkeley?

7 **"ANSWER:** It was requested.

8 **"QUESTION:** By whom?

9 **"ANSWER:** By Paul Blake and Dan McMullin."

10 **THE COURT:** All right. That counts as evidence.
11 Let's move to the next question.

12 **BY MS. BOURGAULT**

13 **Q.** Mr. Zint, Paul Blake and Dan McMullin asked you to come to
14 Berkeley to start a protest at the Hub; correct?

15 **A.** Correct.

16 **Q.** And which of those gentlemen were members of the Homeless
17 Commission in Berkeley at that time?

18 **A.** I don't believe either one of them were members of the
19 Homeless Commission.

20 **Q.** They asked you to protest essentially the inefficiencies
21 of the Hub and its huge budget?

22 **A.** What they asked me to do was to protest the death of
23 Roberto Benito, whose body was found on the sidewalk of
24 Berkeley after hours of people walking by. That's how the
25 conversation started.

1 The conversation ended --

2 **MS. BOURGAULT:** Your Honor, I --

3 **A.** -- with, We need your homeless leadership to do this.

4 It's a whole bunch of things.

5 **MS. BOURGAULT:** I'd like to read from Mr. Zint's
6 deposition, Page 63, Line 20 to Page 64, Line 1.

7 **THE COURT:** Any objection?

8 **MS. JOHNS:** What was the citation, please?

9 **MS. BOURGAULT:** Page 63, Line 20 to Page 64, Line 1.

10 **MS. JOHNS:** I don't believe that this is impeachment
11 testimony.

12 **MS. BOURGAULT:** It is, because he said -- he just gave
13 me an answer --

14 **THE COURT:** Is it inconsistent with what he just said?

15 **MS. BOURGAULT:** Yes, Your Honor.

16 **THE COURT:** All right. Then please read it.

17 **BY MS. BOURGAULT**

18 **Q.** (As read)

19 **"QUESTION:** Where did they expect you to live?

20 **"ANSWER:** They expected me to live at the Hub to start
21 the protest. They specifically asked me to protest
22 the Hub for being inefficient, not doing their job,
23 not getting back to people, you know, and having this
24 huge budget."

25 **THE COURT:** All right. Next question.

1 **BY MS. BOURGAULT**

2 **Q.** At that time, Mr. Zint, you knew nothing about the Hub;
3 isn't that correct?

4 **A.** No. I was fully aware of the Hub and its reputation.

5 **MS. BOURGAULT:** Your Honor, I'd like to read from
6 Page 64 of Mr. Zint's deposition, Line 2 to 4.

7 **THE COURT:** All right. Any objection?

8 Hearing none, go ahead.

9 **BY MS. BOURGAULT**

10 **Q.** (As read)

11 **"QUESTION:** So what at that time did you know" --
12 excuse me.

13 "So what, at that time did you know anything
14 about the Hub?

15 **"ANSWER:** No."

16 **A.** Okay. I need to clarify --

17 **THE COURT:** No, no. You don't get to ask -- no.

18 **THE WITNESS:** All right.

19 **THE COURT:** She gets to read and then we go to the
20 next question.

21 **THE WITNESS:** All right.

22 **THE COURT:** Please, next question.

23 **BY MS. BOURGAULT**

24 **Q.** Mr. Zint, when you lined up on the sidewalk in front of
25 the Hub during the first occupation, did you need to pitch

1 tents on the sidewalk in order to be in line at the Hub?

2 **A.** When you are exposed to the elements, you die. It's that
3 simple. And to request a homeless man to not shelter himself
4 from the elements is part of why we did this. It's murder.

5 **Q.** So you waited in line at the Hub, but you also were in
6 tents on the sidewalk; is that right?

7 **A.** This protest --

8 **Q.** Mr. Zint, I think that -- that's a "yes" or "no" question.

9 **A.** I think that -- yes, we were in tents on the sidewalk,
10 yes.

11 **Q.** Now, over time -- I'm speaking generally now -- First They
12 Came for the Homeless has attracted members from out of state;
13 isn't that right?

14 **A.** First They Came for the Homeless is not limited to
15 California.

16 **Q.** Which of the members of the encampment that stayed with
17 you on the sidewalk outside of the Hub came from out of state?

18 **A.** I don't know. It's not -- it's not something I asked, as
19 to where they came from.

20 **Q.** Michelle Lott had moved to join First They Came for the
21 Homeless from West Virginia?

22 **A.** Michelle Lott was a participant in the post office
23 occupation.

24 **Q.** She was from West Virginia?

25 **A.** I believe so, yes.

1 Q. And her son Tanis, who was with you outside the Hub, he
2 was also from West Virginia?

3 A. Yes. Tanis showed up just before the protest.

4 Q. Melissa Dewey, who was with you outside the Hub, at least
5 by the second occupation of the Hub, she was from North
6 Carolina?

7 A. Okay. I don't know. I don't know.

8 Q. And what about Dimitri? Where was Dimitri from?

9 A. I don't know.

10 Q. You have no idea?

11 A. It didn't matter to me where they were from. It mattered
12 to me that they were suffering.

13 Q. Now, when you lived in the First They Came for the
14 Homeless encampments in Berkeley during this time frame,
15 October 2016 to January 2017, you lived there out of necessity;
16 isn't that true?

17 A. Yes.

18 Q. And living in a tent out of doors was your means of
19 sheltering yourself?

20 A. Yes.

21 Q. And the protest was secondary behind sheltering yourself;
22 correct?

23 A. The protest was performed by homeless people who need to
24 have lived the protest to succeed in protesting.

25 MS. BOURGAULT: All right. Your Honor, I would like

1 to strike the answer as nonresponsive.

2 **THE COURT:** What she's asking, I think, is that your
3 primary reason for living in a tent was shelter and your
4 secondary reason was protest.

5 Is that your question?

6 **MS. BOURGAULT:** Correct.

7 **THE COURT:** Is that true or not?

8 **THE WITNESS:** No. There was no separation and
9 motivation.

10 The motivation was to protest. The tactic needed, because
11 of our housing situation, was to do it inside of tents with
12 everything that we owned. Because that's just the necessity of
13 homelessness, you have no choice in these things.

14 **THE COURT:** All right. Next question.

15 **BY MS. BOURGAULT**

16 **Q.** So you chose spots for your encampment in prominent places
17 in Berkeley that were chosen for maximum visibility?

18 **A.** That, and other things.

19 **Q.** What other things?

20 **A.** We needed a bathroom obviously. We needed a place where
21 the encampment residents could charge their cell phones and
22 such, like a Starbucks. And we needed coffee.

23 Those were basically -- that, and the visibility were the
24 four things that we were looking for.

25 **Q.** Was there a public restroom near the Hub?

1 **A.** When we were at the Hub, we had the NAACP allowing us to
2 use their restroom. We had -- there is a type of, like a
3 drop-in center right down the street that Christina Murphy was
4 running. We were able to use that bathroom.

5 The only bathroom that we were not allowed to use was the
6 bathroom inside the Hub.

7 **Q.** Now, you believe that homeless encampments should not be
8 inside a neighborhood community?

9 **A.** I believe that until the perception of the community
10 changes on what a homeless person is, it's very difficult to
11 succeed in getting an encampment mixed into a residential
12 community.

13 **Q.** But your firm belief is that encampments do not belong in
14 residential neighborhoods; is that right?

15 **A.** It's my firm belief that you cannot succeed in
16 establishing an encampment in a residential neighborhood with
17 the current perception of what homelessness is.

18 **Q.** So your particular view is that homeless encampments do
19 not belong inside neighborhood communities or next to a
20 business; isn't that right?

21 **A.** No, that's not correct. A homeless community is a
22 neighborhood community.

23 **MS. BOURGAULT:** Your Honor, I'd like to read from
24 Page 179 of Mr. Zint's deposition, Line 22 through Page 180,
25 Line 8.

1 **THE COURT:** Please. Any objection?

2 **MS. JOHNS:** No, Your Honor.

3 **THE COURT:** All right. Please go ahead. Read it.

4 **BY MS. BOURGAULT**

5 **Q.** (As read)

6 **"QUESTION:** Do you think they were appropriate
7 locations for a homeless encampment if you -- if you
8 took away the idea that you wanted to be visible?

9 **"ANSWER:** I -- I have particular views on what is an
10 appropriate location for a homeless camp. I do not
11 believe that a homeless camp belongs inside a
12 neighborhood community. I don't believe that. I
13 don't believe that a homeless camp belongs next to a
14 business."

15 **MR. SIEGEL:** That's not the whole answer, Your Honor.

16 **THE COURT:** You have to read the entire answer, if
17 there is more. Please read the entire answer.

18 **MS. BOURGAULT:** Okay, Your Honor. Line 9 through
19 Line 16.

20 **BY MS. BOURGAULT**

21 **Q.** (As read)

22 **"ANSWER:** I do believe homeless belong on the
23 outskirts with transportation, adequate transportation
24 for the homeless to get to and from services. I also
25 believe that whatever homeless camp goes in should

1 have centralized services there provided by the City
2 at the one location instead of having people travel,
3 so..."

4 And so during the October 2016 to January 2017 time frame,
5 these were locations that you personally would not recommend to
6 place a sanctioned tent encampment?

7 **A.** These locations were not locations for an encampment.
8 These were locations for a protest.

9 **Q.** And so you admit that sometimes these encampments were
10 incompatible with the surrounding uses, the surrounding
11 purposes of the neighborhood?

12 **A.** The encampment was a protest.

13 **Q.** And at every encampment you erected empty tents and used
14 them for storage, including kitchen tents and leaving a tent
15 available in case someone needed one?

16 **A.** When we were able to, yes.

17 **Q.** So the encampment generally had extra tents; isn't that
18 right?

19 **A.** Not generally, no. I cannot say when we had extra tents.
20 There were occasional empty tents and there were times when we
21 had no tents for people who were showing up.

22 **Q.** So supporters often donated tents to the encampment?

23 **A.** People all over the area would donate as the raids were
24 occurring.

25 **Q.** And one of the tents, during a period of time when the

1 encampment was in various locations, was used as a chamber pot
2 or toileting facility for one of the members of the encampment
3 who had dysentery; isn't that right?

4 **A.** I would rather him deal with this issue inside of his tent
5 than on your city sidewalk. There are no bathrooms available.

6 **Q.** It's correct then that he used a tent as a toileting
7 facility when the encampment was in various locations?

8 **A.** Of course it was correct.

9 **Q.** Now, at every -- every removal that the City conducted of
10 your encampments, you received notice prior to the removal;
11 correct?

12 **A.** Notice was issued, yes.

13 **Q.** And typically the notice was at least 72 hours, but not
14 always; right?

15 **A.** I can't say.

16 **Q.** When you received notice, you photographed it, publicized
17 it and prepared by posting it on Facebook?

18 **A.** Correct.

19 **Q.** And you would contact Cop Watch, the Berkeley Cop Watch?

20 **A.** Correct.

21 **Q.** And you would contact the National Lawyers Guild?

22 **A.** Correct.

23 **Q.** And your purpose in contacting them was so that they would
24 come out to the encampment and help prevent the removal of the
25 encampment?

1 **A.** Incorrect.

2 **Q.** What was the purpose?

3 **A.** The purpose was to bear witness to protect us from the
4 police.

5 **Q.** Okay. And you had a phone tree, and the goal of that was
6 to bring out as many supporters of the encampment as possible?

7 **A.** It was to activate our support network to move the
8 encampment.

9 **Q.** So you had a support network?

10 **A.** Of course. Yes, ma'am.

11 **Q.** And when you received the notices from the City that you
12 needed to pack up, begin packing up and leaving, you did not
13 pack up and leave because you wanted the City to come and kick
14 you out?

15 **A.** Yes.

16 **Q.** And the first time that you were camped on an Adeline
17 median, I believe it was in the October 7th or 8th through the
18 18th, the first time you were on the Adeline median, it took
19 more than five hours for the City staff to remove that
20 encampment; right?

21 **A.** Correct.

22 **Q.** And during that time various people who were members of
23 the encampment were singing songs?

24 **A.** Yes. They were on the megaphone. They were quoting
25 scripture, singing songs, reading the U.N. Declaration of Human

1 Rights; all protest-related materials.

2 Q. And the City allowed all of that various activity to go
3 on, correct?

4 A. The activity continued. I'm not -- I can't say whether
5 they allowed or disallowed it. It did happen.

6 Q. And when the City would show up to do these encampment
7 removals, you had a strategy, and that was to purposely move
8 slowly?

9 A. I had a strategy based on both physical need and an
10 understanding of the -- that we needed public exposure and the
11 way to get that was for the sun to come up.

12 Q. So part of your strategy was to purposefully move slowly?

13 A. Our strategy at the very beginning, the very -- actually,
14 the first two was to move slowly.

15 On the first episode we wanted traffic on the road to see
16 how the police were going after disabled people. That was part
17 of the protest.

18 Q. And that was your tactic; correct?

19 A. On that occasion, yes. Our tactics changed, just like the
20 police's did.

21 Q. You wanted it to cost the City as much money as possible?

22 A. I wanted to duplicate Martin Luther King's tactics of
23 the -- of the bus boycott.

24 Q. That wasn't my question. Did you want to cost the City as
25 much money as possible?

1 **A.** My goal was to break their budget, to stop them, to get
2 the attention of the community on the waste of money the City
3 was using playing Homeless Whack-A-Mole.

4 **Q.** And you wanted the cops on the scene as long as possible?

5 **A.** Yes. It's very expensive.

6 **Q.** And so you moved slowly?

7 **A.** No. It's not just that we moved slowly. The first couple
8 of times we moved slowly. As I said, this whole protest
9 evolved both in tactics and how we were treated.

10 **Q.** And after the first couple of times of doing this slow
11 walking the removal, the police caught on to what you were
12 doing and they changed their tactics; correct?

13 **A.** The police wanted us to move faster, yes.

14 **Q.** And what tactics did they change in order to get you to
15 move faster?

16 **A.** Well, they started to become scary.

17 **Q.** They required you to actively pack. That's when they
18 started requiring that members of the encampment actively pack
19 their belongings; correct?

20 **A.** That's the term that they used, yes.

21 **Q.** Now, you mentioned that your encampment set up on Shattuck
22 in front of the business, the D.B.A., the business district
23 prior to going to the Hub the second time?

24 **A.** Yes.

25 **Q.** And the City did not remove from you that location;

1 correct?

2 **A.** No, no, no.

3 **Q.** Now, you have no idea why the City called for the removals
4 of your encampment and it is all speculation on your part to
5 decide why they -- or to know why they did it; correct?

6 **A.** My opinions on police actions against homeless people are
7 based on 13 years experience in the homeless community and
8 seeing these tactics used repeatedly.

9 **Q.** You never had any Berkeley City official tell you why they
10 were doing the removals and the only thing you know about it is
11 hearsay. You never got any information directly from a
12 Berkeley City official.

13 **A.** Are you referring to our encampments being removed or
14 other homeless groups being removed?

15 **Q.** I'm talking about you personally with your encampments
16 being removed. You never got any information from a City
17 official about why that happened?

18 **A.** Umm --

19 **Q.** Or did you get any information from a City official about
20 why that happened?

21 **A.** I'm still confused by this question. I don't know if you
22 mean what motivated the City to actually come in, or what they
23 were saying, or if you're talking about the typical health and
24 safety concerns that the City would manufacture against the
25 encampment. I don't know what you're referring to.

1 Q. So that's what you heard from City officials, was that
2 they had health and safety concerns about the encampments?

3 A. No, I didn't hear it. You guys handed it to us in every
4 notice. It's in the notice. It is -- it is -- your notice is
5 a printed-off form that is handed to all people and in it it
6 says "health and safety violations" or "health and safety
7 concerns." That is the catch phrase that is used to remove
8 homeless encampments.

9 Q. Now, during the time that your encampment was on the north
10 side of 2180 Milvia Street, which is the Berkeley City Hall,
11 were you aware that somebody from the encampment spread feces
12 on the doors of City Hall?

13 A. I am aware that you have accused us of such a thing and
14 have yet to produce any evidence.

15 Q. Were you aware that somebody was writing pro-suicide
16 messages in paint on the sidewalks around the Civic -- the City
17 Hall area and across from the high school?

18 A. Yes. That was one of the most concerning episodes of the
19 protest. We discovered that we had a suicidal protestor in our
20 group and it was done inappropriately across the street from
21 the high school.

22 It did generate a very important conversation about
23 suicide within the mental health community of Berkeley, but it
24 was inappropriate and should not have occurred.

25 Q. You did not kick that member out of your encampment?

1 **A.** I am not going to kick a suicidal man out of his support
2 network.

3 **Q.** And you didn't take charge of maybe moving the encampment
4 to a more appropriate place, where you could deal with --

5 **A.** No. We -- I'm sorry.

6 **Q.** Excuse me. Let me finish my question.

7 **A.** Sorry.

8 **Q.** ...where you could deal with your member who had suicidal
9 ideation?

10 **A.** We are first and foremost a protest. We are not Berkeley
11 mental health. We have mental health professionals who are
12 there. They came out and they evaluated Tanis. He actually
13 got more help with our encampment than the latest suicides that
14 have occurred in the homeless community in Berkeley.

15 **Q.** Now, during the time frame that your encampment was in and
16 around these high profile Berkeley locations in October 2016 to
17 January 2017, the City was regularly performing other homeless
18 encampment removals; isn't that right?

19 **A.** I did not witness a single removal during our protest.

20 **Q.** But you knew that they were happening?

21 **A.** I did not know they were happening.

22 **MS. BOURGAULT:** Your Honor, I'd like to read from
23 Page 95 of Mr. Zint's deposition, Line 11 through Line 18.

24 **THE COURT:** Any objection?

25 **MR. SIEGEL:** One second.

1 (Brief pause.)

2 **MS. JOHNS:** No objection, Your Honor.

3 **BY MS. BOURGAULT**

4 **Q.** (As read)

5 **"QUESTION:** Okay. So do you have information about
6 the City conducting encampment removals or, to use
7 your term, quote/end quote, raids in other parts of
8 Berkeley, not First They Came for the Homeless camps?

9 **"ANSWER:** They raided two camps that I'm aware of
10 during the Poor Tour, and that was right at the
11 beginning of the Poor Tour where they hit the Second
12 Street and Gilman area a couple of times. And then
13 those raids stopped and they concentrated all their
14 resources on just us."

15 **A.** That would be --

16 **Q.** There is no question pending, Mr. Zint.

17 **THE COURT:** Well, no question pending. Go ahead,
18 next. Next question.

19 **BY MS. BOURGAULT**

20 **Q.** Now, you do believe that some of the homeless encampments
21 in Berkeley are a threat to the community because there were
22 bad, bad things going on there; right?

23 **A.** There are criminal activities that are occurring in
24 Berkeley, both housed and homeless, and I do not condone
25 criminal activities in any way.

1 Q. And during the time that you had your encampment moving
2 from the medians to the City Hall area and there was a man
3 arrested, you alluded to this in your earlier testimony, for
4 being a sexual -- for being a child molester who was
5 essentially on the lam; isn't that right?

6 A. Yes. This person had been on the streets of Berkeley for
7 a couple of years and he showed up at the encampment to join
8 the protests, oddly enough.

9 Q. And he camped with your camp for approximately a month
10 before he was arrested?

11 A. I don't know. I don't know how long he was there. I know
12 that he was on the side of the high school.

13 Q. Now, the membership of your group has changed continuously
14 over time?

15 A. The -- First They Came for the Homeless is -- they had a
16 core group and then as time passed, more people from the
17 homeless community would join. But unfortunately for our
18 movement, 9 of the 12 founding members have since passed, so...

19 Q. Now, Mike Lee was one of the members who joined First They
20 Came for the Homeless at the post office and he was kicked out
21 for sexually harassing women?

22 A. That's not exactly how it worked. Mike Lee was not kicked
23 out of the post office --

24 MS. BOURGAULT: Your Honor, I would like to read from
25 the --

1 **THE COURT:** Well, wait --

2 **MS. BOURGAULT:** I didn't say from the post office.

3 **THE COURT:** The witness can finish their answer and
4 the lawyer can read your prior testimony.

5 **THE WITNESS:** Okay.

6 **THE COURT:** But you had not finished your answer.
7 Please finish it.

8 **THE WITNESS:** All right.

9 **A.** He was not kicked out of the protest. The sexual assault
10 that he did occurred many months later and actually got him
11 kicked out of the Poor Tour encampment.

12 **BY MS. BOURGAULT**

13 **Q.** That was actually my question. I'm sorry for the
14 confusion.

15 He was kicked out of the Poor Tour because he was sexually
16 harassing women?

17 **A.** Correct.

18 **Q.** And another long-time member of the group who was with you
19 during the Poor Tour, Brett Schnaper, he was kicked out later
20 for asserting mind control over one of your younger members?

21 **A.** He was a predator of autistic and had a history of -- I
22 don't even know how to -- how to describe what he would -- what
23 he was capable of doing.

24 But what he did with the victim did not occur in camp. It
25 was actually camp that caught on to what he was going on and

1 rescued the victim and then took care of the situation with the
2 police.

3 **Q.** Now, Mr. Royer, you first met Mr. Royer at the second
4 occupation of the encampment at the Hub; is that right? And so
5 the first time you were at the Hub, Mr. Royer was not with you.

6 **A.** No, no.

7 **Q.** And when he joined you at the Hub during the second
8 occupation, that was the first time he was a member of the
9 encampment?

10 **A.** That was our first introduction to Ben.

11 **Q.** And Adam Bredenberg, in your opinion, another plaintiff in
12 this case, he doesn't need to be homeless because he's well
13 educated; correct?

14 **A.** Education is not a guarantee of housing.

15 **MS. BOURGAULT:** Your Honor, I'd like to read from
16 page 120 of Mr. Zint's deposition, line 16, to page 121,
17 line 5.

18 **THE COURT:** Any objection?

19 **MR. SIEGEL:** It's not impeachment.

20 **THE COURT:** Let me see it then, please.

21 Where is the starting point again?

22 **MS. BOURGAULT:** Line --

23 **THE COURT:** No. Page.

24 **MS. BOURGAULT:** Sorry. Page 120, line -- I think it's
25 line 25, to 121. I was going to stop at 1, but you need to go

1 all the way down to 6.

2 **THE COURT:** Well, it's arguably inconsistent.

3 Objection overruled. Please read it.

4 **MS. BOURGAULT:** Thank you, Your Honor.

5 **"QUESTION:** And where is Adam now?

6 **"ANSWER:** I believe he's up north.

7 **"QUESTION:** And do you know what state he's in?

8 **"ANSWER:** Oregon, I'm pretty sure.

9 **"QUESTION:** And he has housing now?

10 **"ANSWER:** I don't know. Adam is a protester. He
11 showed up for the specific purpose of protesting. He
12 stayed with us to protest. Adam has a master's
13 degree. Adam can teach college. He does not need to
14 be a homeless person. He was one of the ones who went
15 homeless to help because the message that we were
16 doing was so important to him. Plus he brought in the
17 experience from Africa on the way African villages
18 operate."

19 **BY MS. BOURGAULT:**

20 **Q.** Mr. Zint, supporters of your encampment provided gear,
21 including sleeping bags, tents, tarps, and food, to your
22 encampment; correct?

23 **A.** Yes.

24 **Q.** And well-intentioned community members would drop off
25 items, including furniture?

1 **A.** We had couches show up.

2 **Q.** And the community was responsible for picking up this
3 community property or retrieving it from storage; isn't that
4 right?

5 **A.** You're being all-inclusive, and it's not an all-inclusive.
6 It was not everybody in Berkeley.

7 There were members who helped us move, and there were
8 people who would come and dump a bunch of stuff on camps, such
9 as couches and mattresses and trash.

10 **Q.** And those couches and mattresses --

11 **THE COURT:** I'm sorry. Somebody is coughing back
12 there. Would you take that person a cough drop.

13 The jury has to hear the testimony, sir.

14 **MS. BOURGAULT:** Ma'am.

15 **THE COURT:** If you're going to be making noise, you've
16 got to go in the hallway, please.

17 I'll ask the CSOs to help police this.

18 I want the jury to hear the testimony, and you're
19 disturbing the proceedings. So if you're sick, you need to go
20 outside. Thank you. I'm sorry, but that's the way it has to
21 be.

22 All right. Go ahead. Continue.

23 **BY MS. BOURGAULT:**

24 **Q.** Now, Barbara was one of the supporters who would pick up
25 items from City Storage on Second Street; correct?

1 **A.** I believe so, yes.

2 **Q.** And so you knew that that was the process for -- you knew
3 that there was a process for retrieving items from storage?

4 **A.** I knew that you guys were telling us of this process.

5 **Q.** And EmilyRose Johns, your lawyer here today -- or the
6 lawyer that's representing the plaintiffs, she became the
7 lawyer for you and your encampment back in 2015?

8 **A.** She first --

9 **MS. JOHNS:** Objection; relevance.

10 **THE COURT:** I'm sorry. What?

11 **MS. JOHNS:** Objection; relevance.

12 **THE COURT:** What is the relevance?

13 **MS. BOURGAULT:** I just am trying to point out that the
14 community had a lawyer and representation during the time that
15 they were on the Poor Tour and needed, ostensibly, help in
16 retrieving property.

17 **THE COURT:** All right. Overruled.

18 You can answer the question.

19 **BY MS. BOURGAULT:**

20 **Q.** When did Ms. Johns begin representing the encampment? It
21 was 2015; correct?

22 **A.** That is when I met her.

23 **Q.** You're saying she wasn't representing the encampment back
24 then?

25 **A.** No. She was representing homeless people that had been

1 arrested during our protest at City Hall called Liberty City.

2 **Q.** Now, the City's homeless outreach worker, Eve Ahmed, she
3 was personally present at many of these encampment removals;
4 isn't that right?

5 **A.** I can't remember.

6 **Q.** And you met Eve when you first came to Berkeley because
7 her job was to try to steer you into shelter?

8 **A.** Her job was to try to make homeless people vanish.

9 **Q.** Was her job to steer you into shelter?

10 **A.** I don't recall.

11 **MS. BOURGAULT:** Your Honor, I'd like to read from
12 page 189 of Mr. Zint's deposition, line 6 through 12.

13 **THE COURT:** Any objection?

14 **MS. JOHNS:** No objection, Your Honor.

15 **THE COURT:** Please go ahead.

16 **MS. BOURGAULT:**

17 **"QUESTION:** Now, do you know Eve Ahmed?

18 **"ANSWER:** Yes.

19 **"QUESTION:** And how do you know Eve?

20 **"ANSWER:** Eve Ahmed was a lady. I first met her when
21 I came to Berkeley. Her job was to try to steer me
22 into a shelter. That was my first experience with
23 her."

24 **Q.** In twenty- --

25 **MR. SIEGEL:** That's not the whole answer.

1 **MS. BOURGAULT:** Well, I'm going to get to that.

2 **THE COURT:** Read the --

3 **MS. BOURGAULT:** I can read that. I'm happy to read
4 that.

5 **THE COURT:** You have to always read the full answer.

6 **MS. BOURGAULT:** Okay. To continue, line 13:

7 **"ANSWER:** My second experience with her was after
8 Liberty City was raided and everything was confiscated
9 and thrown away. The go-to person was Eve on that.
10 We were supposed to go check with Eve on getting our
11 stuff back and where it was stored. And she gave us
12 the runaround for, I believe, four weeks before she
13 finally admitted that it never made it into storage.
14 It was thrown away immediately."

15 And, Your Honor, if I may, then:

16 **"QUESTION:** But you knew she was the go-to person?

17 **"ANSWER:** Yes, she was. Her name was given to us
18 directly. Eve Ahmed was given to us with her card as
19 the person to contact."

20 **BY MS. BOURGAULT:**

21 **Q.** You had more than a dozen supporters, housed people,
22 helping your encampment?

23 **A.** I don't have an actual number, but there were more than
24 five.

25 **Q.** Barbara, Tony, and Mike were among the most prominent?

1 **A.** Yes. They were there pretty much for every raid.

2 **Q.** And every time there was a so-called raid, they would go
3 and retrieve property because it was important to you to get
4 the property back?

5 **A.** No, that's not how it happened.

6 The job of the support network was -- was several
7 different things. Retrieving gear was one of them.

8 **Q.** Well, that wasn't my question. My question was: Every
9 time there was gear placed into City Storage, these supporters
10 would go retrieve it because it was important to you and to
11 them to get it back?

12 **A.** It was important to document the fact that we were unable
13 to get back what was confiscated. That's why they were doing
14 it.

15 **MS. BOURGAULT:** Your Honor, I'd like to read from
16 page 44, line 11, through -- the end of the question would be
17 the following page, 45, line 5.

18 **THE COURT:** All right. Any objection?

19 **MS. JOHNS:** No, Your Honor.

20 **THE COURT:** All right. Please read it.

21 **MS. BOURGAULT:**

22 **"QUESTION:** Okay. Did you -- and did you ask people
23 to go to the City Storage area and --

24 **"ANSWER:** Every time, yes. We could not -- okay. We
25 needed those tents back because shelter from the

1 elements is crucial if you're homeless. And as
2 homeless people with no money, very little income,
3 we're talking among the entire group, we could not
4 continue to replace the tents and the tents -- the
5 tent poles that they were breaking. You know, we
6 could not do that. So we ended up with a couple dozen
7 of half-assembled tents that were no good to us that
8 needed to be replaced. You know, and some of those
9 were replaced from donations, but most of those were
10 replaced from the homeless themselves digging into
11 their pockets to make sure that everybody was taken
12 care of."

13 **BY MS. BOURGAULT:**

14 **Q.** Now, Mr. Zint, did your community ever consider pooling
15 your money to find a group rental that you could live in?

16 **A.** No.

17 **Q.** And you mentioned and you referred to the rules in your
18 opening testimony. Did your encampment have rules related to
19 writing pro-suicidal messages across from a school?

20 **A.** I would say that that would be a violation of the good
21 neighbor policy.

22 **Q.** But Mr. Higgs was not kicked out of the camp for that, was
23 he?

24 **A.** Again, I explained that a suicidal man is not going to
25 lose his support network on my watch.

1 **MS. BOURGAULT:** Your Honor, I have no further
2 questions.

3 **THE COURT:** Thank you.

4 **MS. BOURGAULT:** I would reserve my right to recross.

5 **THE COURT:** Of course.

6 May the witness be excused?

7 **MS. JOHNS:** I have redirect, Your Honor.

8 **THE COURT:** All right. Let's hear the redirect.

9 **REDIRECT EXAMINATION**

10 **BY MS. JOHNS:**

11 **Q.** First may I ask, who is Paul Blake?

12 **A.** Paul Blake is -- or, at the time of all of this, was the
13 commissioner of mental health. I am not sure if he is still
14 the commissioner of mental health in the City or one of the
15 commissioners. He's also the owner of a Berkeley business.

16 **Q.** And beyond your conversations with him about protesting
17 the Hub, what was your reason for protesting --

18 **A.** My main --

19 **Q.** -- the Hub?

20 **A.** Sorry. My main motivation was Roberto Benito. It
21 infuriates me when a homeless man dies. And to have people
22 stepping over his body or walking by his body for a number of
23 hours before they realized that he was dead, that is what
24 caused this.

25 The moment that Paul Blake asked me to do this was one of

1 the most important moments of my life, not only because of the
2 honor and the trust that he put in me for such an important
3 task of handling this protest, but it's the person that he is.
4 And I'm a homeless man who has just been like vindicated in his
5 struggle. And a whole bunch of homeless people benefited from
6 that conversation that we had.

7 **Q.** What did you want from the City when you were conducting
8 First They Came for the Homeless, the Poor Tour?

9 **A.** We were --

10 **MS. BOURGAULT:** Your Honor, I don't believe that this
11 is within the scope of cross-examination.

12 **THE COURT:** Yes. It's close enough. Overruled.

13 Please answer.

14 **THE WITNESS:** One of the things that we wanted was a
15 piece of property to establish the encampment on, an
16 appropriate piece of property, community -- or publicly owned,
17 of course.

18 **BY MS. JOHNS:**

19 **Q.** What else did you want?

20 **A.** We wanted them to fix the Hub. When we started to
21 protest, each one of us would go into the Hub and sign up. And
22 as things developed and we got to get hands-on experience with
23 the inefficiency and the negative attitudes that were going on
24 in the Hub, it just -- it was ridiculous what we experienced.
25 So that was there, you know, to get it fixed.

1 We wanted to stop the criminalization of the homeless, you
2 know, the continued criminalization. We wanted the City of
3 Berkeley to stop chasing and wasting money and start listening
4 to the homeless community members, who are the only true
5 experts in the world on homeless. A Ph.D. is not an expert.
6 You have to be homeless to truly know what it's like.

7 And only a homeless person can get himself out of
8 homelessness. If the system gets you out of homelessness, it's
9 not the same thing; but if you work your way out of
10 homelessness on your own through what we're doing, it's a
11 higher chance of success.

12 **THE COURT:** All right. This has become a narrative
13 answer.

14 **THE WITNESS:** Sorry.

15 **THE COURT:** Please.

16 **MS. JOHNS:** Thank you, Your Honor.

17 **THE COURT:** Ms. Rose, you know the rules. No long
18 stories. No speeches.

19 **MS. JOHNS:** Thank you, Your Honor.

20 **BY MS. JOHNS:**

21 **Q.** When you describe a sanctioned encampment, in addition to
22 a piece of land, what else were you hoping that the City would
23 provide?

24 **MS. BOURGAULT:** Your Honor, I believe this is now
25 exceeding the scope of cross. These are questions that should

1 have been asked on direct.

2 **THE COURT:** It doesn't matter if it's within the scope
3 of what you asked. She can ask it.

4 **MS. BOURGAULT:** Okay.

5 **THE COURT:** You asked things that were generally
6 related to this.

7 But if this is just more speeches, no. We've got limited
8 time.

9 **MS. JOHNS:** Yes, Your Honor.

10 **THE COURT:** We've got to get to what actually happened
11 to him as opposed to -- we've given enough about what the
12 purposes were of the protests. That's been covered a lot. So
13 let's not ask that again.

14 **MS. JOHNS:** Okay. May I ask this one last question
15 about the facilities that they envisioned for a sanctioned
16 encampment?

17 **THE COURT:** The what?

18 **MS. JOHNS:** Facilities that they envisioned for a
19 sanctioned encampment? When they were asking the City for a
20 sanctioned encampment, what that would look like?

21 **THE COURT:** I think that's been covered already,
22 I think.

23 **MS. JOHNS:** I mean, I don't believe so, Your Honor.

24 **THE COURT:** All right. Ask the question, and a
25 very -- two-sentence answer can be given.

1 **MS. JOHNS:** Thank you.

2 **BY MS. JOHNS:**

3 **Q.** Can you specifically list the facilities that you
4 envisioned with a sanctioned encampment?

5 **A.** The piece of property, obviously, a Porta-Potty and trash
6 service.

7 **THE COURT:** Good succinct answer. Thank you.

8 **MS. JOHNS:** Thank you.

9 **THE COURT:** All right. Are we done?

10 **MS. JOHNS:** Yes, we're done.

11 **THE COURT:** All right. Any recross?

12 **MS. BOURGAULT:** No. Thank you, Your Honor.

13 **THE COURT:** All right. May the witness be excused?

14 **THE WITNESS:** Thank you.

15 **THE COURT:** Well, let me ask the lawyers.

16 Does anyone want to hold him for redirect?

17 **MR. SIEGEL:** No.

18 **MS. BOURGAULT:** No, Your Honor.

19 **THE COURT:** Mr. Zint, thank you for coming. You're
20 free to go.

21 **THE WITNESS:** Thank you, sir.

22 **THE COURT:** You can leave the exhibit here. The
23 lawyers will take care of it. Have a good day.

24 (Witness excused.)

25 **THE COURT:** Next witness.