

Clerk of the Superior Court
By T. Automation, Deputy Clerk

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5 Attorneys for Petitioner FIRST AMENDMENT
6 COALITION

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9 SUPERIOR COURT OF THE STATE OF CALIFORNIA
10 COUNTY OF SAN DIEGO

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12 FIRST AMENDMENT COALITION,
13 Petitioner,
14 v.
15 CITY OF SAN DIEGO,
16 Respondent.

Case No. 25CU033245C
**DECLARATION OF DAVID LOY IN
SUPPORT OF PETITIONER’S REQUEST
FOR JUDICIAL NOTICE**
*Assigned for all purposes to Hon. Terrie E.
Roberts, Dept. C-68*
Date: June 12, 2026
Time: 10:30 a.m.
Dept.: C-68
Judge: Hon. Terrie E. Roberts
Petition Filed: June 25, 2025

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21 I, David Loy, declare as follows:

- 22 1. I am an individual over 18 years of age and counsel to Petitioner in this action. I
23 can testify to the following matters from personal knowledge.
- 24 2. Attached as **Exhibit A** to Petitioner’s Request for Judicial Notice filed herewith is a
25 true and correct copy of the San Diego County District Attorney’s letter of February 12, 2026 to
26 the Chief of the San Diego Police Department, with a copy to the Deputy Chief, regarding “Use of
27 Force upon Mr. Marcus Evans by San Diego Police Officers Ashley Bennett, Robert Nelson, and
28 Sergeant Alan Dyemartin on October 24, 2024; San Diego Police Department Case No. 24043762;

1 DA Special Operations Case No. 25-113UF” (“District Attorney Decision”). I obtained the
2 District Attorney Decision from the official website of the San Diego County District Attorney at
3 the following link:
4 <https://www.sdcda.org/content/MediaRelease/2026/Marcus%20Evans%20Use%20of%20Force%20Letter.pdf>. The link and the District Attorney Decision are available to the public.

6 3. The official website of the San Diego County District Attorney contains the
7 following weblink open to the public to download excerpts of audio and video footage relating to
8 or depicting the incident in which force was used on Marcus Evans in October 2024:
9 [https://transfer.sdcda.org/WebClientNew/index.html/?ShareToken=4D638D82BAEE9BB995374](https://transfer.sdcda.org/WebClientNew/index.html/?ShareToken=4D638D82BAEE9BB995374ADA84B28550E3CFEAD6)
10 [ADA84B28550E3CFEAD6](https://transfer.sdcda.org/WebClientNew/index.html/?ShareToken=4D638D82BAEE9BB995374ADA84B28550E3CFEAD6). The link makes available to the public a presentation from the San
11 Diego County District Attorney’s office containing approximately 40 minutes of excerpts of audio
12 and video footage relating to or depicting the incident in which force was used on Mr. Evans.
13 I have downloaded a true and correct copy of the presentation and can make it available to the
14 Court if needed.

15 I declare under penalty of perjury that the foregoing is true and correct. Executed this 23rd
16 day of April, 2026 at San Diego, California.

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19 _____
20 DAVID LOY
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PROOF OF SERVICE

STATE OF CALIFORNIA, COUNTY OF MARIN

At the time of service, I was over 18 years of age and **not a party to this action**. I am employed in the County of Marin, State of California. My business address is 534 4th Street, Suite B, San Rafael, CA 94901-3334.

On April 23, 2026, I served true copies of the following document(s) described as **DECLARATION OF DAVID LOY IN SUPPORT OF PETITIONER’S REQUEST FOR JUDICIAL NOTICE** on the interested parties in this action as follows:

Stacy J. Plotkin-Wolff
Senior Chief Deputy City Attorney
Office of the City Attorney
1200 Third Avenue, Suite 1100
San Diego, California 92101-4100
Email: SJPWolff@sandiego.gov; marissag@sandiego.gov; maevans@sandiego.gov

BY E-MAIL OR ELECTRONIC TRANSMISSION: I caused a copy of the document(s) to be sent from e-mail address rregnier@firstamendmentcoalition.org to the persons at the e-mail addresses listed in the Service List. I did not receive, within a reasonable time after the transmission, any electronic message or other indication that the transmission was unsuccessful.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed on April 23, 2026, at East Palo Alto, California.



Robin P. Regnier