

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:

For Plaintiffs: SIEGEL YEE BRUNNER AND MEHTA
475 14th Street
Suite 500
Oakland, California 94612
BY: DAN SIEGEL, ESQ.
EMILYROSE JOHNS, ESQ.

For Defendant: BERKELEY CITY ATTORNEY'S OFFICE
2180 Milvia Street
Fourth Floor
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 **Q.** And the laws about storage that you had mentioned, is it
2 your memory that the City Council was at least discussing the
3 way that homeless individuals were going to be able to store
4 their property, at the time that you were conducting your
5 protest?

6 **A.** Yeah, they were discussing it, but nothing ever really
7 came out of it. I mean, they tried. They said they were going
8 to start a program, but I never heard anything about it, you
9 know. And -- well, I don't want to elaborate any further.

10 **MS. JOHNS:** Those are all the questions that I have
11 for you on redirect, Mr. Sullivan.

12 **THE COURT:** All right. May Mr. Sullivan step down?

13 **THE WITNESS:** All right. Thank you.

14 **MS. BOURGAULT:** No further questions, Your Honor.
15 Thank you.

16 **THE COURT:** Do you need help to get down?

17 **THE WITNESS:** No, I got it.

18 **THE COURT:** Be careful. Take your time.

19 All right. Next witness, please.

20 (Witness excused.)

21 **MS. JOHNS:** We'd like to call Adam Bredenberg. Oh.

22 **THE COURT:** All right. Adam, your turn. Please raise
23 your right hand.

24

25

1 ADAM JONATHAN BURLING BREDENBERG,
2 called as a witness for the Plaintiffs, having been duly sworn,
3 testified as follows:

4 **THE WITNESS:** I do.

5 **THE CLERK:** Please be seated.

6 Speak clearly into the microphone and spell your name for
7 the record.

8 **THE WITNESS:** My name is Adam Jonathan Burling
9 Bredenberg. That's A-d-a-m, space, J-o-n-a-t-h-a-n, space,
10 B-u-r-l-i-n-g, space, B-r-e-d-e-n-b-e-r-g.

11 **THE COURT:** All right. Great. Please pull the
12 microphone about two more inches toward you.

13 **THE WITNESS:** Like this?

14 **THE COURT:** Yes. It'll catch your voice better. We
15 want everyone back there to hear you.

16 **THE WITNESS:** Is this good?

17 **THE COURT:** That's good. Thank you.

18 Go ahead, Counsel.

19 **MS. JOHNS:** Thank you.

20 DIRECT EXAMINATION

21 **BY MS. JOHNS:**

22 **Q.** Good morning, Mr. Bredenberg.

23 **A.** Good morning.

24 **Q.** How old are you?

25 **A.** I'm 28.

1 Q. Where were you born?

2 A. The city of Philadelphia.

3 Q. Is that in Pennsylvania?

4 A. Yes.

5 Q. Where do you currently reside?

6 A. Okay. So I guess I would say my permanent or long-term
7 residence is at my mother's house in Orlan, Pennsylvania.

8 My current -- I mean, the place where I'm literally
9 staying right now is at the Here There camp on Adeline Street.

10 Q. Please describe your educational background.

11 A. Okay. So I went to high school in Springfield Township,
12 which is where -- I mean, where I lived for most of my young
13 life with my family. That's in Pennsylvania.

14 And then I went to college at the University of Pittsburgh
15 where I studied English writing and English literature. My
16 degree was a Bachelor of Philosophy, which is a little bit more
17 challenging than a Bachelor of Science.

18 And that's it.

19 Q. What did you do after you received your Bachelor of
20 Philosophy?

21 A. I joined the Peace Corps almost immediately.

22 Q. And where did you serve in the Peace Corps?

23 A. The Republic of Namibia.

24 Q. What did you do in the Peace Corps?

25 A. I was teaching English as a second language.

1 Q. What did you do after serving in the Peace Corps?

2 A. Okay. So when I got back to the United States, I moved in
3 with my mother in Orlan.

4 I'm sorry. I should clarify that Orlan is a neighborhood
5 in Springfield.

6 So I moved in with my mother. I got a job with UPS, which
7 I worked for about a month until I was injured. I had a -- it
8 was never diagnosed, but it was like a back problem. So I
9 couldn't continue that job.

10 And I spent the winter recovering. And then in the late
11 spring or the summer, I took a road trip across the country.

12 Q. Why did you take a road trip across the country?

13 A. I suppose it was something I had always wanted to do.

14 Q. Did you have a destination?

15 A. I vaguely intended to go to California.

16 Q. Why is that?

17 A. I think for multiple reasons. First of all, it has, like,
18 a certain place in the mythology of America. You know, it's a
19 very famous place that I wanted to see.

20 And second of all, I thought it would be a good place to
21 get a job because there were, you know, supposed to be high
22 wages and lots of opportunities and so on.

23 Q. And did you make it to California?

24 A. I did.

25 Q. Where did you go first?

1 **A.** The first place I stopped in California was Malibu Beach
2 in Los Angeles.

3 **Q.** And where were you sleeping at the time that you were in
4 Malibu Beach?

5 **A.** Okay. So over the course of this road trip, I paid for a
6 few hotels, I couch surfed a little bit, but I also slept in
7 the car a lot. I don't -- I don't think I actually stayed a
8 single night in Malibu Beach. I just stopped there and went
9 for a swim.

10 **Q.** Did you eventually find a place to rent in California?

11 **A.** Yeah. I sublet an apartment in Modesto.

12 **Q.** And why didn't you stay -- or, excuse me. And did you
13 stay in Modesto?

14 **A.** Yeah. I stayed in Modesto for about a month.

15 **Q.** And what happened after a month?

16 **A.** Okay. So I was looking for work and I had not found any
17 up until that point. I had a job interview, and they hadn't
18 gotten back to me yet.

19 And then I found out about First They Came for the
20 Homeless, which was doing -- I believe it was on Facebook, they
21 were saying that they were protesting. And, you know, they
22 described their community model and so on. And they were being
23 evicted by police and requesting help.

24 So I thought, you know, that's something I wanted to see,
25 and I wanted to help them. So I drove out there, intending to

1 just stay for a weekend.

2 **Q.** Did you end up staying longer than a weekend?

3 **A.** Yeah. While I was there, I got a phone call from this
4 company that I'd interviewed with, and they said I didn't get
5 the job. So I had no reason to go back to Modesto, and I
6 really liked what they were doing; so I figured I might as well
7 continue helping them.

8 **Q.** Could you have afforded to pay rent in Modesto without a
9 job?

10 **A.** I don't remember how much money I had in the bank at that
11 time. So it's possible, but I think it would not have been
12 sustainable for much longer.

13 **Q.** Where did you sleep when you were with -- when you were in
14 Berkeley?

15 **A.** At the beginning, I slept mainly in my car.

16 As I got more comfortable with First They Came for the
17 Homeless, I began sleeping in a tent more and more often,
18 literally inside of their community or their camp.

19 **Q.** Had you become a member of First They Came for the
20 Homeless, to your understanding?

21 **A.** Yeah, I did become a member.

22 **Q.** What was your understanding of the purpose of the First
23 They Came for the Homeless encampment?

24 **A.** I think it's kind of complicated. There's, like, a sort
25 of dual purpose, where one purpose is to help people survive

1 and prosper and hopefully get out of homelessness by using
2 mutual community support, like sharing resources, keeping each
3 other safe, looking out for each other, and so on.

4 And the other is to put that model in the public view so
5 that people know the benefits and can imitate the model and
6 perhaps adjust the existing system. And obviously, we also
7 criticized the failures of the existing system.

8 **Q.** And within that, did you criticize Berkeley's failures
9 specifically?

10 **A.** Yes, of course.

11 **Q.** And how did you do that, personally?

12 **A.** Well, the first thing I did when I witnessed one of these
13 police raids was, I believe I spoke some Bible verses into a
14 microphone. Sorry. A megaphone.

15 After that, I went to City Council meetings. I would sit
16 in camp when I was free, and I would talk to people who came
17 by. And I also wrote a little bit.

18 **Q.** What was the Bible verse that you recited about?

19 **A.** The first one -- I mean, I think I quoted the Bible in a
20 later case; but the first one, during -- during this police
21 eviction, was the verse to the effect that the stone which the
22 builder refused will become the cornerstone.

23 **MS. JOHNS:** I'd like to show Exhibit 63A. It's a
24 video. It's going to have the same -- it's a clip. It's just
25 a few seconds. And I'd like to --

1 **THE COURT:** Any objection to 63A?

2 **MS. BOURGAULT:** Your Honor, I don't think I have any
3 objection. I haven't seen it but --

4 **THE COURT:** All right. Received in evidence.

5 **MS. BOURGAULT:** But it's a clip and I haven't seen it.

6 **MS. JOHNS:** It's different, though.

7 (Trial Exhibit 63A received in evidence.)

8 **MS. JOHNS:** All right. Set that up on the monitor.
9 You can play it when you're ready, please.

10 (Video was played but not reported.)

11 **BY MS. JOHNS:**

12 **Q.** So, Adam, do you see yourself depicted in this video?

13 **A.** Yeah. I'm in the center, a little bit to the left,
14 wearing, like, a beige jacket and blue jeans.

15 **MS. JOHNS:** Thank you. And would you please continue
16 the video.

17 (Video was played but not reported.)

18 **MS. BOURGAULT:** Your Honor, I would just ask that the
19 entire video also be admitted into evidence.

20 **MS. JOHNS:** It's been designated as Trial Exhibit 63.

21 **THE COURT:** All right. So all of 63?

22 **MS. BOURGAULT:** Correct, Your Honor.

23 **THE COURT:** Any objection to all of 63?

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

25 **THE COURT:** All of 63 is now in evidence.

1 (Trial Exhibit 63 received in evidence.)

2 **MS. JOHNS:** Thank you.

3 **BY MS. JOHNS:**

4 **Q.** And what were you trying to say with that Bible verse?

5 **A.** Right. Well, the meaning of the verse is that something
6 which was considered broken or imperfect will become a key part
7 of a new construction. And it's similar in meaning to the idea
8 that the meek will inherit the earth.

9 So I think, in general, you know, by quoting Jesus in that
10 context, it draws attention to the hypocrisy of people who have
11 an enormous amount of power and wealth, and they use their
12 power to control the poor rather than help them, and they
13 concentrate on preserving their wealth and power rather than
14 acting out of generosity.

15 **Q.** The day that you spoke that Bible verse, do you remember
16 the date?

17 **A.** That was the first raid that I was present on, which
18 I believe was 10/18/16, at Adeline and Derby.

19 I'm referring to this copy of our T-shirt again.

20 **Q.** Thank you.

21 And what else happened on that morning while you were --
22 while the police were present?

23 **A.** I believe other members of the camp made other statements
24 into the microphone. I remember one person read the United
25 Nations declaration on human rights or something like that. I

1 don't remember everything that was read.

2 Q. When you attended City Council meetings after this event,
3 did you speak at them?

4 A. Almost always, yes.

5 Q. And what kind of issues did you speak about?

6 A. Normally, I would go to a City Council meeting if there
7 was a specific event that had recently happened that I wanted
8 to tell people about, because I knew the meetings were
9 televised, or if there was a specific item on the agenda that I
10 wanted to discuss.

11 And usually, the point would be to criticize the behavior
12 of the City, explain what First They Came for the Homeless was
13 doing and how it was a positive alternative or something like
14 that.

15 Q. And how did you identify yourself when you spoke in front
16 of City Council?

17 A. By name, and as a member of First They Came for the
18 Homeless.

19 Q. And did other people speak at City Council and identify
20 themselves as First They Came for the Homeless members?

21 A. Yes.

22 Q. You wrote a -- you said you did a little writing as well.

23 A. Yeah.

24 Q. What kind of writing?

25 A. I wrote an opinion piece called something like "What Does

1 Community Mean?" And it was comparing the model of First They
2 Came for the Homeless, which is consensus based and
3 mutualistic, it was comparing it to the traditional lifestyle
4 of the Mbukushu people, which I experienced in the Peace Corps
5 as I stayed with them and taught English in a school on their
6 triable land.

7 **Q.** Where did you go next after you were removed on
8 October 18th, 2016?

9 **A.** Okay. So there's a bit of a complication. I mentioned
10 that I drove across the country; right? So I had a car. At
11 some point, I got a job. And so the question of where I --
12 where I went, it might be, like, I went to work, and then I
13 found out where the camp was and I went and rejoined them.

14 So the next place where I slept was with the camp.

15 **Q.** Where was that?

16 **A.** That would have been -- okay. 1901 Fairview is outside
17 the Hub; right?

18 **Q.** That's correct.

19 **A.** Yeah, it would have been that plaza outside the Hub.

20 **Q.** Did you sleep a night at the Triangle?

21 **A.** I definitely remember, you know, being in the camp near
22 the Triangle. It's possible that I slept in my car nearby.
23 I -- I don't recall exactly.

24 **Q.** When you stayed at the Hub at 1901 Fairview, were you able
25 to stay there for long?

1 **A.** As long as the camp stayed there. I don't know. It looks
2 like, according to these dates, I would say probably not.

3 **Q.** I'd like your best memory. And then, if you need to
4 refresh your recollection using that, we can do that. But if
5 you have a good -- if you have any memory of how long you --

6 **THE COURT:** It can't just be your best memory. It has
7 to be an actual memory.

8 **MS. JOHNS:** Yes. I'm sorry.

9 **THE COURT:** It can't be something that is just your
10 best guess. It has to be an actual memory.

11 **BY MS. JOHNS:**

12 **Q.** And if you don't remember, please let me know, and we can
13 refresh your recollection.

14 **A.** I do not remember how long we stayed outside the Hub.

15 **Q.** Okay. Do you remember the date that you were removed from
16 the Hub?

17 **A.** No.

18 **Q.** Okay. Would you like to look at the document to refresh
19 your recollection about the date you were removed from the Hub?

20 **A.** Down here it says 10/19/16.

21 **Q.** Okay. Was it -- could it have been November 4th, 2016,
22 that you were removed from the Hub?

23 **A.** Oh, I'm sorry. I'm reading these dates wrong. I --

24 **THE COURT:** Let's be clear on something. When she
25 says refresh your memory, you're not supposed to just read

1 something that's on the T-shirt or even if it was a sworn
2 document. You can't do that. It has to be a real memory.

3 And sometimes reading a document does refresh your memory.
4 Other times, I can tell all you're doing is just repeating
5 what's on there. You said, "It says this." Well, that's not
6 refreshed recollection.

7 **THE WITNESS:** I --

8 **THE COURT:** If we're going to do this the right way,
9 then, if it doesn't refresh your memory, the correct answer is
10 "I don't know." The answer is "I don't know."

11 But if it does refresh your memory, then you don't need
12 the piece of paper. Then from that point on, your memory is
13 refreshed. So you just give us the answer.

14 But I can tell what's going on here is you're just relying
15 on this piece of paper and not giving us your actual testimony.

16 So please keep that in mind. Let's try to do it the right
17 way.

18 **MS. JOHNS:** Yes, Your Honor. Thank you.

19 **BY MS. JOHNS:**

20 **Q.** So the pending question was: Could it have been
21 November 4th that you were removed from the Hub?

22 **A.** It was November 4th, yes.

23 **Q.** And had the behavior of the police, in your observation,
24 changed between October 18th, 2016, when you were removed from
25 the median, and November 4th, 2016, when you were removed from

1 the Hub?

2 **MS. BOURGAULT:** Objection, Your Honor. This is,
3 again, relating to the other case.

4 **MS. JOHNS:** He has to be allowed to testify to --

5 **THE COURT:** Well, you can testify as to what you
6 observed and how the police treated you as between Occasion 1
7 and Occasion 2. That's perfectly okay.

8 So go ahead and answer that.

9 **THE WITNESS:** Okay. I believe the police seemed
10 fairly patient at the -- at the event on 10/18.

11 On November 4th, they were much more eager to rush us, and
12 police and City workers would grab any piece of property that
13 they saw that wasn't attended to, and they would --

14 **MS. BOURGAULT:** Objection, Your Honor; relevance.

15 **THE WITNESS:** -- throw it in the back of trucks.

16 **THE COURT:** Overruled. It's all right.

17 Next question.

18 **MS. JOHNS:** Thank you.

19 **BY MS. JOHNS:**

20 **Q.** And without commenting on them any further, were there
21 arrests that day?

22 **MS. BOURGAULT:** Your Honor, I object that this
23 testimony relates to the other case that Your Honor already
24 found was --

25 **THE COURT:** You can ask if he was arrested.

1 **MS. JOHNS:** I can't ask --

2 **THE COURT:** Or if any of the plaintiffs were arrested,
3 but that's it. All those other arrests, I've already ruled
4 that those were perfectly okay.

5 **MS. JOHNS:** I understand, Your Honor. I wasn't asking
6 if they were unlawful or not okay. I was just asking him if
7 he -- if there were arrests that day, if he observed arrests
8 that day. I wasn't going to ask for any commentary on them
9 other than whether he observed arrests that day.

10 **MS. BOURGAULT:** Objection; relevance.

11 **THE COURT:** But that has nothing to do with -- unless
12 it's these three plaintiffs. Because then you're going to
13 start speculating and maybe the jury would imagine things.
14 I've already read that record, and I've ruled that those
15 arrests were fine.

16 **MS. JOHNS:** Okay. All I want --

17 **THE COURT:** But if the other three, these plaintiffs
18 here, were arrested, that's okay. You can ask about that.

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

20 **BY MS. JOHNS:**

21 **Q.** Where did you go after the police removed you from the
22 Hub?

23 **A.** I believe we went to Civic Center.

24 **Q.** Did you participate in the march to Civic Center?

25 **A.** I do not recall doing that, no.

1 Q. And how many additional times besides the two that you
2 testified to do you remember the police removing you from an
3 encampment, from a First They Came for the Homeless encampment?

4 A. I believe it was a total of seven times. So it would have
5 been five additional times.

6 Q. And after October 18th, did you see the police allow
7 participants in the protest to use megaphones in the way that
8 they did on October 18th?

9 A. I do not recall anyone using or being allowed to use a
10 megaphone after October 18th.

11 Q. Did you ever receive -- or, excuse me.

12 Did you -- what did you do with food at the encampments
13 when you stayed there?

14 A. Usually, we had -- we had a tent where we would store
15 sometimes both food and equipment, and sometimes there would be
16 a separate tent for each. We would seal that food in, like,
17 airtight waterproof containers.

18 MS. JOHNS: Okay. Those are all the questions that I
19 have.

20 THE COURT: All right. Cross-examination.

21 MS. BOURGAULT: Thank you, Your Honor.

22 CROSS-EXAMINATION

23 BY MS. BOURGAULT:

24 Q. Mr. Bredenberg, you stayed in Southern California for
25 maybe two weeks with a friend of your mother's when you first

1 finished your cross-country road trip; correct?

2 **A.** Yes, that is correct.

3 **Q.** So when you said that you stayed maybe just not even a
4 Saturday in Malibu, you forgot that you spent two weeks at your
5 mother's friend's house?

6 **A.** No, I didn't forget. We just skipped over that. She
7 asked me if I'd ever rented anyplace.

8 **Q.** Okay. And you said that you're staying currently at the
9 Here There camp. Is that for the purposes of attending this
10 trial?

11 **A.** Yes.

12 **Q.** Otherwise, you do not live there; correct?

13 **A.** I mean, I did not live there prior to coming out for this
14 trial, yeah.

15 **Q.** And you were never cited or arrested by the Berkeley
16 Police during any of these encampment removals, were you?

17 **A.** No. But the removals were performed under threat of
18 citation and arrest.

19 **Q.** And -- but you were never actually cited or arrested?

20 **A.** No, I was not.

21 **Q.** Now, the first time that you were present for a City
22 encampment removal, you had just arrived in Berkeley. You had
23 only been here a matter of a few days; isn't that correct?

24 **A.** That is correct.

25 **Q.** And you said you found First They Came for the Homeless on

1 Facebook?

2 **A.** That's right.

3 **Q.** You had no experience with the Berkeley Hub, the
4 coordinated entry system for homeless services, at the time
5 that you joined the encampment and read that Bible verse?

6 **A.** No, I did not.

7 **Q.** You never, in fact, ever sought services from the Hub?

8 **A.** No.

9 **Q.** Now, when the police came during that first encampment
10 removal -- you testified it was October 18th for the removal,
11 2016. The police came and told people to pack up and leave the
12 median, but that is not what people immediately did, is it?

13 **A.** On the contrary, I think some people did begin to pack,
14 and other people, at the same time, were protesting.

15 **Q.** Okay. So some people were playing music on their guitar;
16 for instance, the song "This Land is Your Land." Do you recall
17 that?

18 **A.** I don't recall that song specifically. I saw there was a
19 guy with a guitar in that video. I remember he had a guitar.
20 He probably did play it at some point that night. But he might
21 have been finished packing by that point. I don't know.

22 **Q.** And this particular encampment removal lasted from
23 approximately 5:00 a.m. to approximately 11:00 a.m.; right?

24 **A.** I remember the sun came up during the removal. I don't
25 know exactly how long it lasted.

1 **THE COURT:** What was the location? Is it marked on
2 the map?

3 **MS. BOURGAULT:** It is, Your Honor.

4 **THE COURT:** Which one is it? Which one? Can you tell
5 up there where -- what square we're talking about?

6 **THE WITNESS:** I believe this is Adeline and Derby. So
7 it would have been one of the ones in the middle there. That
8 looks about right.

9 Well, no. That looks like downtown.

10 It would have been somewhere around there, where she's
11 pointing now.

12 **MS. BOURGAULT:** Actually, Your Honor, it isn't.

13 **THE COURT:** That's the one on the median; right?

14 **THE WITNESS:** That was one of the ones on the median,
15 yeah.

16 **THE COURT:** All right. Let's get Ms. Johns to put a
17 sticker where it should be.

18 Ms. Johns, do you know where it is?

19 **MS. JOHNS:** And I'm looking for Adeline and Derby. So
20 I have found it right here and put a sticker here.

21 **THE COURT:** All right. Good. Thank you for that.

22 All right. So just, you lawyers, I want to help the jury
23 here. I want both lawyers to pay attention for a minute.

24 The first of these removals was what date?

25 **MS. BOURGAULT:** October 7th, 2016.

1 **THE COURT:** October what?

2 **MS. BOURGAULT:** 7th.

3 **THE COURT:** Do you agree with that, Ms. Johns?

4 **MS. JOHNS:** That was the first date of the removal.

5 **THE COURT:** And is that the one that's in the median?

6 **MS. JOHNS:** No.

7 **THE COURT:** Okay. Where was that one? At the Hub?

8 **MS. JOHNS:** Yes.

9 **MS. BOURGAULT:** And so far, Your Honor, the testimony
10 has been that none of these three plaintiffs were at that
11 removal.

12 **THE COURT:** Now, see? No. Please, please --

13 **MS. BOURGAULT:** Sorry.

14 **THE COURT:** -- stop.

15 I'm trying to just straighten out for the jury the dates
16 that we're talking about.

17 All right. The very first one was October?

18 **MS. JOHNS:** 7th.

19 **THE COURT:** 7th. And that was at the Hub?

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

21 **THE COURT:** The second one was what date?

22 **MS. JOHNS:** October 18th.

23 **THE COURT:** Where was that?

24 **MS. JOHNS:** That was at the median at Adeline and

25 Derby that we --

1 **THE COURT:** Do you agree with that?

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

3 **THE COURT:** Okay. And then where was the third one?

4 **MS. BOURGAULT:** At the Hub.

5 **THE COURT:** Back at the Hub. What was the date of
6 that one?

7 **MS. BOURGAULT:** November 4th, 2016.

8 **THE COURT:** Do you agree with that?

9 **MS. JOHNS:** So the police came to inform the
10 encampment that they needed to move on October 19th from the
11 Shattuck Triangle, but that's disputed between the parties. So
12 the next agreed place that the police removed them was
13 November 4th, 2016, at the Hub.

14 **THE COURT:** November what?

15 **MS. JOHNS:** 4th, 2016 at the Hub.

16 **THE COURT:** All right. So is that the last of the
17 events?

18 **MS. JOHNS:** That is not.

19 **THE COURT:** Is there another one?

20 **MS. JOHNS:** Yes.

21 **THE COURT:** What's the next one?

22 **MS. JOHNS:** The steps of City Hall on November 7th,
23 2016.

24 **THE COURT:** Do you agree with that?

25 **MS. BOURGAULT:** Yes, I do.

1 **THE COURT:** Okay. What's the next one?

2 **MS. JOHNS:** November 17th, from the south lawn of
3 Berkeley City Hall.

4 **THE COURT:** Agreed?

5 **MS. BOURGAULT:** Yes, I do.

6 **THE COURT:** Okay. All right. And?

7 **MS. JOHNS:** December 2nd, 2016 from the north lawn of
8 City Hall.

9 **THE COURT:** Agreed?

10 **MS. BOURGAULT:** Agreed.

11 **THE COURT:** Is that it?

12 **MS. JOHNS:** December 21st from the median at Adeline
13 and -- forgive me, and Oregon Street.

14 **THE COURT:** Agreed?

15 **MS. BOURGAULT:** Agreed.

16 **MS. JOHNS:** And that was on December 21st, 2016.

17 **THE COURT:** All right. And then what's the last, the
18 next one?

19 **MS. JOHNS:** So we have a dispute about whether the
20 next one was a removal. That was December 21st from the -- the
21 old City Hall lawn that Mr. Sullivan testified about.

22 **THE COURT:** So there is a dispute on that one.

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

24 **THE COURT:** All right. Is that it?

25 **MS. JOHNS:** And then the last one that's undisputed is

1 from the median at Spruce Street and Rose Street, or Shattuck
2 and Rose Street on January 6, 2017.

3 **THE COURT:** Do you agree with that?

4 **MS. BOURGAULT:** Well, I agree there was a removal on
5 Shattuck near Rose, not on Spruce.

6 **THE COURT:** All right. And is that -- she corrected
7 you?

8 **MS. JOHNS:** Yes. I'm sorry.

9 **THE COURT:** You stand corrected, all right. What date
10 was that?

11 **MS. BOURGAULT:** January 6, 2017.

12 **THE COURT:** Is that the last one?

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

14 **THE COURT:** All right.

15 **MS. JOHNS:** Yes.

16 **THE COURT:** So a few of those in there were disputed
17 but most of them were undisputed and I hope you made good notes
18 of that.

19 All right. Let's move on. Let's keep moving.

20 **BY MS. BOURGAULT**

21 **Q.** Mr. Bredenberg, you were not present for any
22 encampment-removal starting sometime in December 2016; correct?

23 **A.** It's true that I did go home for Christmas.

24 **Q.** And you got on an airplane and flew to Pennsylvania?

25 **A.** Yes.

1 Q. How many times during the time that you have been homeless
2 in Berkeley did you get on a plane and fly home to
3 Pennsylvania?

4 A. I don't remember. Maybe two or three. I think my mother
5 bought the tickets in each case.

6 Q. You never decided to stay at your mother's home?

7 A. No.

8 THE COURT: Is that where you were living before you
9 came out here for the trial?

10 THE WITNESS: Yes.

11 THE COURT: All right. Go ahead.

12 BY MS. BOURGAULT

13 Q. Now, at the median, the first time that you experienced an
14 encampment removal, you watched a clip of yourself reading a
15 Bible verse on a megaphone; correct?

16 A. Yes.

17 Q. And at that point you had never attended any Berkeley City
18 Council meeting; right?

19 A. That is true.

20 Q. And that Bible verse was read during an actual removal?

21 A. Yes.

22 Q. It had nothing to do with the City's decision to remove
23 the encampment that morning. The encampment removal was
24 already in progress; wasn't it?

25 A. I suppose so, yes.

1 Q. Now, at that point everything you knew about Berkeley's
2 handling of the homeless situation was things that you learned
3 from other members of the encampment?

4 A. Not entirely, but almost.

5 Q. And at this time you joined a gym so that you could take
6 showers, the 24 Hour Fitness gym?

7 A. Not exactly. I joined 24 Hour Fitness probably, I would
8 say, at some point during my road trip so I could take showers.
9 I didn't join it after arriving in Berkeley.

10 Q. After some of the removals that's what you would do before
11 you regrouped and found the group again, is actually go to the
12 gym and take care of some of your personal business?

13 A. Yes. I did -- I found out that they had a location in
14 downtown Berkeley.

15 Q. Now, going back to the time that you were -- on
16 October 18th, 2016 on the median reading that Bible verse, did
17 any Berkeley employee or police officer tell you to stop what
18 you were doing and put the megaphone down and to be quiet?

19 A. I don't know. I don't remember.

20 Q. Did you see anyone telling you to be quiet during the clip
21 that you watched?

22 A. No.

23 Q. There was a Spanish speaking man who was a member of the
24 encampment. Do you remember him, Ronald Regan, he was called?

25 A. Yes.

1 Q. And that was just a pseudonym?

2 A. Yes.

3 Q. He painted signs for the encampment; right?

4 A. That is true.

5 Q. And you -- did you paint any of the signs or post any of
6 the signs at the encampment?

7 A. Yes. Ronald Regan actually taught me some things about
8 painting.

9 Mike Zint would give me money, which we had collected from
10 donations, to go and buy paints and, you know, nice boards and
11 stuff to paint on and I would do some of the painting myself.

12 MS. BOURGAULT: Your Honor, I would like to read from
13 Mr. Bredenberg's deposition.

14 BY MS. BOURGAULT

15 Q. Actually, in your deposition you said that the only
16 first --

17 MS. BOURGAULT: No. I'm sorry, Your Honor. I don't
18 want to say that.

19 BY MS. BOURGAULT

20 Q. Isn't it true that you drew abstract images on the
21 sidewalk?

22 A. I did that also using chalk, yes.

23 Q. And what did these abstract images, what did they look
24 like?

25 A. The one I can remember involved some sort of, like, a

1 barrier or a wall and there were, like, swirling things which
2 were escaping through a break in the wall. So it represented,
3 like, an escape from control.

4 **Q.** And you said that you wrote one op-ed -- or you said you
5 wrote something. You were referring to an op-ed that you
6 wrote?

7 **A.** Yes.

8 **Q.** And you did that one time; correct?

9 **A.** As far as I can remember. I might have written other
10 things, but I don't remember at this time.

11 **Q.** And you don't recall when that op-ed was published,
12 whether it was during this time frame we're talking about or
13 later?

14 **A.** I do not recall that.

15 **Q.** You don't recall when you spoke at the City Council,
16 whether it was during this time frame or later?

17 **A.** I do not recall any of the dates that I spoke at City
18 Council. I -- I do feel like by the time we had been evicted
19 several times and by the time we were camping at Civic Center
20 and old City Hall, there had been several City Council
21 meetings. And people, I'm sure, had asked me to go to these
22 meetings and speak, since I was able bodied and I could spare
23 the time.

24 So even though I'm not certain, I would say it's very
25 likely that I had visited at least several times during the

1 course of the Poor Tour.

2 Q. But you have no specific memory of that and you're saying
3 that it's just possible?

4 A. I cannot say it with absolute certainty. I'm sorry.

5 Q. Now, when you worked as a member of the encampment, you
6 worked on a very part-time basis; right?

7 A. The first job I had I worked maybe 30 hours a week. The
8 second was something like sometimes 10 to 20, sometimes 15 to
9 25 hours a week.

10 Q. And you talked about how the police seemed to change
11 between the October 18th, 2016 encampment removal and one that
12 occurred on November 4th, 2016.

13 But you just acknowledged that during the first encampment
14 removal, that lasted hours on end; correct?

15 A. All I acknowledged, I think, was that I did remember see
16 the sun coming up. I'm not sure how long it lasted.

17 Q. Okay. You just don't remember?

18 A. I don't remember how long it lasted.

19 Q. And when you -- when you went to City Council meetings,
20 did anyone ever tell you that you couldn't be there?

21 A. No.

22 Q. Did anyone ever prevent you from speaking?

23 A. I mean, the way it works at City Council meetings is that
24 there's -- you know, there's allotted times for comments. So
25 there's sort of a restriction on how much you can speak and

1 there might be a lottery as to whether you get to speak or not.

2 But no individual told me, like, no, you personally can't
3 speak, no.

4 **Q.** So you were allotted the same ability to speak at City
5 Council meetings and the same length of time as anyone else who
6 came to speak?

7 **A.** Yes.

8 **Q.** And you never lost any personal property during any
9 encampment removal that you have talked about?

10 **A.** That's true. I was able bodied and I had a car, so I
11 found it fairly easy to take care of my own property. I mean,
12 I'm an Eagle Scout, so I'm good at packing.

13 **Q.** And you have good executive functioning skills?

14 **A.** Fairly good.

15 **Q.** Executive functions skills help people do things such as
16 find housing and get jobs?

17 **A.** Umm, I mean, yes. That is one application.

18 **Q.** Now, Barbara and Tony helped transport property of the
19 encampment and move it to the new locations of the encampment
20 and retrieve it from storage; isn't that right?

21 **A.** I'm sorry. There was a long list of things.

22 **Q.** I can rephrase my question.

23 **A.** Yes, please.

24 **Q.** You're familiar with supporters of the encampment who go
25 by the name Barbara and Tony?

1 A. Yes.

2 Q. And they were each involved in helping transport
3 encampment property?

4 A. Yes.

5 Q. And they would go and collect it from the storage on
6 Second Street?

7 A. I'm not so sure about that.

8 Q. You don't -- did you ever go visit the storage container?

9 A. Okay. So -- so that's one complication. I don't remember
10 anything about a storage location on Second Street. I remember
11 a place called the Transfer Station, which might have been on
12 Second Street and I went there with Barbara once. But she was
13 driving and it was late at night, so I don't actually remember
14 where it was. I don't even remember when it was. But it was
15 during this Poor Tour.

16 Q. Okay. Now, you remember a member of First They Came for
17 the Homeless who was one of the original members named James
18 Cartmill?

19 A. I do.

20 Q. And he was kicked out of First They Came for the Homeless
21 for taking a tyrannical attitude and trying to take over?

22 A. That is true.

23 Q. Now, there were times during the removals that you sat
24 around and smoked and drank coffee; correct?

25 A. That sounds likely, yes.

1 Q. And --

2 MS. BOURGAULT: Well, that's it, Your Honor. I don't
3 have any further questions. I will reserve my --

4 THE COURT: I have a question. I'll ask the witness,
5 or maybe you two can just stipulate to it.

6 What is the difference between the Poor Tour and these six
7 or seven events from October to January? Are those the same
8 thing or different things?

9 MS. JOHNS: They are the same things, according to our
10 clients; that they started calling it the Poor Tour after they
11 were moved so many times.

12 THE WITNESS: I would be happy to answer that
13 question, Your Honor.

14 THE COURT: All right. Give us in one sentence. No
15 speeches, but one sentence.

16 THE WITNESS: Okay. First They Came for the Homeless
17 is the name of the organization and the method of organizing
18 this community.

19 While the Poor Tour is the series of protests which took
20 place as we were being evicted and raided multiple times
21 throughout the dates and locations we've discussed here.

22 THE COURT: All right. That helps, helps me
23 understand it better.

24 Okay. Anything more on redirect?

25 MS. JOHNS: Briefly, Your Honor.

REDIRECT EXAMINATION

1
2 **BY MS. JOHNS**

3 **Q.** You testified on cross examination that you were working
4 in Berkeley. Where did you work?

5 **A.** The first job I got was at a company called Monsen
6 Silversmiths in south Berkeley.

7 **Q.** And where did you work -- where was the second job you
8 got?

9 **A.** The second job I got was a company called Classroom
10 Matters on Sacramento Street.

11 **Q.** And how long did you work for Classroom Matters?

12 **A.** I think about a year and a half, although I -- I didn't
13 have any work from them in the summer.

14 **Q.** When did you get the job with Classroom Matters?

15 **A.** It was in January, after I came back from Philadelphia. I
16 don't remember the exact date, but I think I started in January
17 or February.

18 **Q.** Okay. And what efforts did you take to find housing when
19 you were in Berkeley?

20 **A.** Well, I think I took the efforts that would be considered
21 normal, like looking at websites to try and find, you know,
22 affordable opportunities. And I was also asking around the
23 community.

24 **Q.** Were you able to find housing during the Poor Tour, during
25 the duration of the Poor Tour?

1 **A.** I was not able to find anything that I would be able to
2 afford.

3 **Q.** And you described going to the Transfer Station with -- or
4 a place you believed to be the Transfer Station at night with
5 Barbara. What did you observe when you were there with respect
6 to the property of First They Came for the Homeless?

7 **A.** Someone told us where the property was being stored and
8 this thing we found was an open dumpster, which was filled
9 with -- some of it was stuff that I recognized, even though it
10 had been broken. You know, like a tent with broken poles that
11 had had something heavy, like, dropped on top of it, and some
12 of it was like a clothing, and some of it was trash. And it
13 looked like it was mixed in with stuff, you know, other
14 people's stuff. And, of course, it was all soaking wet.

15 **Q.** Thank you. I have no further questions.

16 **THE COURT:** All right. May the witness step down?

17 **MS. BOURGAULT:** Your Honor, I would just like to do a
18 brief recross.

19 **THE COURT:** All right. Come up here though.

20 **RECROSS EXAMINATION**

21 **BY MS. BOURGAULT**

22 **Q.** So you only went to the storage container or the Transfer
23 Station one time; is that right?

24 **A.** That is correct.

25 **Q.** And so the one time that you saw the property in this

1 container that you're describing, you don't know if that's --
2 that was the City's practice for how property was stored or
3 whether or not people interfered with the way that property was
4 stored and it ended up that way; is that right?

5 **A.** I remember that when we were -- on November 4th outside
6 the Hub I saw someone, either a policeman or --

7 **MS. BOURGAULT:** Your Honor, this is nonresponsive.

8 **THE WITNESS:** It is in response.

9 **MS. BOURGAULT:** I was talking about the Second Street.

10 **THE COURT:** It's not responsive. She's talking about
11 Second Street, not about the Hub.

12 **THE WITNESS:** I'm sorry.

13 **THE COURT:** So you need to pay attention to her
14 question and just answer her question.

15 **A.** The tent, which I referred to that I saw with the broken
16 poles in this dumpster, I saw it being placed into a truck
17 outside the Hub in such a way that it was damaged. So I know
18 that it was done by someone who wasn't being interfered with.

19 **BY MS. BOURGAULT**

20 **Q.** You have no idea whether or not that tent was something
21 that somebody asked the City to throw away or whether they
22 asked for it to be stored, do you?

23 **A.** It looked like a perfectly good tent before it was thrown
24 into the back of that truck.

25 **Q.** But you don't have any information about who that tent

1 belonged to or why it was there, do you?

2 **A.** I can't imagine anyone would say, "Please destroy my
3 perfectly good tent."

4 **Q.** That wasn't my question. You have no information about
5 whose tent that was or why it ended up where it did, do you?

6 **A.** I don't know who it belonged to, no.

7 **Q.** And do you have any information that that tent belonged to
8 any one of you three plaintiffs?

9 **A.** No.

10 **Q.** And my question was whether or not you had any information
11 about the way you saw property at the Transfer Station with the
12 normal policy and practice of the City for storing unattended
13 homeless property?

14 **A.** I know that -- no, I have no idea what the policy of the
15 City was. I'm sorry.

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

17 **THE COURT:** All right. We're going to have the
18 witness step down now.

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

20 (Witness excused.)

21 **THE COURT:** We will take a ten-minute break. Ten
22 minutes only. So you lawyers need to be ten minutes because
23 we'll start without you if you're not here. The jury is going
24 to be here.

25 All right. Thank you. See you in a minute.