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12 and JACKSON BLAIN

13 **UNITED STATES DISTRICT COURT**

14 **NORTHERN DISTRICT OF CALIFORNIA**

15 JOHN JANOSKO and JACKSON BLAIN

16 Plaintiffs,

17 vs.

18 CITY OF OAKLAND,

19 Defendant.

Case No.: 3:23-cv-00035-WHO

**PLAINTIFFS' THIRD SUPPLEMENTAL
BRIEF AND REQUEST FOR
REINSTATEMENT OF TEMPORARY
RESTRAINING ORDER**

Judge: Hon. William Orrick

1 **PLAINTIFFS' THIRD SUPPLEMENTAL BRIEF AND REQUEST FOR REINSTATEMENT**
2 **OF TEMPORARY RESTRAINING ORDER**

3 **I. INTRODUCTION**

4 Plaintiffs JOHN JANOSKO and JACKSON BLAIN (also known as Jaz Colibri)
5 (“Plaintiffs”) request that the Court reinstate the existing Temporary Restraining Order set to
6 dissolve February 10, 2023 because defendant CITY OF OAKLAND has failed to comply with the
7 Court’s orders in its Order Dissolving TRO, filed February 3, 2023.

8 **II. SUPPLEMENTAL FACTUAL INFORMATION**

9 **A. The Court’s Order Dissolving the TRO**

10 On February 3, 2023, the Court issued an order dissolving the temporary restraining order
11 that it had initially implemented on January 6, 2023, preventing the eviction of the community at the
12 1707 Wood Street parcel. (Order Dissolving TRO.) The Court stated that the temporary restraining
13 order would dissolve at 8:00am on February 10, 2023. (Order Dissolving TRO, p. 3.) The Court
14 further stated:

15 This dissolution is conditioned on the representations made by the City’s counsel in the
16 papers and at the hearing, including that the cabin site will be open and ready for
17 residents, with a final living agreement, on February 6; that the new RV site will be open
18 and ready for residents on February 13; and that outreach workers will be present at the
19 1707 Encampment every day during the closure to work with individuals moving to the
20 new sites and also to help those interested in alternative shelter options.

(Order Dissolving TRO, p. 3.)

21 **B. The Wood Street Community Cabins Will Not Open for the Foreseeable Future**

22 On February 9, 2023, plaintiff JOHN JANOSKO, accompanied by community advocate
23 Talya Husbands-Hankin, visited the Wood Street Community Cabins site. (Declaration of John
24 Janosko iso Plaintiffs’ Request to Reinstate TRO (“Janosko Decl.”) at ¶ 3.) Mr. Janosko spoke with
25 three workers there, one security guard and two individuals in plain clothes, who identified
26 themselves as working at the site. (Janosko Decl. at ¶ 4.)

27 Mr. Janosko asked the individuals if the cabins were ready for people to move in to them.
(Janosko Decl. at ¶ 5.) One worker responded that the cabins were not ready. (Janosko Decl. at ¶ 6.)

1 The other worker confirmed this and stated that they were still working on the insides of the cabins.
2 (Janosko Decl. at ¶ 7.)

3 The workers then told Mr. Janosko and Ms. Husbands-Hankin that the cabins had been
4 scheduled to be open on February 13, 2023, but they would possibly not even be ready by then.
5 (Janosko Decl. at ¶ 8.) The workers also told Mr. Janosko to check back in the following week.
6 (Janosko Decl. at ¶ 9.)

7 **III. ARGUMENT**

8 The Court should reinstate the temporary restraining order preventing the eviction of the
9 residents of the 1707 Wood Street parcel because the defendant CITY OF OAKLAND has failed to
10 comply with the Court's order to provide adequate shelter.

11 Specifically, the Court conditioned the dissolution of its order on the representations from
12 defendant CITY OF OAKLAND that the Wood Street Community Cabin site would have 30 bed
13 spaces and be open and operational by February 6, 2023. (Order Dissolving TRO, p. 3.)

14 However, as of February 9, 2023, the Wood Street Community Cabin site is neither open nor
15 operational. Workers at the site have indicated that the site was actually scheduled to open on
16 February 13, 2023, a full week later than defendant CITY OF OAKLAND represented it would be
17 ready. (Janosko Decl. at ¶ 8.) The workers have also indicated there were further delays and that the
18 site would likely not even be open by February 13, 2023 because they are still working on the
19 insides of the cabins. (Janosko Decl. at ¶ 7-8.) Thus, there is no clear timeline for when the site will
20 be open.

21 The temporary restraining order should therefore be reinstated because defendant CITY OF
22 OAKLAND has failed to comply with the Court's order. Without adequate shelter options, the
23 eviction proceedings contemplated by defendant CITY OF OAKLAND would violate Plaintiffs'
24 rights under the Federal and State constitutions and statutes, causing them irreparable injury. The
25 balance of hardships and the public interest again tips sharply towards Plaintiffs. For these reasons,
26 the Court should reinstate the temporary restraining order to preserve the status quo and to shield
27 Plaintiffs from further harm.

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IV. CONCLUSION

Plaintiffs respectfully request that the Court reinstate the temporary restraining order in order to prevent imminent harm to Plaintiffs and numerous other Wood Street residents. As shown above and in their moving papers, Plaintiffs are likely to succeed on the merits of their claims and will certainly face irreparable harm absent this equitable protection. The balance of equities tips sharply in Plaintiffs’ favor, and it is in the public interest to protect their lives, property, and rights.

Dated: February 10, 2023

HUNTER PYLE LAW

By: /s/ Hunter Pyle
Hunter Pyle

EAST BAY COMMUNITY LAW CENTER

By: /s/ Brigitte Nicoletti
Brigitte Nicoletti

Attorneys for Plaintiffs JOHN JANOSKO
and JACKSON BLAIN

ELECTRONIC SIGNATURE ATTESTATION

I, Hunter Pyle, attest pursuant to Northern District Civil Local Rule 5-1(h)(3) that all signatories on this document agree to the filing’s content and have authorized this filing. I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Dated: February 10, 2023

/s/ Hunter Pyle
Hunter Pyle