

October 16, 2006

Via Facsimile

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James Sanchez
City Attorney
City of Fresno
Fresno City Hall
2600 Fresno Street
Second Floor
Fresno, CA 93721-3600

Re: Temporary Restraining Order

Dear Mr. Sanchez:

We write on behalf of a coalition of lawyers that includes the American Civil Liberties Union of Northern California, the Lawyers Committee for Civil Rights and lawyers from Heller Ehrman working with them.

It has come to our attention that the City of Fresno has for some time been seizing and summarily destroying the property of homeless persons living in the City. These seizures often occur during organized, large-scale raids by Fresno Police officers and other City personnel. It appears to us that the frequency of these raids has been increasing in recent months. We also understand that just five days ago, on October 11, Fresno police threatened to return at some unspecified, but imminent date to again confiscate and destroy any remaining property of the homeless.

We are therefore writing to advise you that, unless we can reach an agreeable interim solution, we intend to seek a temporary restraining order on Tuesday, October, 17, 2006, in the U.S. District Court in Fresno to restrain the City and its employees and representatives from continuing to take and destroy the property of the homeless people living in Fresno. We also intend to file suit on that date for permanent equitable relief as well as damages.

We have investigated and researched carefully the legality of Fresno's destruction of the property of the homeless that occurred over the past several months and that continues to occur. These actions violate the United States and California Constitutions as well as California statutory and common law. The destruction of the limited and often essential

possessions of the homeless is devastating to them and often deprives them of their shelter, medicine, and other necessities of life.

There is no immediate need for the City of Fresno to continue this conduct. Continuing it now will only worsen the situation and further expose the City of Fresno and other defendants to liability. We ask that the City of Fresno voluntarily agree to cease and desist from this conduct pending a hearing on a motion for preliminary injunction.

We propose that the City of Fresno agree to a stipulated restraining order halting this ongoing practice of taking and destroying the property of the homeless and harassing them pending a hearing on a motion for preliminary injunction. With that in place, we will work with you to establish a reasonable briefing schedule and other court dates so that this matter can be promptly adjudicated. We think this is the most appropriate course of action for all concerned. If you decline, however, we have no alternative but to seek a temporary restraining order this Tuesday.

We look forward to your prompt response to this letter and will follow up by phone later today.

Very truly yours,


Paul Alexander