

16
6-3-20
EX parte

FILED
SUPERIOR COURT OF CALIFORNIA
COUNTY OF SONOMA

JUN 03 2020

BY Cindy Gaudin
Deputy Clerk

1 Duane De Witt
2 Box 3028
3 Santa Rosa, CA 95402
4 Telephone: 707-575-5549

4 In Pro Per

5 SUPERIOR COURT OF THE STATE OF CALIFORNIA
6 COUNTY OF SONOMA

8 Duane De Witt,

Case No. SCY-266383

9 Plaintiff,

~~PROPOSED~~ ORDER ON
PLAINTIFF'S EX PARTE MOTION
TO ENJOIN THE JUNE 4, 2020
DESIGN REVIEW BOARD
HEARING AND JUNE 11, 2020
PLANNING COMMISSION
HEARING DENIED

10 vs.

12 The City of Santa Rosa,

13 Defendants.

14 Action Filed:

15 * DENIED ON 6-3-2020

Date: 6-3-2020
Time: 10:30 AM
Dept: 16

16 BY Judge Broderick

17 * will have to file again with proper details of notice.

18 Based on the application of the plaintiff and the _____ ex parte hearing,

19 IT IS HEREBY ORDERED that the Design Review Board hearing set for June 4, 2020 is

20 continued to _____, or another date thereafter as permitted due to the COVID 19

22 pandemic. The Planning Commission hearing set for June 11, 2020 is continued to

23 _____, or another date thereafter as permitted due to the COVID 19 pandemic.

24 Cal. Rule of Ct. # 3.1204(b)(1)

25 DATED: _____

26 requires that the declaration re notice include
27 the notice given, including the date, time, manner
28 and name of party informed, ... any response,
whether opposition is expected. Plaintiff may

DEWITT V. CITY OF SANTA ROSA re f.b.o. Ami ex parte CASE NO.

with the above details in his declaration
FMB

SCV-266383

PROOF OF SERVICE BY MAIL

I certify that I am an employee of the Superior Court of California, County of Sonoma, and that my business address is 600 Administration Drive, Room 107-J, Santa Rosa, California, 95403; that I am not a party to this case; that I am over the age of 18 years; that I am readily familiar with this office's practice for collection and processing of correspondence for mailing with the United States Postal Service; and that on the date shown below I placed a true copy of the attached order on Plaintiff's Ex Parte Motion to Enjoin the June 4, 2020 Design Review Board Hearing and June 11, 2020 Planning Commission Hearing Denied in an envelope, sealed and addressed as shown below, for collection and mailing at Santa Rosa, California, first class, postage fully prepaid, following ordinary business practices.

Date: June 03, 2020

Arlene Junior
Clerk of the CourtBy: Cynthia Gaddie
Cynthia Gaddie, Deputy Clerk

-ADDRESSEES-

Duane De Witt
PO Box 3068
Santa Rosa Ca 95402

RECEIVED

JUN -3 2020

SUM-100

CITY OF SANTA ROSA
CITY CLERK'S OFFICE

SUMMONS
(CITACION JUDICIAL)

FOR COURT USE ONLY
(SOLO PARA USO DE LA CORTE)
**ENDORSED
FILED**
JUN 03 2020
SUPERIOR COURT OF CALIFORNIA
COUNTY OF SONOMA

NOTICE TO DEFENDANT: **CITY OF SANTA ROSA**
(AVISO AL DEMANDADO):

YOU ARE BEING SUED BY PLAINTIFF: **DUANE DE WITT**
(LO ESTÁ DEMANDANDO EL DEMANDANTE):

NOTICE! You have been sued. The court may decide against you without your being heard unless you respond within 30 days. Read the information below.

You have 30 CALENDAR DAYS after this summons and legal papers are served on you to file a written response at this court and have a copy served on the plaintiff. A letter or phone call will not protect you. Your written response must be in proper legal form if you want the court to hear your case. There may be a court form that you can use for your response. You can find these court forms and more information at the California Courts Online Self-Help Center (www.courtinfo.ca.gov/selfhelp), your county law library, or the courthouse nearest you. If you cannot pay the filing fee, ask the court clerk for a fee waiver form. If you do not file your response on time, you may lose the case by default, and your wages, money, and property may be taken without further warning from the court.

There are other legal requirements. You may want to call an attorney right away. If you do not know an attorney, you may want to call an attorney referral service. If you cannot afford an attorney, you may be eligible for free legal services from a nonprofit legal services program. You can locate these nonprofit groups at the California Legal Services Web site (www.lawhelpcalifornia.org), the California Courts Online Self-Help Center (www.courtinfo.ca.gov/selfhelp), or by contacting your local court or county bar association. NOTE: The court has a statutory lien for waived fees and costs on any settlement or arbitration award of \$10,000 or more in a civil case. The court's lien must be paid before the court will dismiss the case. ¡AVISO! Lo han demandado. Si no responde dentro de 30 días, la corte puede decidir en su contra sin escuchar su versión. Lea la información a continuación.

Tiene 30 DÍAS DE CALENDARIO después de que le entreguen esta citación y papeles legales para presentar una respuesta por escrito en esta corte y hacer que se entregue una copia al demandante. Una carta o una llamada telefónica no lo protegen. Su respuesta por escrito tiene que estar en formato legal correcto si desea que procesen su caso en la corte. Es posible que haya un formulario que usted pueda usar para su respuesta. Puede encontrar estos formularios de la corte y más información en el Centro de Ayuda de las Cortes de California (www.sucorte.ca.gov), en la biblioteca de leyes de su condado o en la corte que le quede más cerca. Si no puede pagar la cuota de presentación, pida al secretario de la corte que le dé un formulario de exención de pago de cuotas. Si no presenta su respuesta a tiempo, puede perder el caso por incumplimiento y la corte le podrá quitar su sueldo, dinero y bienes sin más advertencia.

Hay otros requisitos legales. Es recomendable que llame a un abogado inmediatamente. Si no conoce a un abogado, puede llamar a un servicio de remisión a abogados. Si no puede pagar a un abogado, es posible que cumpla con los requisitos para obtener servicios legales gratuitos de un programa de servicios legales sin fines de lucro. Puede encontrar estos grupos sin fines de lucro en el sitio web de California Legal Services, (www.lawhelpcalifornia.org), en el Centro de Ayuda de las Cortes de California, (www.sucorte.ca.gov) o poniéndose en contacto con la corte o el colegio de abogados locales. AVISO: Por ley, la corte tiene derecho a reclamar las cuotas y los costos exentos por imponer un gravamen sobre cualquier recuperación de \$10,000 ó más de valor recibida mediante un acuerdo o una concesión de arbitraje en un caso de derecho civil. Tiene que pagar el gravamen de la corte antes de que la corte pueda desechar el caso.

The name and address of the court is:
(El nombre y dirección de la corte es):

**Superior Court of California
County of Sonoma
600 Administration Drive
Santa Rosa, CA 95403**

CASE NUMBER: (Número del Caso):

SCV 200383

The name, address, and telephone number of plaintiff's attorney, or plaintiff without an attorney, is: (El nombre, la dirección y el número de teléfono del abogado del demandante, o del demandante que no tiene abogado, es):

DATE: **JUN 03 2020**
(Fecha) **3 JUNE 2020**

ARLENE D. JUNIOR

Clerk, by
(Secretario)

JENNIFER ELLIS

, Deputy
(Adjunto)

(For proof of service of this summons, use Proof of Service of Summons (form POS-010).)

(Para prueba de entrega de esta citación use el formulario Proof of Service of Summons, (POS-010).)

[SEAL]

NOTICE TO THE PERSON SERVED: You are served

1. as an individual defendant.
2. as the person sued under the fictitious name of (specify):
3. on behalf of (specify):

under: <input checked="" type="checkbox"/> CCP 416.10 (corporation)	<input type="checkbox"/> CCP 416.60 (minor)
<input type="checkbox"/> CCP 416.20 (defunct corporation)	<input type="checkbox"/> CCP 416.70 (conservatee)
<input type="checkbox"/> CCP 416.40 (association or partnership)	<input type="checkbox"/> CCP 416.90 (authorized person)
<input type="checkbox"/> other (specify):	
4. by personal delivery on (date)

<p>SUPERIOR COURT OF CALIFORNIA, COUNTY OF SONOMA CIVIL DIVISION 600 ADMINISTRATION DRIVE, ROOM 107-J SANTA ROSA, CALIFORNIA 95403-2878 (707) 521-6500 www.sonoma.courts.ca.gov</p> <p style="text-align: center;"><i>RECEIVED</i> JUN - 3 2020 CITY OF SANTA ROSA CITY CLERK'S OFFICE</p> <p>De Witt vs The City of Santa Rosa</p>	<p style="text-align: right;">(FOR COURT USE ONLY)</p> <p style="text-align: center;">ENDORSED FILED JUN 03 2020</p> <p style="text-align: center;">SUPERIOR COURT OF CALIFORNIA COUNTY OF SONOMA</p>
<p style="text-align: center;">NOTICE OF ASSIGNMENT TO ONE JUDGE FOR ALL PURPOSES, NOTICE OF CASE MANAGEMENT CONFERENCE, and ORDER TO SHOW CAUSE</p>	<p>Case number: SCV-266383</p>

**A COPY OF THIS NOTICE MUST BE SERVED WITH THE SUMMONS AND COMPLAINT
AND WITH ANY CROSS-COMPLAINT**

1. THIS ACTION IS ASSIGNED TO HON. Patrick Broderick FOR ALL PURPOSES.

Pursuant to California Rules of Court, Rule 2.111(7), the assigned judge's name must appear below the number of the case and the nature of the paper on the first page of each paper presented for filing.

2. EACH DEFENDANT MUST FILE A WRITTEN RESPONSE TO THE COMPLAINT AS REQUIRED BY THE SUMMONS.

A Case Management Conference has been set at the time and place indicated below:

Date: 10/06/2020	Time: 3:00 PM	Courtroom 16
Location: Empire College Court Annex 3035 Cleveland Avenue Santa Rosa, CA 95403		

3. No later than 15 calendar days before the date set for the case management conference or review, each party must file a case management statement [Judicial Council form #CM-110] and serve it on all other parties in the case. In lieu of each party's filing a separate case management statement, any two or more parties may file a joint statement.

4. At the conference, counsel for each party and each self-represented party must appear personally or by telephone [California Rules of Court, Rule 3.670(c)(2)]; must be familiar with the case; and must be prepared to discuss and commit to the party's position on the issues listed in California Rules of Court, Rule 3.727.

5. Pre-approved dispositions are recorded three (3) court days prior to the case management conference. These may be obtained by calling (707) 521-6883 or by going to <http://sonoma.courts.ca.gov/online-services/tentative-rulings>.

ORDER TO SHOW CAUSE

To Plaintiff(s), Cross-complainants, and/or their attorneys of record:

If, on the date shown above, you are not in compliance with the requirements stated in the California Rules of Court, rules 2.30, 3.110, and/or 3.720 through 3.771 inclusive, you must then and there show cause why this court should not impose monetary and/or terminating sanctions in this matter.

Pursuant to California Rule of Court, rule 3.221(b), information and forms related to Alternative Dispute Resolution are available on the Court's website at <http://sonoma.courts.ca.gov/self-help/adr>.

ELECTRONIC SERVICE OF DOCUMENTS

Enabled by Local Rule 18.16

Voluntary e-service is available in Sonoma County. The Court has pre-approved a Stipulation for cases in which the attorneys or parties choose e-service. A copy of the Stipulation is available under the "Civil" section in the "Division" tab of the Court website: <http://www.sonoma.courts.ca.gov>. The advantages of e-service to the parties include:

SAVE MONEY	Reduction in costs related to photocopying, retrieving, storing, messenger and postage fees. No special software is needed to use e-service
SAVE TIME	Instant service of your documents on all parties
SAVE SPACE	With 24/7 internet access to all documents, you do not need to house paper copies
GAIN CERTAINTY	Immediate confirmation of service for your records. Documents are not delayed in the mail or blocked by email spam blockers and firewalls

To take advantage of e-service, select an e-service provider and file the signed Stipulation with the Court. Parties can then e-serve documents through the selected provider. Information about e-service providers is available at the website for the Sonoma County Bar Association: <http://www.sonomacountybar.org>. The Court does not endorse one provider over another.

To learn more about available e-service providers and their fees, please visit their website

***Note:** Hard-copy pleadings are required to be filed with the Court in accordance with applicable provisions of the Code of Civil Procedure, California Rules of Court and local rules. You do not need to provide a courtesy copy of a served document to the specific department in which the matter has been assigned.*

DISCOVERY FACILITATOR PROGRAM

Effective January 1, 2008, the Sonoma County Superior Court promulgated Sonoma County Local Rule 4.14 which established the Discovery Facilitator Program. Participation in the Discovery Facilitator Program shall be deemed to satisfy a party's obligation to meet and confer under Sonoma County Local Rule 5.5 and applicable provisions of the Code of Civil Procedure and California Rules of Court. This program has been providing assistance in resolving discovery disputes and reducing the backlog of matters on the law and motion calendars in our civil law departments. The Sonoma County Superior Court encourages all attorneys and parties to utilize the Discovery Facilitator Program in order to help resolve or reduce the issues in dispute whether or not a discovery motion is filed.

There is a link to Local Rule 4.14 and the list of discovery facilitator volunteers on the official website of the Sonoma County Superior Court at <http://www.sonoma.courts.ca.gov>. On the home page, under the "AVAILABLE PROGRAMS & HELP" section, click on »[Discovery Facilitator Program](#). You can then click on either "Local Rule 4.14" to obtain the language of the local rule, or "List of Facilitators" for a list of the volunteer discovery facilitators and accompanying contact and biographical information.

Pursuant to Local Rule 5.1.C:

The moving party shall, on the date of filing, hand-deliver to the Assigned Judge a courtesy copy, which need not be file-endorsed, of any motion filed. The responding party shall, on the date of filing, hand-deliver to the Assigned Judge a courtesy copy, which need not be file-endorsed, of all opposition papers. Finally, the moving party shall, on the date of filing, hand-deliver to the Assigned Judge a courtesy copy, which need not be file-endorsed, of all reply papers.

Pursuant to Local Rule 5.1.C.1:

If any matter scheduled on the law and motion calendar is resolved, dismissed, settled or becomes moot for any reason, the moving party shall immediately notify the judicial assistant for the Assigned Judge if the motion is to be dropped from the law and motion calendar. Said notification may be made by telephone, followed by a letter of confirmation.

RECEIVED

JUN - 3 2020

CITY OF SANTA ROSA
CITY CLERK'S OFFICE

ENDORSED
FILED

JUN 03 2020

SUPERIOR COURT OF CALIFORNIA
COUNTY OF SONOMA

1 Duane De Witt
2 Box 3068
3 Santa Rosa, Ca 95402
4 Telephone: (707) 575-5549

4 In Pro Per

5 SUPERIOR COURT OF THE STATE OF CALIFORNIA

6 COUNTY OF SONOMA

8 Duane De Witt,

Case No. *SCV* 266383

9 Plaintiff,

DECLARATION OF DUANE
DE WITT IN SUPPORT OF
CONTINUING THE JUNE 4, 2020
DESIGN REVIEW BOARD
HEARING

10 vs.

11 The City of Santa Rosa,

12 Defendants.

Action Filed:

14 Date:

15 Time:

16 Dept.:

17 I, DUANE DE WITT, declare that, if called as a witness, I could and would competently
18 testify concerning the following matters:

19 DATED: 3 JUNE 2020

Duane D. De Witt
20 Duane De Witt, In Pro Per

RECEIVED

JUN - 3 2020

CITY OF SANTA ROSA
CITY CLERK'S OFFICE

ENDORSED
FILED

JUN 03 2020

SUPERIOR COURT OF CALIFORNIA
COUNTY OF SONOMA

1 Duane De Witt
2 Box 3068
3 Santa Rosa, Ca. 95402
4 Telephone: (707) 575-5549

4 In Pro Per

5 SUPERIOR COURT OF THE STATE OF CALIFORNIA
6 COUNTY OF SONOMA
7

8 Duane De Witt,

Case No. *SCV* 266383

9 Plaintiff,

MEMORANDUM OF POINTS AND
AUTHORITIES IN SUPPORT OF
CONTINUING THE JUNE 4, 2020
SANTA ROSA DESIGN REVIEW
BOARD HEARING & JUNE 11, 2020
SANTA ROSA PLANNING
COMMISSION MEETING
Action Filed:

10 vs.

11 The City of Santa Rosa,

12 Defendants.
13

14 _____
15 Date:
16 Time:
17 Dept.:

18 INTRODUCTION

19 On or about 18 October 2018 a Santa Rosa city meeting was held for a "Concept review"
20 to discuss a proposed Burbank Ave. Subdivision of four parcels totaling approximately 14.2
21 acres located at 1400 Burbank Ave. The project is proposed by the Schellinger Brothers
22 Development Co. (Schellinger) I attended this meeting along with many neighbors from
23 Roseland.
24

25 At the meeting I requested to be notified in the future of any meetings about this project. I
26 left my contact information of mailing address and phone number with the city planner handling
27 the meeting, named Amy NicholSEN.
28

1 On, or about, 24 Feb 2020 seven other Roseland residents and I filed an appeal of the
2 Planning Commission approval of the project. Due to the fact the first Zoning Administrator
3 approval of the project was done without allowing for full public participation this entire
4 process is flawed. By hiding the facts of the case from the public this entire process has been
5 tainted. The process should be reversed to start over again with full disclosure of the project
6 files to the public BEFORE and at any and all public hearings on the Schellinger project.
7

8 On 9 March 2020 at the office of the Santa Rosa Planning and Economic Development
9 Dept. it was scheduled for Mr. Mark Parrish to view documents from the file of the Schellinger
10 project. He and other members of the Roseland community had filed official Public Records
11 Act requests to view the Schellinger project files. He invited me along to view what we thought
12 would be documents relevant to our appeal of the approvals of the project. Many of the relevant
13 documents and paperwork in the Schellinger file were NOT made available as requested. While
14 viewing some files made available city staff then told us much of the material we wished to
15 have copies of were now thought to be "not for public view". We were not shown any
16 regulation of other proof as to why this decision was made as the files were closed to us and
17 taken away.
18

19
20 The spirit of the intent of the California Constitution Article 1, Sec. 3, as well as the 1953
21 Brown Act and the 1967 Bagley-Keene Act is being ignored by the city of Santa Rosa. The city
22 has now scheduled an Appeal hearing of the Design Review Board for Thursday June 4, 2020.
23 The city states the hearing will NOT be an in person activity where the public can participate
24 due to the "Shelter in Place" restrictions in Santa Rosa. The city will be doing a "virtual
25 meeting" reserved for those people who have access to computers and the internet at the time
26 the hearing is being held by something called "ZOOM". People with certain types of internet
27 computers, internet tablets, and internet Smart phones will be able to access the meeting. Those
28

1 residents without access to the internet and computer technology at the time of these non -
2 essential meetings are being shut out of the governmental decision making process n purpose.

3 **HOLDING THE HEARING REMOTELY IS IN VIOLATION OF THE BROWN ACT**

4 The Brown Act of 1953, located at California Government Code 54950 et seq., is an act
5 of the California State Legislature, authored by Assembly member Ralph M. Brown and passed
6 in 1953, that guarantees the public's right to attend and participate in meetings of local
7 legislative bodies. The Brown Act also provides that the government must provide proper
8 notice as well as proper documents which are to be available to the public at any public hearing.
9 As discussed above, this was not done at the February 5, 2020 Santa Rosa Zoning Administrator
10 hearing, or the February 13, 2020 Santa Rosa Planning Commission hearing. This displays a
11 continuing pattern of violations of the Brown act and the Bagley Keene Act by Santa Rosa.
12

13 The purpose of the Brown Act was to provide the people of California a method of
14 participating in regulations and developments of their local governments and to ensure that
15 there was no impropriety on the part of the government. Here, the city is attempting to do
16 exactly what the Brown act was created to stop. They City is attempting to push through permit
17 and zoning changes to the Roseland area without proper community input. By holding these
18 hearings remotely, they are violating my rights and the rights of the members of my community
19 who do not have 24/7 access to the internet, and/or internet speeds that are fast enough to
20 properly participate in these meetings. This is a direct violation of the Brown Act.
21

22 **HOLDING THE HEARING REMOTELY IS IN VIOLATION OF THE BAGLEY-**

23 **KEENE ACT**

24 The Bagley-Keene Act of 1967, officially known as the Bagley-Keene Open Meeting
25 Act, implements a provision of the California Constitution . The preamble at Section 11120:
26 states, "It is the public policy of this state that public agencies exist to aid in the conduct of the
27
28

1 people's business and the proceedings of public agencies be conducted openly so that the public
2 may remain informed. In enacting this article the Legislature finds and declares that it is the
3 intent of the law that actions of state agencies be taken openly and that their deliberation be
4 conducted openly. The people of this state do not yield their sovereignty to the agencies which
5 serve them. **The people, in delegating authority, do not give their public servants the right**
6 **to decide what is good for the people to know and what is not good for them to know.** The
7 people insist on remaining informed so that they may retain control over the instruments they
8 have created. This article shall be known and may be cited as the Bagley-Keene Open Meeting
9 Act.” (Emphasis mine.)
10

11
12 As with the Brown Act, the City is attempting violate this act as well by refusing to turn
13 over all documents required in order for members of the community to properly understand the
14 scope and ramifications of this Roseland project presented by Schellinger. By not producing
15 the documents and by holding this hearing remotely the city is essentially stating that the people
16 do not know what is good for them and that they know what is best for the people because the
17 City is willfully, intentionally, and maliciously preventing public participation.
18

19 **GOOD CAUSE EXISTS FOR THE COURT TO GRANT PLAINTIFF'S EX PARTE**
20 **APPLICATION TO CONTINUE THE TRIAL IN THIS ACTION**

21 Pursuant to California Code of Civil Procedure § 526(a)(4), which states that “[a]n
22 injunction may be granted... [w]hen pecuniary compensation would not afford adequate relief.”
23 Here, there is no compensation that can be provided to myself or other members of the
24 Roseland community other than an injunction to halt the Design Review Board appeal until the
25 COVID-19 emergency has passed.
26

27 **PROPER NOTICE OF THIS EXPARTE APPLICATION HAS BEEN PROVIDED TO**
28 **ALL PARTIES**

1 California Rules of Court, Rule 3.1204 provides that: “[a] party seeking an ex parte
2 order must notify all parties no later than 10:00 am the court day before the ex parte
3 appearance.” Cal. R. Ct. Rule 379. On _____, applying plaintiff provided proper notice
4 of this Ex Parte Application (see accompanying Declaration of Duane De Witt in support of the
5 application)
6 application)

7 ///

8 **CONCLUSION**

9 It is therefore respectfully requested that this court grant this ex parte application to
10 continue the Design Review Board hearing of June 4, 2020 and the Planning Commission
11 meeting of June 11, 2020.
12 meeting of June 11, 2020.

13
14 DATED: 3 JUNE 2020

15 Duane D. De Witt
16 Duane De Witt, In Pro Per
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1 Duane De Witt
2 Box 3028
3 Santa Rosa, CA 95402
4 Telephone: 707-575-5549

4 In Pro Per

5 SUPERIOR COURT OF THE STATE OF CALIFORNIA
6 COUNTY OF SONOMA
7

8 Duane De Witt,

Case No. SCV-266383

9 Plaintiff,

**DECLARATION OF ERIN
RINEBERG IN SUPPORT OF THE
EX PARTE MOTION TO
CONTINUE THE JUNE 4, 2020
DESIGN REVIEW BOARD
HEARING**

10 vs.

11 The City of Santa Rosa,

12 Defendants.
13

Action Filed: June 3, 2020
14

15
16
17 I, ERIN RINEBERG, declare that, if called as a witness, I could and would competently
18 testify concerning the following matters:

19 It is my understanding that the City of Santa Rosa must post their agenda and
20 corresponding important documents 72 hours prior to any hearing conducted by the City.
21

22 In the 72 hours prior to the Wednesday February 5, 2020 Zoning Administrator meeting,
23 I attempted to locate these documents and was unable to do so. I was also unable to locate the
24 same documents for the February 13, 2020 hearing.

25 While the Brown Act allows for the documents to be posted to the City's website, the
26 documents should also be easily accessible for the general public to obtain these documents.
27 Given my extensive understanding of computers I was unable to locate these documents, thus
28 indicating that the City is in violation of the spirit of the Brown Act. Furthermore, the zoom

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meetings for the hearings do not properly provide equal access to those without computers, 24/7 internet access, internet speeds sufficient to stream and participate remotely.

Additionally the appellate hearings are not of a sufficient emergency nature that they could not be postponed until after the COVID-19 pandemic has subsided.

It is therefore respectfully request that this court grant this ex parte application to continue the Design Review Board hearing.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct, and that this Declaration was executed this 3rd day of June, 2020, at Santa Rosa, California.



Erin Rineberg, Declarant

1 Duane De Witt
2 Box 3028
3 Santa Rosa, CA 95402
4 Telephone: 707-575-5549

4 In Pro Per

5 SUPERIOR COURT OF THE STATE OF CALIFORNIA
6 COUNTY OF SONOMA
7

8 Duane De Witt,

Case No. SCV-266383

9 Plaintiff,

**DECLARATION OF NICKOLAS
RINEBERG IN SUPPORT OF THE
EX PARTE MOTION TO
CONTINUE THE JUNE 4, 2020
DESIGN REVIEW BOARD
HEARING**

10 vs.

11 The City of Santa Rosa,

12 Defendants.
13

Action Filed: June 3, 2020
14

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16
17 I, NICKOLAS RINEBERG, declare that, if called as a witness, I could and would
18 competently testify concerning the following matters:

19 It is my understanding that the City of Santa Rosa must post their agenda and
20 corresponding important documents 72 hours prior to any hearing conducted by the City.
21

22 In the 72 hours prior to the Wednesday February 5, 2020 Zoning Administrator meeting,
23 I attempted to locate these documents and was unable to do so. I was also unable to locate the
24 same documents for the February 13, 2020 hearing.

25 While the Brown Act allows for the documents to be posted to the City's website, the
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meetings for the hearings do not properly provide equal access to those without computers, 24/7 internet access, internet speeds sufficient to stream and participate remotely.

Additionally the appellate hearings are not of a sufficient emergency nature that they could not be postponed until after the COVID-19 pandemic has subsided.

It is therefore respectfully request that this court grant this ex parte application to continue the Design Review Board hearing.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct, and that this Declaration was executed this 3rd day of June, 2020, at Santa Rosa, California.



Nickolas Rineberg, Declarant

1 Duane De Witt
2 Box 3028
3 Santa Rosa, CA 95402
4 Telephone: 707-575-5549

4 In Pro Per

5 SUPERIOR COURT OF THE STATE OF CALIFORNIA
6 COUNTY OF SONOMA
7

8 Duane De Witt,

Case No. SCV-266383

9 Plaintiff,

**DECLARATION OF MARK
PARRISH IN SUPPORT OF THE
EX PARTE MOTION TO
CONTINUE THE JUNE 4, 2020
DESIGN REVIEW BOARD
HEARING**

10 vs.

11 The City of Santa Rosa,

12 Defendants.
13

14 _____ Action Filed: June 3, 2020
15
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17

18 I, MARK PARRISH, declare that, if called as a witness, I could and would competently
19 testify concerning the following matters:

20 It is my understanding that the City of Santa Rosa must post their agenda and
21 corresponding important documents 72 hours prior to any hearing conducted by the City.

22 In the 72 hours prior to the Wednesday February 5, 2020 Zoning Administrator meeting,
23 I attempted to locate these documents and was unable to do so. I was also unable to locate the
24 same documents for the February 13, 2020 hearing.

25 While the Brown Act allows for the documents to be posted to the City's website, the
26 documents should also be easily accessible for the general public to obtain these documents.

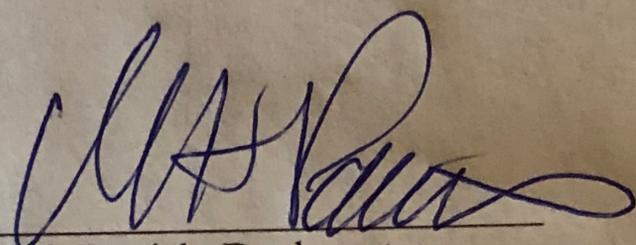
27 Given my extensive understanding of computers I was unable to locate these documents, thus
28

1 indicating that the City is in violation of the spirit of the Brown Act. Furthermore, the zoom
2 meetings for the hearings do not properly provide equal access to those without computers, 24/7
3 internet access, internet speeds sufficient to stream and participate remotely.
4

5 Additionally the appellate hearings are not of a sufficient emergency nature that they
6 could not be postponed until after the COVID-19 pandemic has subsided.

7 It is therefore respectfully request that this court grant this ex parte application to
8 continue the Design Review Board hearing.

9 I declare under penalty of perjury under the laws of the State of California that the
10 foregoing is true and correct, and that this Declaration was executed this 3 day of June,
11 2020, at Santa Rosa, California.
12

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14 _____
15 Mark Parrish, Declarant
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