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IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA  
IN AND FOR THE CITY AND COUNTY OF SAN FRANCISCO  
BEFORE THE HONORABLE ETHAN P. SCHULMAN, JUDGE PRESIDING  
DEPARTMENT 302



Ex Parte Eigil Qwist,  
Complainant,  
and those similarly  
situated hereto

No. CGC-21-595192

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REPORTER'S TRANSCRIPT OF PROCEEDINGS  
WEDNESDAY, OCTOBER 13, 2021

A P P E A R A N C E S (via Zoom)

For the Petitioner:

EIGIL QWIST,  
*In Propria Persona*

1 October 13, 2021

10:01 a.m.

2 P R O C E E D I N G S

3 THE COURT: All right. Good morning, everybody. This is  
4 Judge Schulman.

5 This is the specially-set hearing in the matter of  
6 Ex Parte Eigil Qwist, Q-u-i-s-t.

7 Most of you are appearing remotely.

8 What I'm going to ask you to do is if you intend to appear  
9 and be heard is to using the *raise hand* function;

10 I will then admit you;

11 Once admitted, please state your name for the record.

12 I see Mr. Qwist has his hand up. I'm admitting him...

13 MR. QWIST: Good day, Your Honor. How are you? Nice to  
14 see you again.

15 My name's Eigil Qwist. And I'm making this appearance  
16 before this Honorable Court at Common Law.

17 THE COURT: Before you start making your arguments, sir --

18 MR. QWIST: I was just introducing --

19 THE COURT: Are you -- can I expect that you'll be  
20 speaking on behalf of all of the Plaintiffs here?

21 MR. QUIRK: Yes, Your Honor; I'll be speaking on behalf of  
22 all the joinders that joined my case.

23 THE COURT: Okay. So before you do that, sir, let me  
24 understand what you're seeking and how you've gone about doing  
25 it.

26 MR. QWIST: Can I just interrupt you for one second, Your  
27 Honor?

28 We have provided a court reporter. And I just want to

1 make sure that that... that process is activated right now.  
2 We've gotten our own court reporter.

3 THE COURT: No, sir -- what's the name of your court  
4 reporter?

5 MR. QWIST: Let me get that for you, right now...

6 THE COURT: Can I have the court reporter use the *raise*  
7 *hand* function?

8 MR. QWIST: Um... okay. That would be the easiest.

9 THE COURT: All right. This proceeding is being reported  
10 by the Court -- the Court's official court reporter. I'm  
11 thanking and excusing your court reporter.

12 MR. QWIST: Oh. Okay, your Honor.

13 I had sent you a letter asking whether you would provide a  
14 court reporter. I never got an answer. So that's why we  
15 provided our own.

16 I wish we would have known, because it's costing us a  
17 pretty penny.

18 THE COURT: Well, you've been relieved of that expense as  
19 of now.

20 MR. QWIST: Thank you, Your Honor. I appreciate that.

21 THE COURT: So what... I said I wanted to understand is  
22 what you're doing here procedurally.

23 You filed an underlying -- well, let's go back a step.

24 MR. QWIST: Okay.

25 THE COURT: So I last heard from you on August 25. You  
26 had filed an action that was entitled, "Qwist versus Isen,  
27 I-s-e-n, Case Number CGC-21-593669.

28 And at that time you and your co-Plaintiffs were seeking a

1 restraining order to enjoin the City and County of  
2 San Francisco from implementing its mandatory vaccination and  
3 other policies relating to COVID-19.

4 MR. QWIST: Right.

5 THE COURT: I explained to you at the time that I could  
6 not grant relief because you had not complied with the  
7 California Rules of Court governing ex parte applications;

8 There were no factual declarations or affidavits that you  
9 had submitted in support of the application making any showing  
10 of irreparable harm or any other basis for granting relief ex  
11 parte.

12 MR. QWIST: *(Nods head.)*

13 THE COURT: There was no legal brief in support of the  
14 application;

15 And you had not provided notice to the City no later than  
16 10:00 a.m. the court day before the appearance.

17 And so I explained the rules that applied. We're talking  
18 about rule 3.1201, 1202, 1203, and 1204 of the California Rules  
19 of Court. And I denied your application without prejudice to  
20 you complying with those rules.

21 MR. QWIST: Okay.

22 THE COURT: What I understand you've now done is instead  
23 of complying with those rules in the initially-filed action, is  
24 you filed a new action under this case number, which is  
25 CGC-21-595192, and you've given me some declarations and  
26 supporting materials, but I want to understand whether you've  
27 given any notice to the City and County of San Francisco that  
28 you intended to appear and seek relief against the City.

1 I don't see any indication in the papers that you filed  
2 that you have done so.

3 MR. QWIST: Well, Your Honor, first off, I want to tell  
4 you that I'm coming in here at Common Law. And the Rule 3.1203  
5 is a statutory one, which I am not under that jurisdiction.  
6 Those rules don't apply to me as I'm coming in at Common Law.

7 And in Common Law, I sent you a letter explaining, from  
8 Black's Law Dictionary, that the *ex parte* is a:

9 "One-sided only hearing by or for one party; done  
10 for, in behalf of, or one application of, one party.  
11 A judicial proceeding, order, injunction, et cetera,  
12 is said to be *ex parte* when it is taken or granted  
13 at the instance and for the benefit of one party  
14 only, and without notice to, or contestation by, any  
15 person adversely interested."

16 And that is in a Supreme Court case, *Janin versus Logan*.

17 THE COURT: All right.

18 MR. QWIST: Also --

19 THE COURT: Sir, I've -- I've considered that authority.  
20 I have to tell you, you're just wrong.

21 You can't avoid the effect of the California Rules of  
22 Court and of California statutory law by just saying this is an  
23 action at Common Law, and so I don't have to comply with those.

24 So you're -- you're just wrong and, and I'll explain to  
25 you why.

26 You are seeking emergency relief here, or what you call  
27 emergency relief against the City and County of San Francisco;  
28 in other words, you're asking for an order that would enjoin

1 the Director of Human Resources, Carol Isen, for the City and  
2 County, and anybody else working for the City from enforcing  
3 the masking requirements;

4 The vaccination requirements;

5 Testing requirements;

6 And so on.

7 Well, the City isn't here. The City isn't represented.  
8 You haven't given notice to the City that you intended to seek  
9 that relief.

10 And, as a matter not only of the Rules of Court but as a  
11 matter of due process... can you hear me, sir?

12 MR. QWIST: Oh, yes, I can hear you, sir.

13 THE COURT: All right.

14 MR. QWIST: I'll tell you finish, but -- go ahead.

15 THE COURT: As a matter of not just the Rules of Court but  
16 fundamental due process, you must give notice to the City, and  
17 the City must have an opportunity to be heard.

18 The City is not before the Court now;

19 The Court doesn't have jurisdiction over the City in this  
20 case;

21 And it can't issue any relief against it.

22 MR. QWIST: Okay. Well --

23 THE COURT: For those reasons.

24 So on that ground alone, this -- this entire proceeding  
25 does not present any grounds for the Court to rule today.

26 MR. QWIST: Well, if -- if you will, Your Honor, *ha*,  
27 you're saying I have not done any due process of law.

28 I've sent them a conditional acceptance conditionally

1 accepting this mandate;

2 I've sent them courtesy notices;

3 I've sent them notices of a default.

4 THE COURT: Notices are of no legal effect, sir, first of  
5 all;

6 And, second of all, even if they were, they can't  
7 substitute for service and notice in this action in this  
8 court --

9 MR. QWIST: This ex parte.

10 THE COURT: -- in which you are seeking emergency relief  
11 against the City.

12 MR. QUIRK: Okay. Well, what if...

13 THE COURT: It doesn't work that way.

14 MR. QWIST: Okay. What is ex parte? If both parties are  
15 present, what is ex parte?

16 THE COURT: Under certain circumstances, a court may act  
17 ex parte without the other party being present, but they are  
18 very limited circumstances.

19 I'll give --

20 MR. QWIST: Can you give me an example?

21 THE COURT: I'll give you an example:

22 If it would cause damage to the moving party to give  
23 notice to the other side, for example, in a domestic violence  
24 kind of situation;

25 If -- or if, in a civil context, if giving notice to the  
26 other side would cause them to conceal assets, for example, and  
27 there's reason to believe that that's the case, then a court  
28 might be able to grant relief.

1 But in general, as a matter of due process, the City is  
2 entitled to notice and an opportunity to be heard, and you  
3 haven't provided that.

4 MR. QWIST: Well, the last time we did provide that, the  
5 City came forth and lied about not having been noticed when in  
6 fact they were present and had Mrs. Cumberland (*ph.*) represent  
7 them. And I would like to know how would it be that  
8 Mrs. Cumberland was present if the City had not been noticed?

9 Your Honor --

10 THE COURT: If you're -- if you're talking about Assistant  
11 City Attorney Kimberlin, you'd have to ask her that question.  
12 I don't know --

13 MR. QWIST: Okay.

14 THE COURT: I don't know -- I don't know --

15 MR. QWIST: Well, statutorily the Assistant District  
16 Attorney --

17 THE COURT: My understanding at the time -- excuse me.

18 MR. QWIST: Okay. I apologize.

19 THE COURT: My understanding at the time was that the  
20 complaint in that action, which is not the one before me  
21 today --

22 MR. QWIST: Right.

23 THE COURT: -- was never even properly served on the City.  
24 But, in any event, we're not here to talk about what  
25 happened in August.

26 MR. QWIST: Right.

27 THE COURT: We're now in October.

28 And this mandatory vaccination policy that you're



1 objecting to was first issued on June 23rd of this year, and  
2 amended on August 6th of this year, according to some of the  
3 papers that you've given me.

4 MR. QWIST: Right. And --

5 THE COURT: So, you know, what's passed is past, but  
6 what the -- the other problem that I have here, and there are  
7 many of them, is that you've waited until the very last minute.

8 This is a policy that's been in place for months;

9 The last time we saw each other was literally seven weeks  
10 ago;

11 I understand that you are not a lawyer and that you are  
12 representing yourself, but it is not grounds for emergency  
13 relief for a party to come into court with a self-created  
14 emergency. And that's what we've got here.

15 If you had problems with this policy, you could have  
16 raised these problems in a lawsuit in June, or July, or August,  
17 or September. We're now in October.

18 MR. QWIST: All due respect, Your Honor, *ha*, it is of  
19 grave emergency as they are threatening our job. That is one  
20 of the reasons, also, that in your rule of court, due to  
21 exceptional circumstances, we're talking about a City that  
22 retaliates against people that speak out against this mandate;

23 We've proven it;

24 I have it in all my documents. I've given you all the  
25 documentation;

26 And, you know, there is irreparable harm. And there is  
27 risk of injury.

28 And, with all due respect, Your Honor, you're not looking

1 at any of that when it comes to the City and County of  
2 San Francisco employees that are refusing this mandate that  
3 have made ample tries to talk to the City, to negotiate with  
4 them, to find a way to accommodate.

5 We've been threatened. We've been coerced. We've been  
6 discriminated against.

7 And I appreciate Your Honor telling me about all these  
8 procedural... details, but we haven't even given gotten to the  
9 meat of what the offense on me is, and what harm is done.

10 THE COURT: All right. Let's get to the meat, Mr. Qwist.  
11 I appreciate that you think due process is a procedural detail.  
12 I don't agree with you.

13 MR. QUIRK: No, I didn't mean it that way.

14 THE COURT: Let's talk about the meat of the merits.

15 The other thing I said to you on August 25th was that the  
16 courts, including the United States Supreme Court;

17 The California Supreme Court;

18 And the California Courts of Appeal have, for more than a  
19 hundred years, rejected challenges to mandatory immunizations  
20 requirements.

21 And I told you about the United States Supreme Court's  
22 decision in *Jacobson versus Massachusetts*, in 1905;

23 About the Court of Appeal decisions in 2018. And... and  
24 two of them rejecting challenges to mandatory immunization  
25 requirements for school children, which is a requirement that  
26 has been in place for decades in this state, as well as across  
27 the country.

28 And nothing in your papers even mentions any of those

1 cases, nor -- nor do they mention the fact that, as you might  
2 imagine, every court in the country, at least that I'm aware  
3 of, that has addressed a challenge to mandatory vaccination  
4 requirements for the COVID-19 pandemic has denied those  
5 requests.

6 So --

7 MR. QWIST: I understand --

8 THE COURT: So, you know, when you talk about *let's talk*  
9 *about the merits* --

10 MR. QWIST: Okay.

11 THE COURT: -- those are the merits. And you didn't talk  
12 about them at all.

13 MR. QWIST: Well, you just brought it up. I brought it  
14 up. And I can talk about it right now.

15 The 1905 case, *Jacobson versus Massachusetts*, with all due  
16 respect, Your Honor, is a vaccination case. My case is not a  
17 vaccination case; my case is a case based on rights, on  
18 coercion, on threats, on violation of my rights.

19 And if we want to talk about cases, let's talk about  
20 *Ex Parte Milligan*.

21 THE COURT: Violation of rights? The first -- you know,  
22 one of the first, quote, unquote, cease and desist orders that  
23 you --

24 MR. QWIST: Right, right.

25 THE COURT: -- are talking about --

26 MR. QWIST: Yep.

27 THE COURT: -- is anything requiring Petitioner to be  
28 vaccinated. That's exactly what this whole case is about.

1 MR. QWIST: No, actually, the first cease and desist, Your  
2 Honor, is...

3 THE COURT: That's number two.

4 MR. QWIST: Right.

5 "The unlawful requirement to divulge personal and  
6 private medical information."

7 Which is a right, of securing our own information and  
8 private property. I do believe that that's in the  
9 Constitution.

10 The second cease and desist, you're absolutely right, is  
11 mandating requiring mentioning any requirement for Petitioner  
12 to be vaccinated. And that is still part of private property,  
13 which is our bodies, our will.

14 THE COURT: And how do you square your position, which is  
15 unsupported by any authority, with *Jacobson* and the  
16 hundred-plus years of case law that goes either way?

17 MR. QWIST: Okay. I'll give it to you right now.

18 There are way more cases going on the other position than  
19 on your 1905 *Jacobson v Massachusetts*.

20 I'll give you an example: *Ex parte Milligan*. Not one of  
21 these --

22 THE COURT: *Ex parte Milligan* had nothing to do with  
23 vaccination. That's what we're talking about.

24 MR. QWIST: No, but they have to do with the rights that  
25 are being violated in my case.

26 THE COURT: All right.

27 MR. QWIST: My case is not a vaccination case.

28 THE COURT: Mr. Qwist, suffice it to say, you can argue

1 all you want, but I don't think you have met any of the  
2 requirements for emergency injunctive relief, even if I were  
3 prepared to deal with the merits today in the absence of proper  
4 notice to the City, which, as I say, would violate the City's  
5 due process rights.

6 So -- you know, you can argue yourself blue in the face,  
7 to be blunt about it, but... you can't proceed with this  
8 lawsuit and with a request for ex parte relief without  
9 complying with the California Rules of Court and -- and on the  
10 merits without satisfying the standards that govern a request  
11 for injunctive relief, which is an extraordinary remedy.

12 And I don't think you've met either.

13 MR. QWIST: In what way have I not met an extraordinary  
14 remedy?

15 My liberty and my rights are currently being violated;

16 I don't remember the Bill of Rights being suspended;

17 I don't remember my natural rights not being able to be  
18 honored;

19 I've had -- you know, if something happened that I haven't  
20 been notified -- I mean no employer's policy can violate the  
21 law of the land, which is the Constitution. I do believe  
22 that's correct.

23 THE COURT: Yeah, you're --

24 MR. QWIST: I do believe natural rights --

25 THE COURT: It's your interpretation of the Constitution  
26 that --

27 MR. QWIST: That is an interpretation that my rights are  
28 the highest authority for me?

1 THE COURT: No -- excuse me, excuse me. Let me finish my  
2 sentence.

3 MR. QWIST: Okay.

4 THE COURT: It's your interpretation of the Constitution,  
5 sir, that it entitles you to ignore the requirements that the  
6 City has placed on its employees:

7 That they be vaccinated;

8 That they disclose their vaccination status;

9 MR. QWIST: Yes.

10 THE COURT: That they believe mask, and so on.

11 MR. QWIST: Am I responsible -- when I'm off --

12 THE COURT: And that interpretation -- excuse me -- is  
13 unsupported by any authority, federal or state.

14 MR. QWIST: What -- I'm sorry. I didn't catch that. What  
15 is unsupported?

16 THE COURT: Your position that the Constitution shields  
17 City employees --

18 MR. QWIST: Right.

19 THE COURT: -- from complying with vaccination  
20 requirements;

21 Masking requirements;

22 Testing requirements, and so on is unsupported by any  
23 authority that you've cited to me, and is contradicted by all  
24 of the cases that I was referring to. So it goes nowhere.

25 MR. QWIST: You referred to one case, Your Honor.

26 THE COURT: No --

27 MR. QWIST: *Jacobson versus Massachusetts*. I have in --

28 THE COURT: Well --

1 MR. QWIST: -- front of me ten cases I can refer you to.

2 THE COURT: I've referred to a whole slew of cases, sir.

3 MR. QWIST: Okay. Well, I have a whole slew, as well, if  
4 you would let me finish.

5 THE COURT: All right --

6 MR. QWIST: With all due respect, I'd love to enumerate a  
7 few of them.

8 THE COURT: Finish up quickly, Mr. Qwist, because,  
9 frankly, this is -- this is a pointless discussion in the  
10 absence of the City.

11 MR. QWIST: In the absence of the City?

12 THE COURT: Correct. You gave no notice to the City that  
13 you were planning to come in here;

14 They have not had an opportunity to read your claims or to  
15 respond to them;

16 And it would be a violation of due process for me to grant  
17 relief, even if I were persuaded that there were any basis for  
18 relief, which I'm not --

19 MR. QWIST: Okay.

20 THE COURT: -- in the absence of the City.

21 MR. QUIRK: All due respect, Your Honor, they've had since  
22 July 16th to respond to me on this issue.

23 THE COURT: We're not talking about *this issue*; we're  
24 talking about this lawsuit, which you just filed in August;  
25 right?

26 MR. QWIST: Right. Well, it takes a long time to file, as  
27 you may know. It takes a long time to get everything straight.

28 THE COURT: I'm sorry. You filed it in October, October

1 12th. Today is October 13th. You just filed the complaint.

2 MR. QWIST: No, I know. Well, we tried to file it on the  
3 6th but... so -- I'll just -- therefore, I mean with everything  
4 that's been put forth, I'm asking Your Honor, if it please the  
5 Court at this time, that you would graciously sign the proposed  
6 order put forth for emergency injunctive relief submitted, or  
7 any lawful remedy available, because we are at the point where  
8 this City wants to terminate or separate its employees from  
9 employment due to this vaccination policy, which is, I believe,  
10 ha, I've proven it, illegal; it is not lawful.

11 And I have no responsibility to the City of San Francisco  
12 in an off-duty capacity. So how would you like those who have  
13 to get vaccinated separate themselves when they're off duty  
14 from the vaccination?

15 THE COURT: I don't understand that argument at all, but  
16 go ahead.

17 MR. QWIST: Okay. Well, when I'm on duty, I have a  
18 responsibility toward the City. When I'm off-duty, I do not.

19 How can I separate this vaccination if I don't want it  
20 inside me in my off-duty capacity? And does the City have that  
21 kind of rule on me?

22 We're talking about having control of our will and our  
23 bodies.

24 And I appreciate that you are telling me that the ex parte  
25 rules say that the City needs to be present and noticed and  
26 summoned the way we did last time. And when we did, they said  
27 they hadn't properly been.

28 And you never called them on it because they were present.



1 Mrs. Cumberland was present.

2 And, by the way --

3 THE COURT: It doesn't matter, Mr. Qwist, because you  
4 didn't submit any evidence in support of your application.

5 MR. QWIST: I did submit evidence. I did submit that we  
6 had served them.

7 THE COURT: You submitted no declarations;

8 No --

9 MR. QWIST: A declaration is in front of you today.

10 THE COURT: Again, we're not here to talk about that prior  
11 lawsuit. For whatever reason, you decided to bring a new  
12 lawsuit.

13 MR. QWIST: Right, with a declaration. Well, have you  
14 read the declaration, by the way?

15 THE COURT: I've read your declaration, sir. It's mostly  
16 legal argument but I've read it.

17 MR. QWIST: Okay.

18 THE COURT: Anything else?

19 MR. QWIST: No, I'm asking you to sign the order.

20 THE COURT: All right. I'm gonna take a minute or two to  
21 explain my view of the merits here, even though, as I say, I  
22 don't think they're properly presented because you haven't  
23 given notice to the City.

24 But I need you to understand, and I would like your  
25 co-Plaintiffs to understand why I'm denying this request in its  
26 entirety.

27 To secure a preliminary injunction, which, as I say, is  
28 extraordinary relief, the Plaintiff must establish that he is

1 likely to succeeds on the merits;

2 That he is likely to suffer irreparable harm in the  
3 absence of preliminary relief;

4 That the balance of equities tips in his favor;

5 And particularly where public harm is implicated, that an  
6 injunction is in the public interest.

7 I'm finding that you and your co-Plaintiffs have not met  
8 any of these requirements.

9 First, as we've discussed, you haven't shown that you're  
10 likely to prevail on the merits of any of your claims against  
11 the City relating to the mandatory vaccination policy.

12 As we've discussed, the courts routinely have upheld,  
13 against various challenges, laws requiring immunizations  
14 against various diseases, recognizing that the State has a  
15 compelling interest in fighting the spread of contagious or  
16 communicable diseases.

17 MR. QWIST: Not at the expense of the rights --

18 THE COURT: Sir, excuse me. You've submitted the matter.  
19 I'm explaining why I'm denying your request.

20 Second, there is no showing here that complying with the  
21 City's mandatory vaccination policy would harm Plaintiffs at  
22 all.

23 MR. QWIST: (*Scoffs.*)

24 THE COURT: Much less that they would suffer irreparable  
25 harm.

26 I understand that you object to it.

27 If you object to it on religious grounds, there's no  
28 showing here why the exemption in the policy for individuals

1 with a sincerely-held religious belief that prohibits them from  
2 receiving a vaccine is not sufficient.

3 To the extent that you object on other grounds, there --  
4 those grounds, again, have been routinely rejected by the  
5 courts over the decades.

6 And, finally, Plaintiffs have not shown either that the  
7 balance of equities tips in their favor or that an injunction  
8 would be in the public interest. To the contrary, I find that  
9 it tips sharply against Plaintiffs.

10 Those of you who are firefighters, such as you,  
11 Mr. Qwist --

12 MR. QWIST: Yep.

13 THE COURT: -- or police officers are charged with  
14 protecting the public, and you often have to interact with  
15 members of the public at close range when you're responding to  
16 a call for service.

17 An injunction that had the effect of exempting dozens of  
18 City employees, including public safety officers, from the  
19 City's mandatory vaccination policy would pose a serious threat  
20 of harm to the public.

21 Indeed, in my view, members of law enforcement are the  
22 last people who should be objecting to the requirement that  
23 City employees should be vaccinated against COVID-19.

24 I'll just mention, as an aside, that if you looked at the  
25 New York times today, there's a front page article which says  
26 that...

27 "By far, the most common cause of duty-related  
28 deaths among American law enforcement officers in

1 the last two years is COVID-19."

2 MR. QWIST: (*Shakes head.*)

3 THE COURT:

4 "More than 460 officers have died from COVID-19  
5 infections tied to their work. Four times as many  
6 have died from COVID-19 as from gunfire during that  
7 period."

8 So the idea that an injunction is necessary here to  
9 protect either individuals is unsupported, and it would present  
10 a serious risk of harm to the public.

11 So for all of those reasons, but particularly the basic  
12 procedural failing -- of failing to give the City notice and an  
13 opportunity to be heard, I'm denying this emergency request for  
14 injunctive relief or any other lawful remedy.

15 I do suggest, Mr. Qwist, if you're serious about pursuing  
16 these claims, I think you would need to get counsel to advise  
17 you on how properly to do it, but we're pretty far down the  
18 road at this point.

19 MR. QWIST: Yeah, well, I first object and I will appeal  
20 that.

21 As far as public interest is concerned, we, in  
22 San Francisco, and not based on *New York Times* stats, have been  
23 fighting this pandemic, in the streets.

24 I've been working in the streets. Never have I known of  
25 any data saying that any San Francisco firefighters ever  
26 infected anyone in the public.

27 And --

28 THE COURT: And if you're vaccinated, you won't infect

1 anybody, sir.

2 MR. QWIST: That is not true. Vaccination, you know as  
3 well as I do --

4 THE COURT: All right --

5 MR. QWIST: -- does not prevent transmisson.

6 THE COURT: I'm not hear to debate this with you, all  
7 right.

8 MR. QWIST: I know you're not because -- because it's --

9 THE COURT: I have given you my ruling. If -- your  
10 application fails at the threshold for failure to give the City  
11 proper notice.

12 I'm un --

13 MR. QWIST: I'm giving the City --

14 THE COURT: I'm unpersuaded --

15 MR. QWIST: I've given the City many, many notices.

16 THE COURT: I'm unpersuaded, in any event, that you've  
17 shown any basis for emergency relief.

18 The application is denied.

19 Thank you, sir. Goodbye.

20 *(10:29 a.m.)*

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1 STATE of CALIFORNIA )  
 )  
2 COUNTY of SAN FRANCISCO )

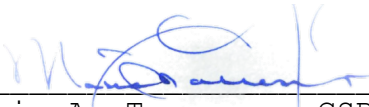
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7 I, MARIA ANTONIA TORREANO, DO HEREBY CERTIFY:

8 That the foregoing is a full, true and correct transcript  
9 of the testimony given and proceedings hereinbefore entitled;

10 That it is a full, true and correct transcript of the  
11 evidence offered and received, acts and statements of the  
12 court, also all objections of counsel and all matters to which  
13 the same relate;

14 That I reported the same in stenotype to the best of my  
15 ability, being the duly-appointed, qualified and official  
16 stenographic reporter of said court, and thereafter had the  
17 same transcribed, as herein appears.  
18

19 DATE: October 25, 2021  
20

21  
22   
23 \_\_\_\_\_  
24 Maria A. Torreano, CSR, CRR, RMR, CCRR  
Certificate No. 8600

25 Government Code §69954(d): "Any court, party or person who has  
26 purchased a transcript may, without paying a further fee to the  
27 reporter, reproduce a copy or portion thereof as an exhibit  
28 pursuant to court order or rule, or for internal use, but shall  
not otherwise provide or sell a copy or copies to any other party  
or person.