

SUPPLEMENTAL ARES DECLARATION

I, ERIC ARES, declare:

1. I previously submitted a declaration in support of Plaintiffs' Application for a Temporary Restraining Order. I am providing a Supplemental Declaration to address several assertions raised by the Defendants in their Opposition.

2. As I previously attested, I was present at the time and place where Plaintiff Salvador Roque's property was taken. I am aware that Defendants have submitted the Declaration of Lt. Mathes, asserting that all of the property taken at that location that morning was Mr. Roque's property.

3. I arrived at this location before any of the property was removed. As I previously stated, when I saw what was occurring, I began taking photographs with my cell phone of what I observed. Plaintiffs' Exhibits 6A-F, submitted in support of Plaintiffs' moving papers, were taken by me and accurately depicted what I observed that morning with respect to Mr. Roque's tent being slashed.

4. As I stated in my prior declaration, I was accompanied by a coworker at the time. That individual, Steve Diaz, was also taking photographs and videos of what we observed. Attached to my Supplemental Declaration are several photographs marked as Exhibit 18 A-E. I observed that Mr. Diaz began taking photographs of the scene before I did, so he was able to capture images of Mr. Roque's tent while it was still completely intact. Each of the photographs accurately depicts what I observed at that time.

5. Exhibit 18 A depicts an individual in a white coverall removing a covering from what I understand to be Mr. Roque's tent. The grey "wall" described by Lt. Mathes as the dividing line between Mr. Ares' property and that of other individuals is shown on the right side of Exhibit A. Exhibit 18 B depicts Plaintiff Ares' tent with the covering removed. I observed at this point that the sides of the tent were intact. Exhibit 18 C depicts an individual in a white coverall

1 bending down near the tent. The side of the tent is still intact. Exhibit 18 D
2 depicts the tent slashed and the same individual folding it in such a way that the
3 tent pole on the right is bent. Exhibit 18 E shows an individual in a plaid shirt
4 with a backpack in the left forefront of the photo. Based on observing him, I
5 understood that he was identifying some the property that was being removed as
6 Mr. Roque's as belonging to Ernie Aguirre.

7 6. As I continued to observe and document the property removal at this
8 location, the individual identified in Exhibit 18 E returned with a person identified
9 to me as Ernesto Aguirre. I previously submitted a video at Exhibit 14 that
10 depicted what I observed at this location on the morning that Mr. Roque's property
11 was removed. In the video identified at Exhibit 14, the grey "wall" identified by
12 Lt. Mathes is visible at 00:21. I observed an individual in a grey t-shirt walk up
13 from the opposite direction from where I was standing. This individual appears in
14 the video at 1:10. A few seconds later, I observed him approach the officer known
15 to me as Sgt. Richter and inform Sgt. Richter that some of the property being taken
16 was his. I observed the man pointing and then walking to the garbage truck with
17 Sgt. Richter, where the man removed an item that was in the trash truck scoop.
18 This is depicted at 1:20-1:55. I am the individual heard calling out to the man and
19 asking if he is Ernie Aguirre.

20 7. At 4:24, the man depicted in the plaid shirt in Exhibit 18 E returned to
21 the scene with an obviously impaired individual who is then lowered to the
22 sidewalk. I have previously identified this individual as Ernesto Aguirre. I made
23 this identification based on the information I received from both the man in the
24 plaid shirt and another gentleman seen in the video with grey hair. I understood
25 these two individuals to be brothers of Mr. Aguirre based on what they told me.
26 As I watched what occurred, I observed Ernesto Aguirre, the man lying on the
27 sidewalk, point to the area where all of the property had been removed and state to
28 Sgt. Richter that his property had been there.

