

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF HAWAII

TABATHA MARTIN, et al.;

Plaintiffs,

vs.

CITY AND COUNTY OF
HONOLULU, a municipal
corporation; et al.;

Defendants.

Case No. CV 15-00363 HG-KSC

DECLARATION OF DANIEL M.
GLUCK; EXHIBITS "1"- "4"

DECLARATION OF DANIEL M. GLUCK

I, Daniel M. Gluck, declare that:

1. I am the Legal Director of the American Civil Liberties Union of Hawai`i, counsel for Plaintiffs herein.

2. I make this declaration in support of Plaintiffs' Application for Temporary Restraining Order and Motion for Preliminary Injunction in this case based on my personal knowledge. I am competent to testify as to the matters set forth herein.

3. Attached hereto as Exhibit 1 is a true and correct copy of a photograph I took on September 2, 2015, depicting a sign posted along Cooke

Street, between Ala Moana Boulevard and Ilalo Street in the Kaka‘ako area of Honolulu.

4. Attached hereto as Exhibit 2 is a true and correct copy of a photograph I took on September 2, 2015, depicting a sign posted along Cooke Street, between Ala Moana Boulevard and Ilalo Street in the Kaka‘ako area of Honolulu.

5. Attached hereto as Exhibit 3 is a true and correct copy of a photograph I took on September 18, 2015.

6. Attached hereto as Exhibit 4 is a true and correct copy of a photograph I took on September 18, 2015.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge.

Executed in Honolulu, Hawai‘i on September 21, 2015.

A handwritten signature in black ink, appearing to read 'DM Gluck', written over a horizontal line.

Daniel M. Gluck

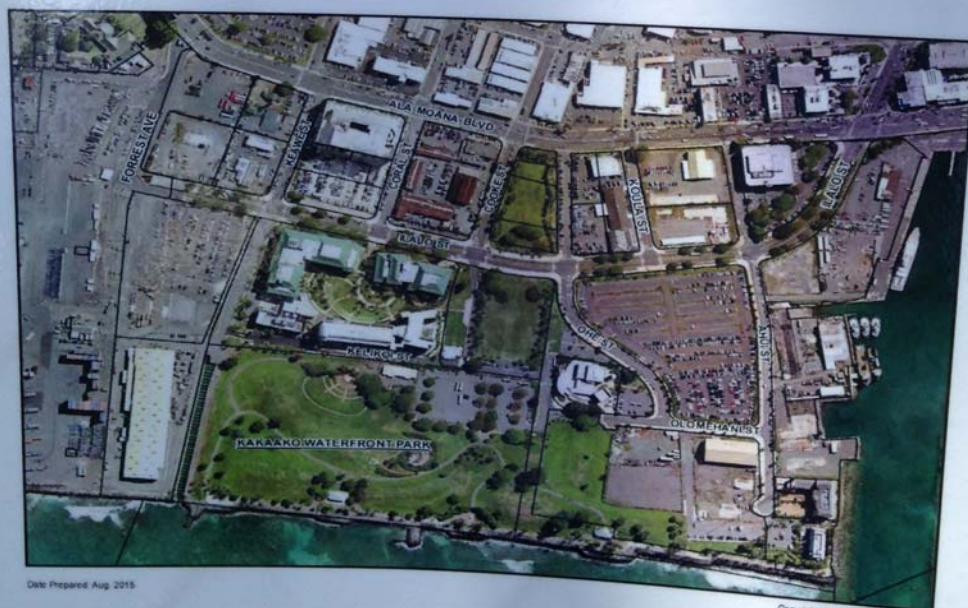
NOTICE OF ENFORCEMENT ACTION

The Department of Facility Maintenance, City and County of Honolulu ("DFM"), will be enforcing the Sidewalk Nuisance Ordinance ("SNO") and the Stored Property Ordinance ("SPO"), Revised Ordinances of Honolulu 1990, as amended, Chapter 29, Articles 16 and 19, respectively, starting on or after **Tuesday, September 8, 2015**. This enforcement action will occur over the course of several weeks or months and will start in the vicinity of Ohe Street and Cooke Street, from Ilalo Street to Ala Moana Boulevard. The enforcement action will occur in phases and will cover sidewalks and other City property from and including the makai side of Ala Moana Boulevard to the ocean, and from Forrest Avenue to the east end of Ilalo Street. The enforcement action area is generally shown on the map below.

The Oahu Homeless Help Card has been provided for your reference if you require or would like social services support.

Please remove all of your property, especially your personal daily necessities such as small personal electronic devices, mobility devices and medications, and important documents such as identification cards, birth certificates, driver's licenses and health care documents, from the sidewalks and other City property before the start date of the enforcement action. The owners of the properties next to the sidewalks and other City property will not allow you to enter and remain on or store your personal property on their property; if you attempt to do so, you may be issued a trespass notice and subject to arrest.

All items such as construction materials, cardboard, newspapers, pallets, poles, wooden structures, tarps and perishable food, will be removed and disposed of immediately. Any other personal property that is on the sidewalks or other City property during the enforcement action will be stored in bins or bags as provided under the SPO and SNO. **Once SPO and SNO enforcement commences, you should not interfere with this government operation. If you do, you may be subject to arrest.**





NOTICE OF ENFORCEMENT ACTION

The Department of Facility Maintenance, City and County of Honolulu ("DFM"), will be conducting the next phase of its enforcement action of the Sidewalk Nuisance Ordinance ("SNO") and the Stored Property Ordinance ("SPO"), Revised Ordinances of Honolulu 1990, as amended, Chapter 29, Articles 16 and 19, respectively, on the following date and in the following areas (the "Area"):

DATE: Tuesday, September 8, 2015
AREA: Ohe Street and Cooke Street, from Ilalo Street to Ala Moana Boulevard

This phase of the enforcement action will cover sidewalks and other City property in the above Area and in any Area covered by any previous phase. The enforcement action area is generally shown on the map below. The Area covered by this phase of the enforcement action is highlighted on the map.

The Oahu Homeless Help Card has been provided for your reference if you require or would like social services support.

Please remove all of your property, especially your personal daily necessities such as small personal electronic devices, mobility devices and medications, and important documents such as identification cards, birth certificates, driver's licenses and health care documents, from the sidewalks and other City property before the above date. The owners of the properties near to the sidewalks and other City property will not allow you to enter and remain on or store your personal property on the property; if you attempt to do so, you may be issued a trespass notice and subject to arrest.

All items such as construction materials, cardboard, newspapers, pallets, poles, wooden structures, tarps and perishable food, will be removed and disposed of immediately. Any other personal property that is on the sidewalks or other City property by the enforcement action will be stored in bins or bags as provided under the SPO and SNO. Once SPO and SNO enforcement commences, you should not interfere with this government operation. If you do, you may be subject to arrest.



ESINESINEN APOCHOKUNEN ANNUK

Ewe Putain Tumunu Neni (Department of Facility Maintenance - DFM), fan iten City and County non Honolulu, epwe fori an angangen apochokuna ewe Annukun Nimenimen Sidewalk (Sidewalk Nuisance Ordinance - SNO) me ewe Annukun Iseis Pisek (Stored Property Ordinance- SPO), Revised Ordinances of Honolulu 1990, a wor akasiwin, non Sopun 29, Teten 16 me 19, mi kopunguno, poputa seni ei ran me non ekkewe neni (ewe "Neni")

Raan: Aruu/ Oruu, September 8, 2015.
Neni: Ohe Street and Cooke Street, seni Ilalo Street ngeni Ala Moana Boulevard

Ei kinikinin angangen apochokunen annuk epwe fis non ekkewe Nani mi afat asan me pwan ekkoeh Neni a fan pin wor angang non me mwen ei... neni a nom won ewe man... onouk lei mei esia... nimenim non ekkewe... apochokuna

Gluck Declaration Exh. 2

ESINESINEN REN ANGANGEN OPOCHOKKUNEN ANNUK

Ewe Putain Tumunu Neni (Department of Facility Maintenance – DFM), fan iten City and County non Honolulu, epwe fori an angangen apochokkuna ewe Annukun Nimenimen Sidewalk (Sidewalk Nuisance Ordinance - SNO) me ewe Annukun Isois Pisek (Stored Property Ordinance- SPO), Ekkesiwinin Ewe Annukun Honolulu 1990, a wor ekkesiwin, non Sopun 29, Teten 16 me 19, mi kopunguno, poputa seni ei ran me non ekkewe neni (ewe "Neni")

- RAAN:** Sarinfaan, Septemper 21, 2015, 11:00 am
- NENI:** Keawe Street, seni Ilalo Street ngeni Ala Moana Boulevard (Diamond Head side only)
Ilalo Street, seni Keawe Street ngeni Coral Street
Coral Street, seni Ilalo Street ngeni Ala Moana Boulevard (Ewa side only)
Ala Moana Boulevard, seni Keawe Street ngeni Coral Street (Makai side only)

Non ei kinikinin, ewe angangen opochokkunen annuk epwe fis non ekkewe Neni mi affat asan, pwan pachonong ekkewe Neni a fen piin wor angangen opochokkunen ekkei annuk non me mwan. Ei map faan, a affata ewe neni ika kinikin epwe fiis ewe angangen opochokkuna annuk me enimenim non. Ewe kinikin mei esissin me won ei map, a affata pwe ina ewe neni epwene fiis ewe angangen opochokkunen annuk non, non ei kinikinin.

Ewe Oahu Homeless Help Card a kaor an epwe anisi ngenuk iten ekkewe neni me pekin aninnis ika en mei osun ika mochen repwe anisuk.

Kose mochen fokkun amokutu meinisin pisekum, pachenong ekkewe pisek mei fakkun auchea en mei pippisek ika aea iteiten ran, ekkewe mi kukkun ren labtop, cell phone me unumwom ika omw safei, pwan noum l.d cards, birth certificates, driver's licenses me taropwen safei ika pioing, seni ewe sidewalk me neni mei nom fan nemenien Mwuun me mwen ewe fansoun epwe poputa ewe angangen enimenim. Soufonu ika minne ar ekkewe neni mei arap ngeni ekkewe sidewalk pwan ekkewe fonuwen Mwuun, resapw fokkun mutata omw kopwe non ika tonong won ekkewe sidewalk, ika fen isoni pisekum non ekkewe neni; ioon e ekiekin epwe tonong me isoni pisekin non ekkewe neni, epwe fokkun pakking won pekin toomwaninong iwe mi pwan tongeni epwe ares.

Meinisin sakkopaten pisekisekin forun imw ren taropwe, paap, panner, newspaper, sopwun ira, mecha, tapwonen, me mongo, epwe mokut me koturuno seni ekkewe neni. Pisek mi auchea mi nom won sidewalk me pwan non ekkewe neni nemenien Mwuun epwe iseisinong non potou ika seprien isois usun mi fen affat non ewe SPO me SNO. Nupwen SPO me SNO ra pwopwuta fori ar angangen apochokkuna ei annukun enimenim me ommwokut non ekkewe neni, kosapw fokkun ousukosuka an kofemen (government) ei angang. Ika pwun kopwe osukosuka ewe angang , iwe en kopwe tongeni ares.



Date Provided Aug 2015

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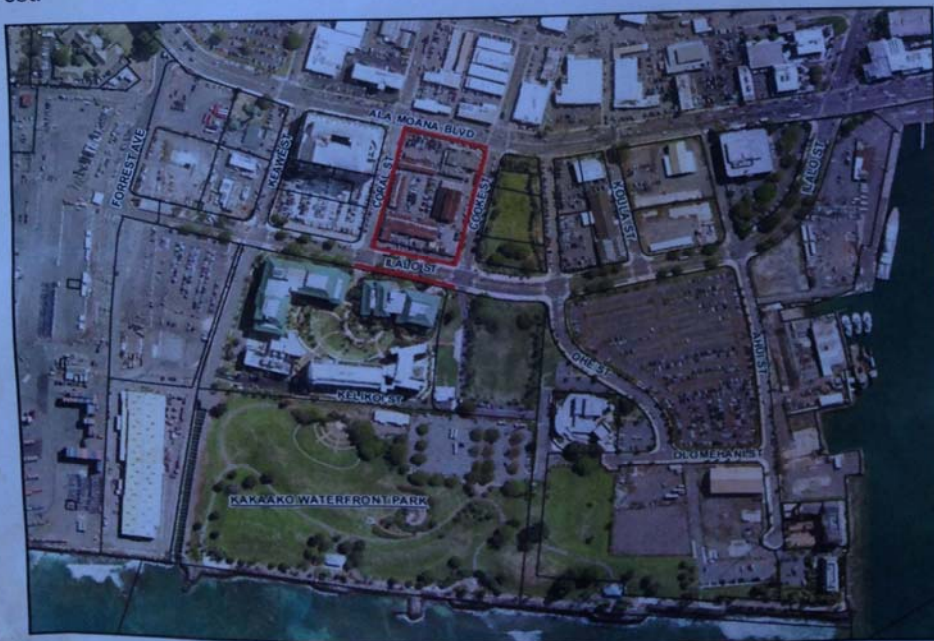
DATE: Tuesday, September 22, 2015, 11:00 am
AREA: Coral Street, from Ilalo Street to Ala Moana Boulevard (Diamond Head side only)
Ilalo Street, from Coral Street to Cooke Street
Cooke Street, from Ilalo Street to Ala Moana Boulevard (Ewa side only)
Ala Moana Boulevard, from Coral Street to Cooke Street (Makai side only)

This phase of the enforcement action will cover sidewalks and other City property in the above Area and in any Area covered by any previous phase. The enforcement action area is generally shown on the map below. The Area covered by this phase of the enforcement action is highlighted on the map.

The Oahu Homeless Help Card has been provided for your reference if you require or would like social services support.

Please remove all of your property, especially your personal daily necessities such as small personal electronic devices, mobility devices and medications, and important documents such as identification cards, birth certificates, driver's licenses and health care documents, from the sidewalks and other City property before the above date. The owners of the properties next to the sidewalks and other City property will not allow you to enter and remain on or store your personal property on their property; if you attempt to do so, you may be issued a trespass notice and subject to arrest.

All items such as construction materials, cardboard, newspapers, pallets, poles, wooden structures, tarps and perishable food, will be removed and disposed of immediately. Any other personal property that is on the sidewalks or other City property during the enforcement action will be stored in bins or bags as provided under the SPO and SNO. **Once SPO and SNO enforcement commences, you should not interfere with this government operation. If you do, you may be subject to arrest.**



Gluck Declaration Exh. 4

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF HAWAII

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Plaintiffs,

vs.

CITY AND COUNTY OF
HONOLULU, et al.,

Defendants.

Civil No. 15-00363 HG-KSC

[CIVIL RIGHTS ACTION]

[CLASS ACTION]

Declaration of Jonathan Cortez

DECLARATION OF JONATHAN CORTEZ

I, Jonathan Cortez, hereby declare:

1. I make this declaration based on my own personal knowledge and if called to testify I could and would do so competently as follows.
2. I have been homeless for about two months. I lost my job, so I missed my rent payment and the landlord kicked me out.
3. Around August of 2015, I was staying in a tent near King Street, along the Canal in Kapalama.
4. I was there for about two weeks, when the police and some City workers came by and told me I have to leave.
5. I asked them where I could go, since I didn't know where I could go. A couple of them said something like "we don't care, just leave." Then one of the

City workers – not one of the police guys – sort of whispered to me that I should go to Kakaako. I asked why I should go to Kakaako, and the City guy said because there were no sweeps there. He walked away, then came back, and then explained to me that there are more people down in Kakaako and it's more convenient down there.

6. Because of what he said, I came to Kakaako. I stayed in a tent alongside Ohe Street, between Ilalo and Ala Moana.

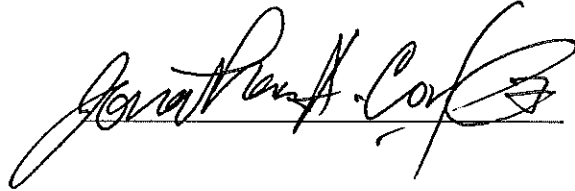
7. I was staying there in early September, and then City workers came by and told me there was going to be a sweep. I never got a written notice. I was hoping for them to hand it to me, but they didn't. I wanted to know the exact date but no one told me. I asked my neighbors, and they said they didn't get written notice either. But someone told us that there was going to be a sweep on Tuesday, September 8, so I moved further down Ohe Street, to the other side of Ilalo, two days before the sweep.

8. Now I stay alongside Ohe Street in Kakaako. I have a tent, and two big covers, and some pallets and poles that I use for shelter.

9. If the City came and destroyed my shelter, I don't know what I'd do. I'd have no place to stay. What would I do? I'd be worried, I'd be scared about what I would do to survive.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge.

Executed this 20 day of Sept, 2015, in Honolulu, Hawaii.

A handwritten signature in black ink, appearing to read "Jonathan P. Corbett", written over a horizontal line. The signature is stylized and cursive.

DECLARATION OF JON JOSEPHSON

I, Jon Josephson, hereby declare:

1. I make this declaration based on my own personal knowledge and if called to testify I could and would do so competently as follows.
2. I am a plaintiff in this matter.
3. On November 13, 2014, I was living in a tent alongside Ohe Street in Kakaako, close to a friend who was also living in a tent in the area. I came to the Kakaako area in October 2014. I couldn't afford rent, and I thought that living conditions in the shelters were worse than living on the street in Kakaako. I thought that the shelters were dangerous, dirty, unhealthy, and unstable. It seemed to me that many people at the shelters have addiction and/or mental health issues, or other health problems like infected open sores.
4. During my time at Kakaako, I never had any issues with theft or violence. As a result, I had a peace of mind that I had a place (my tent) to keep belongings while I was working or otherwise away from my tent. I always felt that at the end of the day I had a safe place to go and a stable place to lay my head at night.
5. The only disruption to that feeling was when the City came and took all my belongings on the morning of November 13, 2014.

6. I left for work in the morning. At the time I was working for a contractor doing remodeling/rock wall work. That day we happened to be working in Waikiki. My boss didn't know I was homeless.

7. The friend of mine in Kakaako contacted me on my cell phone mid-morning, telling me that the City was doing a sweep. I asked my friend to try to save my stuff. He and his girlfriend were moving their things to a safe area and when they came back to try and save my stuff, it was gone already. I was at work, so there was nothing I could do about it. Ironically, most of the people that don't work or weren't working were able to salvage their belongings, thus the City basically confiscated the belongings of the homeless people that were working.

8. I never got a receipt from the City or anything like that. There weren't any notices on the trees or anywhere else near the property saying what happened to my stuff. I never got any kind of notice from the City, either before or after the sweep, about having to move my property or about how I could get my property back.

9. I lost everything I owned except the clothes I was wearing.

10. At the time, I was trying to obtain an ID, because mine had been stolen when I was living in Waikiki. The City workers took all my paperwork that I needed to replace the ID.

11. The City also took my tent, air mattress, air pump, bedding and laptop and a small battery operated amplifier that I had just purchased. I am a writer and have been working for a few years on some writing projects. They took my notebooks and things I'd written, things I can never get back without spending considerable time and effort to reproduce.

12. After the sweep, I had to take a week off of work to replace the things that the City took and deal with the stress of having my home (albeit my tent) taken. It was really hard for me to miss that time, since I didn't earn any money that week. As well, it damaged my relationship with my employer a bit as I wasn't available to work.

13. The City has never compensated me for throwing my things away.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge.

Executed this 14th day of September, 2015, in Honolulu, Hawaii.



Ior Josephson

DECLARATION OF TABATHA MARTIN

I, Tabatha Martin, hereby declare:

1. I make this declaration based on my own personal knowledge and if called to testify I could and would do so competently as follows.

2. I am a plaintiff in this case.

3. I am a citizen of the United States and reside in the City and County of Honolulu, State of Hawai‘i. I was born and raised in Honolulu.

4. My husband, Tracy Martin, and I have a 4-year-old daughter, T.M. We are homeless and poor. We sleep in a makeshift shelter along Ohe Street in the Kaka‘ako area of Honolulu.

5. In 2013, Tracy was working full-time as a kitchen manager at a restaurant, and I was taking care of T.M. – who was an infant at the time – full-time. Tracy was making around \$880.00 (before taxes were taken out) every other week as a salaried manager, which is less than what he was making before he was “promoted” from being an hourly worker.

6. In 2013, Tracy, T.M., and I were living in a 1-bedroom apartment in Pearl City. The rent was \$1,250 a month. Because Tracy was making less money as a manager, we started to fall behind on the rent.

7. In May 2013, Tracy had a heart attack. Without his income, we couldn’t afford the apartment, and we became homeless.

8. We came to the Kaka'ako area in August 2013. We bought a new tent and other equipment to allow us to live on the street. The tent cost around \$105.00 at Wal-Mart.

9. One day in November or December of 2013, City officials woke Tracy, T.M., and me up at around six in the morning. We were still inside our tent, sleeping or just waking up, when City officials put red plastic tape around the entirety of our tent, explained that this was a government operation, then ordered us out. Police officers told us that if we didn't get out of our tent, we'd be arrested.

10. Tracy and I frantically told the people from the City, including the police, that we needed to get Tracy's heart medication and our IDs out of the tent. An HPD officer told us that if we crossed the red tape we would be arrested and that our daughter – who was 2 years old at the time – would be taken away. City officials forced our belongings into a plastic bin, and we watched as our tent was destroyed as they crammed it into the bin. They took just about everything of ours, including Tracy's heart medicine.

11. We didn't have health insurance, and we worried that even if we were able to get replacement medication, the City would just come take it again.

12. We had a bunch of Christmas presents that other people had given us to give to T.M. The City workers took all of them.

13. The City workers took our marriage certificate, T.M.'s birth certificate, and Tracy's birth certificate, Social Security card, and State ID card. They also took our clothes, our tent, and our propane stove, as well as T.M.'s diapers, backpack, clothes, and toys.

14. We didn't get any kind of receipt, ticket, or notice. No one from the City gave us anything in writing that we could get our stuff back, and no one told us that we could get our stuff back. We didn't have any money to pay the City to get our stuff back even if they would've let us go get it. And because the City took all our IDs, we didn't think we could get our property back anyway.

15. One guy in Kaka'ako told us that he tried to get his stuff back, but the City didn't let him get it. So we thought there was no point in even trying.

16. We were also afraid to try to get our things back. When the City workers took our property, they mixed it together with other people's stuff in the plastic bins; we were afraid to go get our things, because if we had someone else's property and they saw us with it in Kaka'ako, they might think we stole their property during the sweep and they might get violent with us.

17. We never got any information that we could get our property back, or how we could get it back. No one has ever compensated us for this property.

18. We have had a hard time replacing IDs. Because the City workers took multiple pieces of ID from us, we haven't been able to replace our Social Security cards or State IDs.

19. On November 13, 2014, the City came and took our property again. This time, though, they didn't put it in plastic bins – they put it straight into the garbage compactor truck. They destroyed it all. They didn't give us any notice ahead of time, and didn't give us any receipt or ticket afterwards.

20. Among other things, the City threw away our Thanksgiving turkey (which cost about \$42.00), our tent, some tarps, some coolers, and some of T.M.'s books. No one has ever compensated us for this property.

21. We can't find shelter at any of the homeless shelters on O'ahu. As far as I know, they're all full to families.

22. I'm now working part time at the Pearl City Foundation at Momilani Community Center in Pearl City. I work somewhere between 8 and 22 hours a week usually, but it's been closer to 8 lately because there's been construction at my work. The money I make isn't enough to afford rent anywhere in Honolulu.

23. I'm constantly paranoid of another sweep. I'm worried for me and Tracy, and I'm worried for T.M. We're trying to save money so we can go get an apartment, but every time the City takes our things we have to buy more, and it sets us further back.

24. If the City takes our stuff again, I don't know what we'll do. We'll have nowhere to sleep, we'll have no food for T.M. We won't have any shelter. I'm worried that our daughter will go hungry.

I declare under penalty of perjury that the foregoing is true and correct.

Executed this 8 day of September, 2015, in Honolulu, Hawai'i.



Tabatha Martin

DECLARATION OF TRACY MARTIN

I, Tracy Martin, hereby declare:

1. I make this declaration based on my own personal knowledge and if called to testify I could and would do so competently as follows.

2. I am a plaintiff in this case.

3. I am a citizen of the United States and reside in the City and County of Honolulu, State of Hawai'i.

4. I have a wife, Tabatha Martin, and a 4-year-old daughter, T.M. We are homeless and poor. We sleep in a makeshift shelter along Ohe Street in the Kaka'ako area of Honolulu.

5. One day in November or December of 2013, City officials woke Tabatha, T.M., and me up at around six in the morning. We were still inside our tent sleeping when the people from the City put red plastic tape all around our tent and ordered us out. Police officers told us that we would be arrested if we didn't get out.

6. The City took my heart medication. We didn't have health insurance, but we were worried that even if we could replace the medication, the City could simply take our belongings again at any time.

7. The City took all of T.M.'s Christmas gifts that other people had gotten for her.

8. The City took our marriage certificate, my birth certificate, T.M.'s birth certificate, and our Social Security Cards and State IDs. Among other things, the City also took our clothes, our tent, and our propane stove, as well as T.M.'s diapers, backpack, clothing, and toys.

9. We never got any receipt, ticket, or notice from the City saying that we could get our things back.

10. The City never provided us with information on whether, or how, we could retrieve our property.

11. Because the City took so many of our documents and IDs, we haven't been able to replace our Social Security cards and State IDs.

12. On November 13, 2014, the City did another sweep and took our things. They put our property straight into a City garbage truck and destroyed it all. The City did not provide us with advanced warning or notice of any kind that they were going to do a sweep or that they were going to take our things.

13. The City took our Thanksgiving turkey, some coolers, some of T.M.'s books, a tent, and other things.

14. We never got any receipt, ticket, or notice from the City. No one from the City gave us anything in writing that we could get our property back. No one from the City ever told us that we could get our things back.

15. The City never compensated us for taking and destroying any of our property.

16. We can't find shelter at any of Oahu's homeless shelters. We've tried, but as far as I know they're still all full.

17. I have been offered a job, and I'm going to start work soon. However, I have to wait until after the City's planned sweep in September 2015 because I don't want to leave my family alone during the sweep. I'm losing potential income because of the City's planned sweep.

18. My family sleeps alongside Ohe Street because we have nowhere else to go. There are no homeless shelters where we can go. We don't have enough money saved to get an apartment. We can't stay on private property because we'll get arrested or chased off for trespassing.

19. I'm constantly afraid of another sweep. I'm afraid for me and my family.

20. If the City takes our things again, we won't have any shelter of any kind. We won't have any food. I'm afraid we'll all go hungry.

I declare under penalty of perjury that the foregoing is true and correct.

Executed this 8th day of September, 2015, in Honolulu, Hawai'i.


Tracy Martin

SUPPLEMENTAL DECLARATION OF TRACY MARTIN

I, Tracy Martin, hereby declare:

1. I make this declaration based on my own personal knowledge and if called to testify I could and would do so competently as follows.

2. I am a plaintiff in this case.

3. My family and I live alongside Ohe Street. Our shelter is made up of tent poles, tarps, rope, and wood.

4. I have read the sweep notices posted in Kakaako. Basically, the City is going to come and if I don't move it all they're going to take our shelter and destroy it. If they destroy our shelter we'll have to sleep in the open. I'm scared about that because of my daughter. I have a lot of anxiety about that, a lot of stress.

I declare under penalty of perjury that the foregoing is true and correct.

Executed this 20th day of September, 2015, in Honolulu, Hawai'i.

Tracy C. Martin

REDACTED

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF HAWAII

TABATHA MARTIN, et al.,

Plaintiffs,

vs.

CITY AND COUNTY OF
HONOLULU, et al.,

Defendants.

Civil No. 15-00363 HG-KSC

[CIVIL RIGHTS ACTION]

[CLASS ACTION]

Declaration of V.T.

DECLARATION OF V.T

I, V.T., hereby declare:

1. I make this declaration based on my own personal knowledge and if called to testify I could and would do so competently as follows.
2. I am a plaintiff in this case.
3. I am a citizen of the United States and I reside in the City and County of Honolulu, State of Hawai'i.

4. I am homeless, I live alongside Ohe Street in Kakaako. I have lived in Kakaako for about four months. I've been homeless pretty much my whole life.

5. My shelter is made up of pallets and 2x4s, wood and tarps and some metal. My brothers helped me build it.

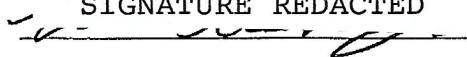
6. I am sixteen years old. I am pregnant with my first baby, a boy, due in early December.

7. I've seen the sweep notices here in Kakaako in the last week or two, I've seen them in all different languages. The notices say they're going to destroy any construction materials. That means they'll pretty much take and throw away my whole shelter.

8. If they take away my shelter, I'll be sleeping in the rain on the sidewalk. I'm worried and scared about that. I'm pregnant and we wouldn't have shelter.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge.

Executed this 20 day of September 2015, in Honolulu, Hawaii.

SIGNATURE REDACTED


REDACTED

DECLARATION OF CORILYNN WALLACE

I, Corilynn Wallace, hereby declare:

1. I make this declaration based on my own personal knowledge and if called to testify I could and would do so competently as follows.

2. I am homeless, and have been homeless for the last several years.

3. On November 13, 2014, I was living in a tent alongside Ohe Street in Kakaako. I was nine months pregnant at the time – I gave birth to my son 10 days later.

4. The City started doing a sweep when I was still inside the tent. I started having some contractions and had a hard time moving my things.

5. In that sweep on November 13, the City took a lot of my things, and they gave me a ticket saying I could go get my things back. But because I was pregnant (and then had the baby), I couldn't go get my things back. From talking to other people in Kakaako who had their things taken, I think I was the only person who got a ticket saying I could go get my things back.

6. On November 8, 2013, I was staying in a tent alongside Ilalo Street in Kakaako. The City did a sweep and took a lot of my things. Anything I couldn't carry myself, they took. They didn't give any notice of the sweep. I got a ticket saying I could get the things back if I paid \$200, so I went to City Hall and paid \$200. I wasn't working at the time, so \$200 was a lot of money.

7. As best as I remember, the back of the ticket said I could apply for a waiver of the \$200. It said I would have to go to Kapolei to apply for a waiver of the \$200, but I'd have to wait to see if I would get the waiver. I couldn't wait for my things – I needed my things back right away – and it was too difficult for me to travel all the way out to Kapolei and then have to go a second time out to Halawa to actually get my things back.

8. After I paid the \$200 at City Hall, I went out to Halawa. They made me wait for a long time, then eventually pulled up a truck and told me to take everything in it. They didn't give me a chance to look through to see if everything was there. All I could do is just grab it and load it, there was no time to sort through.

9. When I got back to Kakaako, a lot of my things were missing, including a lot of electronics: a Toshiba Satellite laptop computer, an iPad, a Samsung Galaxy tablet, and two iPod touches belonging to my daughter. The stuff just wasn't there in the bins that the City returned to me. I also lost tools and some other things.

10. Another time – I think it was September 2014 – the City did a sweep, and again, I paid the \$200 at City Hall and went to Halawa to get my things. I wasn't working at the time, and \$200 was a lot of money for me, but it was too

difficult to try to get a waiver of the \$200 fee for the same reasons mentioned above.

11. When I got my things back, I found that the City had damaged my tent poles to the point they couldn't be used any more. Also, my mattress was soaking wet. I didn't have the money to get a new mattress, though, so I dried it out as best I could. I also realized that the City gave me things that didn't belong to me, like a big crate that I recognized as belonging to a friend, so I returned that to her.

12. The City has never compensated me for damaging my property or for not returning the property that I tried to get back.

13. I am still living in a tent alongside Ohe Street in Kakaako. I've told a lot of other people here about how I tried to get my things back, how it was really difficult and expensive, and how the City didn't return all my things to me and damaged some of the things it did return.

I declare under penalty of perjury that the foregoing is true and correct.

Executed this 13 day of September, 2015, in Honolulu, Hawai'i.

A handwritten signature in black ink, appearing to be "J. M. [unclear]", written in a cursive style.

DECLARATION OF GABRIEL YUG

I, Gabriel Yug, hereby declare:

1. I make this declaration based on my own personal knowledge and if called to testify I could and would do so competently as follows.
2. I am a plaintiff in this case.
3. I reside in the City and County of Honolulu, State of Hawai'i.
4. I am married to Tanako Yug, and Tanako and I are guardians for 3-year-old G.Y. He's our nephew, but I consider him to be my son. He turns 4 later this month.
5. Until recently, we were homeless. We slept alongside Ohe Street in Kaka'ako, in a shelter we put together from a tent, some tarps, an umbrella, and some other things.
6. Tanako and I have lived in Hawai'i for more than twenty years. I used to work for Hilton in Kona, and they transferred me to Honolulu in June 2014. I was let go about three months later – they told me they were eliminating my position – and we couldn't afford rent any more. We became homeless around October 2014.
7. We came to the Kaka'ako area because we thought it would be a safe place for our family. On November 13, 2014 – I think it was the very next day after we got to Kaka'ako – the City did a sweep of the area along Ohe Street where

we were staying. City workers came and threw our things in the garbage. They didn't give us any tickets or receipts or anything. They didn't tell us about the sweep ahead of time.

8. The City took two baskets of clothes (for Tanako, G.Y., and me), shoes, a backpack, pots and pans, and our stove. We were with our things at the time, and we tried to move our things so the City wouldn't take them, but we couldn't move everything by the time the workers got there, so they threw our things away.

9. No one from the City ever told us, either in person or in writing, that we could get our things back. No one from the City ever paid us for taking our things and throwing them away.

10. I started working full-time a few weeks ago. We saved up some money and moved into an apartment. It took us a long time to find a place to live, though. I put in all kinds of applications, but no one will call me back. I'm honest with them and I told them that we're homeless, and I think because of that they don't want to rent to us.

11. As far as I know, when we were homeless, the shelters were all full to families.

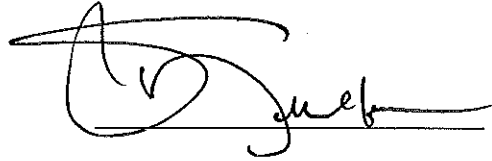
12. I was always afraid of another sweep. If the City had taken our things again, we would have nowhere else to sleep. We'd have nothing to eat. I don't

know what we would have done. I couldn't let the City do that to me and my family because we need our things to live.

13. I was always afraid that I'd get arrested during the next sweep. I was always afraid of how the sweeps would affect G.Y. I consider G.Y. to be my own son, and I will do what I can to provide for him and ensure that the City does not take his shelter and food.

I declare under penalty of perjury that the foregoing is true and correct.

Executed this 10th day of September, 2015, in Honolulu, Hawai'i.

A handwritten signature in black ink, appearing to be "T. Joseph", written over a horizontal line.

DECLARATION OF TANAKO YUG

I, Tanako Yug, hereby declare:

1. I make this declaration based on my own personal knowledge and if called to testify I could and would do so competently as follows.

2. I am a plaintiff in this case.

3. I reside in the City and County of Honolulu, State of Hawai'i.

4. I am married to Gabriel Yug. We have two grown children, and a newborn granddaughter. We are also the guardians of our 3-year-old nephew, G.Y.

5. Until recently, we were homeless. At night, we slept on a sidewalk in urban Honolulu in a shelter we made from a tent, a big umbrella, and some tarps.

6. Gabriel and I have lived in Hawai'i for more than twenty years. We met on Maui, and then moved to Kailua-Kona, where Gabriel worked for Hilton Waikoloa Village. In June 2014, we moved to O'ahu from Kailua-Kona when Hilton transferred Gabriel to Honolulu. Three months after moving here, his position at Hilton Hawaiian Village was eliminated and he was laid off. After Gabriel was laid off, we could no longer afford our rent, and became homeless in October 2014.

7. Gabriel, G.Y., and I were homeless, and living alongside Ohe Street in Kaka'ako, for nearly a year because we couldn't afford a place to live. Gabriel and

I were told by a government official (I believe a City employee) that if we kept our tent alongside Ilalo Street in Kaka'ako, we had to take our tent down every morning (and put it up again every night), but if we stayed alongside Ohe Street we didn't have to do so. We could still be "swept" by the City at any time, though, no matter where we stayed.

8. On November 13, 2014, City officials took our things and threw them in the garbage truck. They took two baskets of clothes, shoes, pots and pans, and a backpack. They took my daughter's bag with her medication, State ID, birth certificate, Social Security card, and U.S. citizenship documents. My daughter was pregnant at the time.

9. We didn't get any kind of receipt, ticket, or notice. We didn't receive anything in writing that we could get our property back, and no one ever told us that we could get our property back. The City also never gave us advanced warning or notice of any kind that it was going to take our property. The City has never compensated us for throwing away our things.

10. Gabriel recently started a full-time job. We saved some money and moved into an apartment. It took us a long time to find a place to live, though. We applied to lots of places, but no one would ever call us back. We told the landlords that we were homeless, and I think they didn't want to rent to people who are homeless. We had to stay on the street longer because no one would rent to us.

11. I tried to go to two different O‘ahu homeless shelters, and was repeatedly turned away because I do not have IDs. I cannot obtain a Hawaii driver’s license because I don’t have a valid passport. I lost my old passport (which was expired) during one of the City’s sweeps of the Kaka‘ako area, when I tried to move my belongings so the City wouldn’t take them. I’m trying to get a new passport, but it is taking a long time.

12. Gabriel could go the shelter since he still has his IDs, but he didn’t want to leave G.Y. and me to sleep on the streets by ourselves.

13. Even if I had an ID, I didn’t think there were any shelter beds open for families on O‘ahu during the time I was homeless. I went to the Next Step shelter on Thursday, August 27, but they said they were full to families. They said they didn’t know when there would be space available.

14. Gabriel, G.Y., and I were sleeping alongside Ohe Street because we had nowhere else to go. As far as I knew, there were no homeless shelters where we could go. We couldn’t find an apartment. I didn’t know of any other private property where we can go without being arrested.

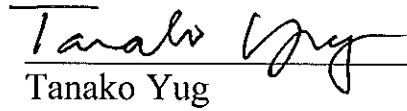
15. When we stayed in Kaka‘ako, every day I saw around two people come to Kaka‘ako, looking for a place to stay. I didn’t see as many people leave the area. Some of the new people coming to Kaka‘ako told me that this is because

government officials, including police officers, are telling homeless people to go to Kaka'ako after they get kicked out of other areas like Chinatown.

16. I was always afraid of another sweep. If the City had swept us again, we wouldn't have had anywhere to sleep. We would have to spend the little money we'd saved up to buy a new tent, and then we'd be homeless for longer because we won't have enough money saved for rent.

I declare under penalty of perjury that the foregoing is true and correct.

Executed this 10th day of September, 2015, in Honolulu, Hawai'i.



Tanako Yug

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF HAWAII

TABATHA MARTIN, et al.;

Plaintiffs,

vs.

CITY AND COUNTY OF
HONOLULU, a municipal
corporation; et al.;

Defendants.

Case No. CV 15-00363 HG-KSC

CERTIFICATE OF SERVICE

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that, on the dates and by the methods of service noted below, a true and correct copy of the foregoing "PLAINTIFFS' APPLICATION FOR FOR TEMPORARY RESTRAIN-ING ORDER AND MOTION FOR PRELIMINARY INJUNCTION; MEMORANDUM IN SUPPORT OF MOTION; DECLARATION OF DANIEL M. GLUCK; EXHIBITS '1'-'4'; DECLARATION OF JONATHAN CORTEZ; DECLARATION OF JON JOSEPHSON; DECLARATION OF TABATHA MARTIN; DECLARATION OF TRACY MARTIN; SUPPLEMENTAL DECLARATION OF TRACY MARTIN; DECLARATION OF V.T.;

DECLARATION OF CORILYNN WALLACE; DECLARATION OF GABRIEL YUG; DECLARATION OF TANAKO YUG”, dated September 21, 2015, was served on the following at their last known addresses:

Served by Email:

Donna Y.L. Leong, Corporation Counsel
530 South King Street, Room 110
Honolulu, Hawaii 96813
Email: cor@honolulu.gov

and

Ernest H. Nomura
Deputy Corporation Counsel
Department of the Corporation Counsel
City and County of Honolulu
530 South King Street, Room 110
Honolulu, Hawaii 96813
E-Mail: enomura@honolulu.gov

DATED: Honolulu, Hawai`i, September 21, 2015.

/s/ Kristin L. Holland
PAUL ALSTON
NICKOLAS A. KACPROWSKI
KRISTIN L. HOLLAND
KEE M. CAMPBELL
Alston Hung Floyd & Ing

DANIEL M. GLUCK
MANDY J. FINLAY
ACLU of Hawaii Foundation

Attorneys for Plaintiffs