

# W A I V E R

## SUPREME COURT OF THE UNITED STATES

No. 23-53

Frederick Bates

(Petitioner)

City of San Jose

V.

(Respondent)

I DO NOT INTEND TO FILE A RESPONSE to the petition for a writ of certiorari unless one is requested by the Court.

Please check the appropriate box:

- ☒ I am filing this waiver on behalf of all respondents.
- ☐ I only represent some respondents. I am filing this waiver on behalf of the following respondent(s):

Please check the appropriate box:

- ☒ I am a member of the Bar of the Supreme Court of the United States. (Filing Instructions: File a signed Waiver in the Supreme Court Electronic Filing System. The system will prompt you to enter your appearance first.)
- ☐ I am not presently a member of the Bar of this Court. Should a response be requested, the response will be filed by a Bar member. (Filing Instructions: Mail the original signed form to: Supreme Court, Attn: Clerk's Office, 1 First Street, NE, Washington, D.C. 20543).

Signature: /s/ Malgorzata Laskowska

Date: 7/26/23

(Type or print) Name Malgorzata Laskowska

☐ Mr. ☒ Ms. ☐ Mrs. ☐ Miss

Firm Office of the City Attorney

Address 200 East Santa Clara Street, 16th Floor

City & State San Jose, CA

Zip 95113

Phone 408-535-1900

Email cao.main@sanjoseca.gov

A copy of this form must be sent to petitioner's counsel or to petitioner if *pro se*. Please indicate below the name(s) of the recipient(s) of a copy of this form. No additional certificate of service or cover letter is required.

cc:

Frederick Bates  
1235 Muirkirk Court  
Folsom, CA 95630

*Frederick Bates v. City of San José, et al.*

Case No: 23-53

Ninth Circuit Court of Appeals

Case No.: 21-16867

### **CERTIFICATE OF SERVICE**

I am a citizen of the United States and a resident of the County of Santa Clara.

I am over the age of eighteen years and not a party to this action. My business address is 200 East Santa Clara Street, 16<sup>th</sup> Floor, San Jose, CA 95113.

On July 26, 2023, I served one true copy of:

**1. City of San Jose's Waiver re Response to Petition for a Writ of Certiorari**

By placing a true copy enclosed in a sealed envelope with prepaid postage, in the United States mail in San Jose, CA, California, as listed below:

Frederick Bates  
cc: 1235 Muirkirk Court  
Folsom, CA 95630

I declare under penalty of perjury that the foregoing is true and is executed on June 26, 2023, at San Jose, California.

/s/Brandi Lecomte  
Brandi Lecomte