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CITY AND COUNTY OF SAN FRANCISCO

SUPERIOR COURT OF THE STATE OF CALIFORNIA

COUNTY OF SAN FRANCISCO

UNLIMITED JURISDICTION

HOPE WILLIAMS, NATHAN SHEARD, and NESTOR REYES,

Plaintiff,

vs.

CITY AND COUNTY OF SAN FRANCISCO,

Defendant.

Case No. CGC-20-587008

DEFENDANT CITY AND COUNTY OF SAN FRANCISCO'S SEPARATE STATEMENT OF UNDISPUTED MATERIAL FACTS IN SUPPORT OF MOTION FOR SUMMARY JUDGMENT

Hearing Date:	December 17, 2021
Time:	9:30 a.m.
Place:	Dept. 302
Date Action Filed:	October 7, 2020
Trial Date:	February 22, 2022

In support of its Motion for Summary Judgment, defendant the City and County of San Francisco ("the City") hereby submits the following undisputed material facts and supporting evidence which entitle the City to judgment as a matter of law on the single cause of action contained in the "Complaint for Declaratory and Injunctive Relief" filed by plaintiffs Hope Williams, Nathan Sheard, and Nestor Reyesthia Cerletti, for alleged violation of San Francisco's Acquisition of Surveillance Technology Ordinance (Administrative Code Chapter 19B), Sections 19B.2(a) (2), (3), and (4).

MOVING PARTY'S UNDISPUTED MATERIAL FACTS AND SUPPORTING EVIDENCE	OPPOSING PARTY'S RESPONSE AND SUPPORTING EVIDENCE
1. The Union Square Business Improvement District ("USBID") is a California nonprofit corporation. It was formed by a majority of property owners within San Francisco's Union Square area, and is a non-City entity. **Supporting Evidence:** Plaintiff's Complaint (Exhibit D to Declaration of Wayne Snodgrass in Support of Defendant's Motion for Summary Judgment ("Snodgrass Decl."), at ¶¶ 23, 21; Joint Stipulations of Fact ("JSF") 10, 11	
2. USBID operates a network of high-definition video surveillance cameras. **Supporting Evidence:** Plaintiff's Complaint, at ¶ 23; JSF 12.	
3. The 2019 San Francisco Pride celebration took place on June 29, 2019 and June 30, 2019. **Supporting Evidence:** Declaration of Oliver Lim in Support of Defendant's Motion for Summary Judgment ("Lim Decl."), at ¶ 3.	
4. Shortly before the start of the 2019 Pride celebration, San Francisco Police Department	

MOVING PARTY'S UNDISPUTED MATERIAL FACTS AND SUPPORTING EVIDENCE	OPPOSING PARTY'S RESPONSE AND SUPPORTING EVIDENCE
("SFPD") Officer Oliver Lim, at the direction of his commanding officer, contacted Chris Boss, a representative of USBID, and requested that USBID allow the SFPD to have access to cameras in USBID's surveillance camera network during the 2019 Pride celebration. **Supporting Evidence:** Lim Decl., at ¶ 4.	
5. USBID agreed to give SFPD access to cameras in USBID's surveillance camera network during the 2019 Pride celebration. **Supporting Evidence:** Lim Decl., at ¶ 5.	
6. USBID provided SFPD with log-in credentials to commercial software which SFPD used to access cameras in USBID's surveillance camera network for a period of up to 24 hours during the 2019 Pride celebration. **Supporting Evidence:** Lim Decl., at ¶ 5.	
7. The City's Acquisition of Surveillance Technology Ordinance (Administrative Code Chapter 19B), the ordinance that plaintiffs allege the City violated through SFPD's conduct in May-June 2020, states at Section 19B.5(d) that "[e]ach Department possessing or using Surveillance Technology before the effective date of this Chapter 19B may continue its use of the Surveillance Technology and the sharing of data from the Surveillance Technology until such time as the Board enacts an ordinance regarding the Department's Surveillance Technology Policy and such ordinance becomes effective under Charter Section 2.105." **Supporting Evidence:** Snodgrass Decl., Ex. A, at p. 5.	

MOVING PARTY'S UNDISPUTED MATERIAL FACTS AND SUPPORTING EVIDENCE	OPPOSING PARTY'S RESPONSE AND SUPPORTING EVIDENCE
8. The City's Acquisition of Surveillance Technology Ordinance (Administrative Code Chapter 19B), the ordinance that plaintiffs allege the City violated through SFPD's conduct in May-June 2020, took effect in July 2019. **Supporting Evidence:** JSF 6; Plaintiff's Complaint, ¶ 18.	
9. To date, the City's Board of Supervisors has not enacted any ordinance regarding SFPD's surveillance technology policies with respect to surveillance cameras owned by non-City entities, such as USBID. **Supporting Evidence:** Declaration of Asja Steeves in Support of Defendant's Motion for Summary Judgment ("Steeves Decl."), at ¶ 5.	

Dated: September 16, 2021

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