

MAR 27 2009

John A. Clarke, Executive Officer/Clerk
By R. Castle, Deputy

**FOR THE SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN THE COUNTY OF LOS ANGELES (CENTRAL DISTRICT)**

PEOPLE OF THE STATE OF CALIFORNIA,

Plaintiff,

vs.

**TEMPLE STREET, a criminal street gang
sued as an unincorporated association; and
DOES 1 through 200, inclusive;**

Defendants.

Case No. BC401190
(Unlimited Civil Case)

~~Proposed~~
**JUDGMENT GRANTING
PERMANENT INJUNCTION**

Assigned for all purposes to the
Honorable Ronald M. Sohigian (Dep't 41)

Date: March 27, 2009
Time: 8:30 a.m.
Place: Dep't 41
Stanley Mosk Courthouse
111 North Hill Street
Los Angeles, CA 90012

Trial Date: September 14, 2009
Case Filed: November 3, 2008

Plaintiff, the People of the State of California, filed a complaint seeking to abate a public nuisance through the use of what is commonly known as a "gang injunction," against defendant "Temple Street," which is an unincorporated association alleged to be a criminal street gang, and against all members of the defendant, in a "Safety Zone" (a map of which is included as page 4), located in the City of Los Angeles, starting at Temple Street & Alvarado Street, north on Alvarado past Sunset Boulevard to Reservoir Street, west along the line of Reservoir Street to Silver Lake Boulevard, south on Silver Lake to Virgil Avenue, south to West 3rd Street, east to South Union

1 Avenue, north to Beverly Boulevard, west to North Union Avenue, north to Temple, and then west to
2 the starting point at Temple & Alvarado, and extending 100 yards to the outside of each of those
3 boundary streets.

4 On plaintiff's request, default was duly entered against defendant Temple Street.

5 On plaintiff's motion, an order for judgment on the pleadings was entered against each of
6 Alisa Ann Acuna and Jonathan Quevedo, each of whom had filed an "answer" to the complaint.

7 Plaintiff voluntarily dismissed without prejudice as unserved all fictitious "Doe" defendants,
8 none of whom had been served.

9 After due consideration of all papers filed in this action, including the declarations, other
10 evidence submitted, plaintiff's memorandum of points and authorities including *People v. Acuna*
11 (1997) 14 Cal. 4th 1090, *cert. denied*, 521 U.S. 1121; *People v. Colonia Chiques* (2007) 156 Cal.
12 App. 4th 31; *People v. Englebrecht* (2001) 88 Cal. App. 4th 1236; *In re Englebrecht* (1998) 67 Cal.
13 App. 4th 486, and other argument of counsel, this Court finds by clear and convincing evidence that
14 service is proper under the circumstances, and makes the following additional findings of fact:

15 (a) that the defendant is a criminal street gang as defined in Penal Code section 186.22 (the Street
16 Terrorism Enforcement and Prevention "STEP" Act); (b) that the defendant is a gang as defined for
17 the purpose of a gang abatement injunction in *People v. Englebrecht* (2001) 88 Cal. App. 4th 1236,
18 1258, (c) that the defendant is an "unincorporated association" as defined in Code of Civil Procedure
19 section 369.5; (d) that a public nuisance caused by the conduct and activities of the Temple Street
20 criminal street gang exists in the Safety Zone, and (e) that the conduct and activities of the defendant,
21 the members of the defendant, and those persons through whom the defendant acts, is a cause of the
22 public nuisance that exists in the Safety Zone; and **good cause appearing for entry of judgment,**

23 **IT IS HEREBY ORDERED, ADJUDGED AND DECREED** that:

24 1. Defendant Temple Street; and all members of defendant Temple Street, are enjoined
25 and restrained from engaging in or performing, directly or indirectly, any of the following activities
26 in the Safety Zone:

27 a. **Do Not Associate:** Driving, standing, sitting, walking, gathering or appearing,
28 anywhere in public view or anyplace accessible to the public, with any known member of the Temple

1 Street gang, but not including: (1) when all individuals are inside a school attending class or on
2 school business, and (2) when all individuals are inside a church, provided however that this
3 prohibition against associating shall apply to all claims of travel to or from any of those locations;

4 **b. No Intimidation:** Confronting, intimidating, annoying, harassing, threatening,
5 challenging, provoking, assaulting or battering any person known to be a witness to any activity of
6 Temple Street, known to be a victim of any activity of Temple Street, or known to have complained
7 about any activity of Temple Street;

8 **c. No Firearms, Imitation Firearms, or Dangerous Weapons:** Anywhere in
9 public view or anyplace accessible to the public, (1) possessing any firearm, imitation firearm,
10 ammunition, or illegal weapon as defined in Penal Code section 12020, (2) knowingly remaining in
11 the presence of anyone who is in possession of such firearm, imitation firearm, ammunition or illegal
12 weapon, or (3) knowingly remaining in the presence of such firearm, imitation firearm, ammunition
13 or illegal weapon;

14 **d. No Graffiti or Graffiti Tools:** Damaging, defacing, or marking any public
15 property or private property of another, or possessing any spray paint container, felt tip marker, or
16 other graffiti tool as defined in Penal Code section 594.2, including "slap tags";

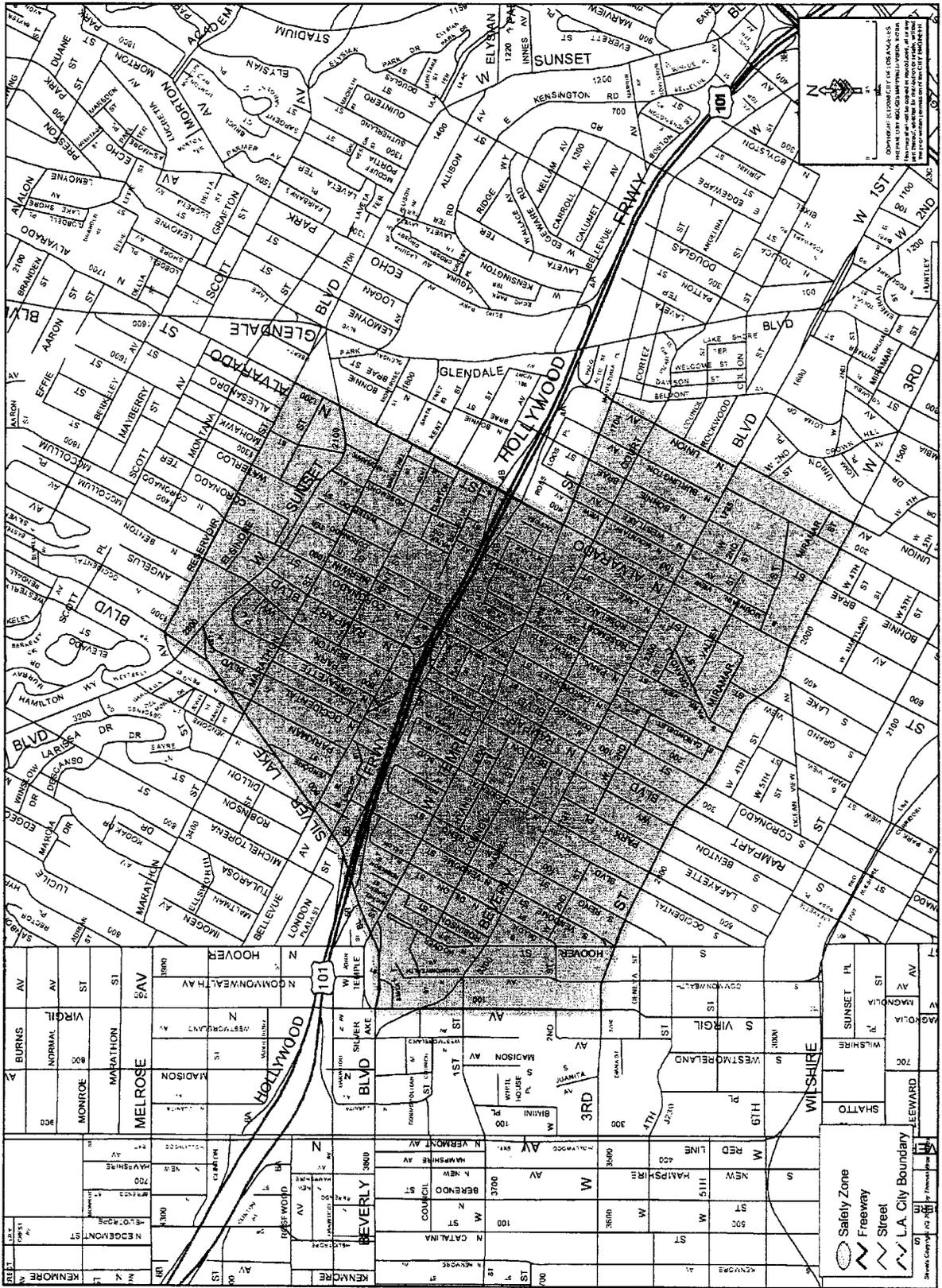
17 **e. Stay Away From Drugs:** Without a prescription, (1) selling, possessing, or
18 using any controlled substance or related paraphernalia, including but not limited to rolling papers
19 and pipes used for illegal drug use, (2) knowingly remaining in the presence of anyone selling,
20 possessing, or using any controlled substance or such related paraphernalia, or (3) knowingly
21 remaining in the presence of any controlled substance or such related paraphernalia;

22 **f. Stay Away From Alcohol:** Anywhere in public view or anyplace accessible
23 to the public, except on properly licensed premises, (1) possessing an open container of an alcoholic
24 beverage, (2) knowingly remaining in the presence of anyone possessing an open container of an
25 alcoholic beverage, or (3) knowingly remaining in the presence of an open container of an alcoholic
26 beverage;

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28 [text continued on page 5 after "Safety Zone" map]

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 1000 W. Wilshire Blvd., Suite 1000
 Los Angeles, CA 90024
 GARY LEE MOORE, P.E.
 License No. 1150

Temple Street Safety Zone

Office of the City Attorney
 City of Los Angeles



1 [text continued from page 3]

2 g. **No Trespassing:** Being present on or in any property not open to the general
3 public, except (1) with the prior written consent of the owner, owner's agent, or the person in lawful
4 possession of the property, or (2) in the presence of and with the voluntary consent of the owner,
5 owner's agent, or the person in lawful possession of the property;

6 h. **Obey Curfew:** Being present in public view, in a public place or in any place
7 accessible to the public, between the hours of 10:00 p.m. on any day and 5:00 a.m. of the following
8 day, unless (1) going directly to, returning directly from, or actively engaged in a legitimate business,
9 trade, profession or occupation requiring the enjoined person's presence, (2) going directly to,
10 returning directly from, or actively engaged in a lawful, non-gang related entertainment event, or
11 (3) actively involved in a legitimate emergency, such as a fire, natural disaster, automobile accident
12 or situation that requires immediate action to prevent serious bodily injury or loss of life. For
13 purposes of this provision, "entertainment event" means an amusement activity that occurs at a
14 commercial establishment and includes only events for which admission is charged, such as movies,
15 plays, public performances or sporting events; and

16 i. **Obey All Laws:** Failing to obey all laws that (1) prohibit violence and
17 threatened violence, including murder, robbery by force or fear, assault and battery, (2) prohibit
18 interference with the property rights of others including robbery, theft, driving or taking a vehicle
19 without the owner's consent, and vandalism, or (3) prohibit the commission of acts which create a
20 nuisance including the illegal sale of controlled substances and blocking the sidewalk or street.

21
22 DATED: MAR 27 2009

RONALD M. SOHIGIAN

Judge of the Superior Court

23
24 Submitted on February 26, 2009, by:
25 ROCKARD J. DELGADILLO, Los Angeles City Atty (125465x)
26 Bruce Riordan, Special Ass't City Atty, Director, Gang Division
27 James A. McDougal, Deputy City Atty, Gang Division (140408)
28 200 N. Main Street, 800 City Hall East, Los Angeles, CA 90012
213-978-4088 office; 213-978-8717 fax


By James A. McDougal, Deputy City Attorney, Gang Division
Attorneys for Plaintiff, People of the State of California

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): James A. McDougal, Deputy City Atty (140408) Los Angeles City Atty's Office, Gang Division 200 North Main Street, City Hall East, Suite 800 Los Angeles, California 90012 TELEPHONE NO.: 213-978-4088 FAX NO. (Optional): 213-978-8717 E-MAIL ADDRESS (Optional): ATTORNEY FOR (Name): Plaintiff, People of the State of California	FOR COURT USE ONLY
SUPERIOR COURT OF CALIFORNIA, COUNTY OF Los Angeles STREET ADDRESS: 111 North Hill Street MAILING ADDRESS: 111 North Hill Street CITY AND ZIP CODE: Los Angeles, CA 90012 BRANCH NAME: Stanley Mosk (County) Courthouse	
PETITIONER/PLAINTIFF: People of the State of California RESPONDENT/DEFENDANT: Temple Street, a criminal street gang, et al.	
PROOF OF SERVICE BY FIRST-CLASS MAIL—CIVIL	CASE NUMBER: BC401190, Hrg 3/27/09 D41

(Do not use this Proof of Service to show service of a Summons and Complaint.)

1. I am over 18 years of age and **not a party to this action**. I am a resident of or employed in the county where the mailing took place.
2. My residence or business address is:
c/o 200 North Main Street, City Hall East, Suite 800, Los Angeles, CA 90012
3. On (date): 2/26/09 I mailed from (city and state): Los Angeles, CA
the following **documents** (specify):
JUDGMENT GRANTING PERMANENT INJUNCTION

The documents are listed in the *Attachment to Proof of Service by First-Class Mail—Civil (Documents Served)* (form POS-030(D)).

4. I served the documents by enclosing them in an envelope and (check one):
 - a. **depositing** the sealed envelope with the United States Postal Service with the postage fully prepaid.
 - b. **placing** the envelope for collection and mailing following our ordinary business practices. I am readily familiar with this business's practice for collecting and processing correspondence for mailing. On the same day that correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service in a sealed envelope with postage fully prepaid.

5. The envelope was addressed and mailed as follows:

- a. **Name** of person served: **See 5. b. (below)**
- b. **Address** of person served:

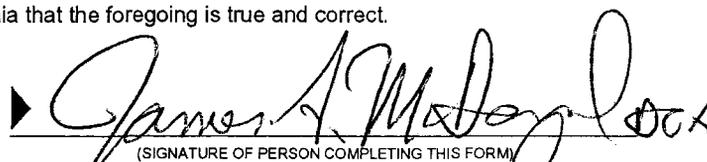
Alisa Ann Acuna	Jonathan Quevedo	INMATE Jonathan Quevedo, Bkg #1782088
528 N. Benton Way #100	2738 Hyans Street	PO Box 86164, Terminal Annex
Los Angeles, CA 90026	Los Angeles, CA 90026	Los Angeles, California 90086-0164

The name and address of each person to whom I mailed the documents is listed in the *Attachment to Proof of Service by First-Class Mail—Civil (Persons Served)* (POS-030(P)).

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date: February 26, 2009

James A. McDougal, Deputy City Atty
(TYPE OR PRINT NAME OF PERSON COMPLETING THIS FORM)


 (SIGNATURE OF PERSON COMPLETING THIS FORM)