

ORIGINAL FILED

OCT 03 2006

**LOS ANGELES
SUPERIOR COURT**

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

PEOPLE OF THE STATE OF CALIFORNIA,
ex rel. Rockard J. Delgadillo as the City
Attorney for the City of Los Angeles,

Plaintiff,

vs.

WHITE FENCE aka CERCO BLANCO, an
unincorporated association;
DOES 1 through 500, inclusive,

Defendants.

Case No.: BC353596

~~PROPOSED~~

**JUDGMENT GRANTING
PERMANENT INJUNCTION**

Assigned for all purposes to the
Honorable ~~Mary Thornton House~~

DAVID L. MINNING

DATE: N/A
TIME: N/A
PLACE: Dep't 17
111 North Hill Street
Los Angeles, CA 90012

TRIAL DATE: Not Set
CASE FILED: June 8, 2006

Plaintiff, the People of the State of California, *ex rel.* Rockard J. Delgadillo as the City Attorney for the City of Los Angeles, filed a complaint on June 8, 2006, seeking to abate a public nuisance through the use of what is commonly referred to as a "gang injunction," against defendant White Fence aka Cerco Blanco ("White Fence"), an unincorporated association alleged to be a criminal street gang, in a "Safety Zone" (as depicted in the maps included as pages 5 and 6) composed of two areas, denoted as "Section A" and "Section B," both of which

1 are located in the City of Los Angeles; "Section A" defined as the area bounded by 4th Street to
2 the north, Indiana Street to the east, and the 5 Freeway to the south and west, and extending 100
3 yards to the outside of each of those boundaries, but not including the roadbed of any freeway or
4 portion thereof; and "Section B" defined as the area bounded by Franklin Avenue to the north,
5 Vermont Avenue to the east, Santa Monica Boulevard to the south, and Gower Street to the west,
6 and extending 100 yards to the outside of each of those boundaries, but not including the roadbed
7 of any freeway or portion thereof; plaintiff subsequently voluntarily dismissed without prejudice
8 all fictitious "Doe" defendants; default was duly entered against defendant White Fence; after
9 due consideration of all papers filed in this action, including the declarations, requests for
10 judicial notice, and other evidence submitted, plaintiff's memorandum of points and authorities
11 including *People v. ex rel. Gallo v. Acuna*, 14 Cal. 4th 1090, cert. denied, 521 U.S. 1121 (1997);
12 *People v. Englebrecht*, 88 Cal. App. 4th 1236 (2001); *In re Englebrecht*, 67 Cal. App. 4th 486
13 (1998), this Court finds by clear and convincing evidence that service is proper under the
14 circumstances and that (1) White Fence is also known as Cerco Blanco (2) White Fence is a
15 criminal street gang as defined in Penal Code section 186.22 (Street Terrorism Prevention and
16 Enforcement ("STEP") Act) and is a gang as defined for the purpose of a gang abatement
17 injunction in *People v. Englebrecht*, 88 Cal. App. 4th 1236, 1258 (2001); and (3) the conduct and
18 activities of defendant White Fence and its members constitute a public nuisance in the Safety
19 Zone; and good cause appearing for entry of judgment,

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

21 1. Defendant White Fence, its members, agents, servants, employees, and all persons
22 acting under, in concert with, for the benefit of, at the direction of, or in association with them or
23 any of them, are enjoined and restrained from engaging in or performing directly or indirectly,
24 any of the following activities in the Safety Zone:

25 a. **Do Not Associate:** Driving, standing, sitting, walking, gathering or
26 appearing, anywhere in public view or anyplace accessible to the public, with any known
27 member White Fence, but not including: (1) when all individuals are inside a school attending
28 class or on school business, and (2) when all individuals are inside a church; provided however

1 that this prohibition against associating shall apply to all claims of travel to or from any of those
2 locations;

3 b. **No Intimidation:** Confronting, intimidating, annoying, harassing,
4 threatening, challenging, provoking, assaulting or battering any person known to be a witness to
5 any activity of White Fence, known to be a victim of any activity of White Fence, or known to
6 be a person who has complained about any activity of White Fence;

7 c. **No Firearms, Imitation Firearms, or Dangerous Weapons:** Anywhere
8 in public view or anyplace accessible to the public, (1) possessing any firearm, imitation firearm,
9 ammunition, or illegal weapon as defined in Penal Code section 12020, (2) knowingly remaining
10 in the presence of anyone who is in possession of such firearm, imitation firearm, ammunition or
11 dangerous weapon, or (3) knowingly remaining in the presence of such firearm, imitation
12 firearm, ammunition or dangerous weapon. For purposes of this provision, an imitation firearm
13 means a replica of a firearm that is so substantially similar in physical properties to an existing
14 firearm as to lead a reasonable person to conclude that the replica is a firearm;

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

20 e. **No Open Containers of Alcohol:** Anywhere in public view or anyplace
21 accessible to the public, except on properly licensed premises, (1) possessing an open container
22 of an alcoholic beverage, (2) knowingly remaining in the presence of anyone possessing an open
23 container of an alcoholic beverage, or (3) knowingly remaining in the presence of an open
24 container of an alcoholic beverage;

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

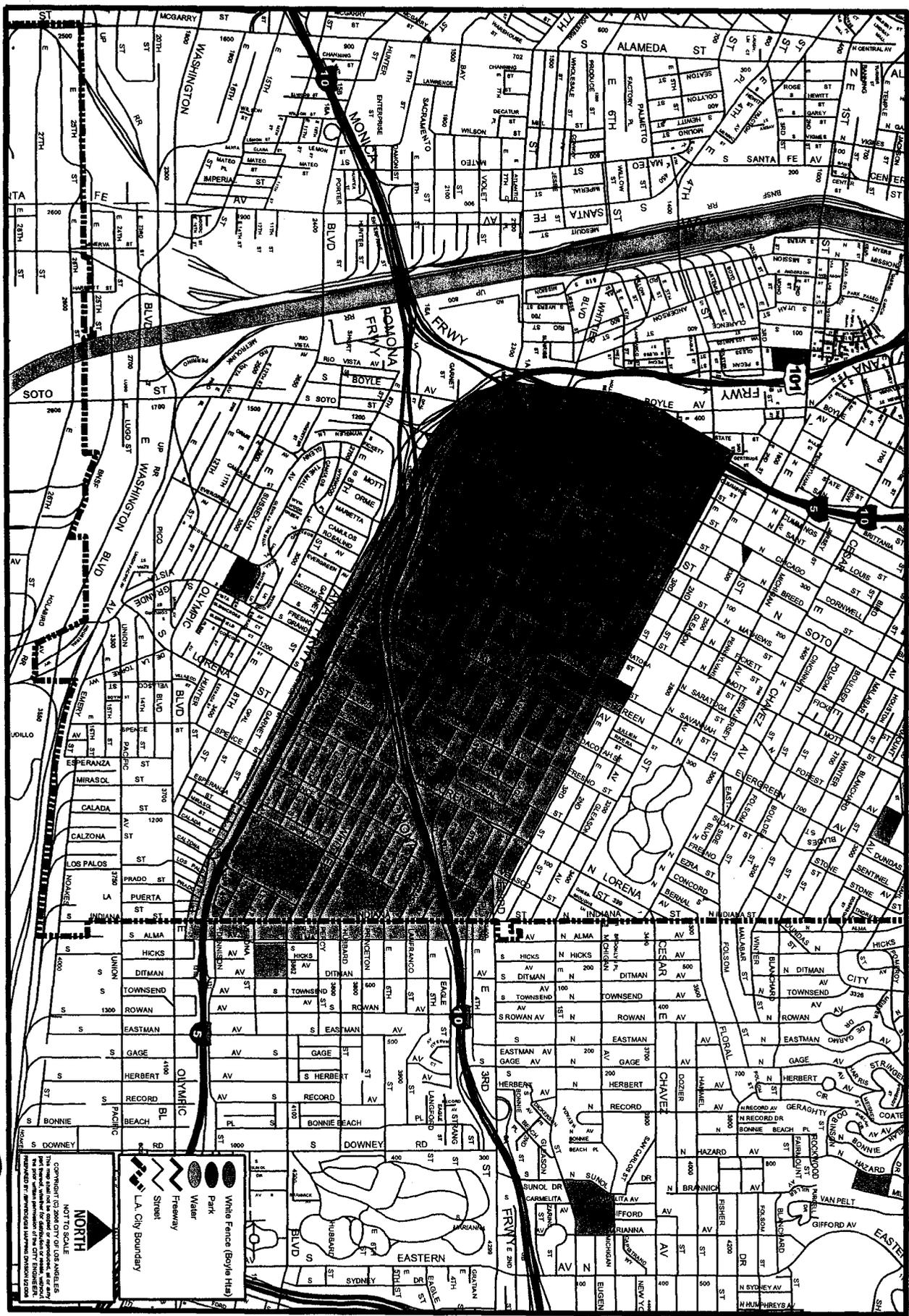
1 g. **Obey Curfew:** Being outside between the hours of 10:00 p.m. on any day
2 and sunrise of the following day, unless (1) going to or from a legitimate meeting or
3 entertainment activity, (2) actively engaged in some business, trade, profession or occupation
4 which requires such presence, or (3) involved in a legitimate emergency situation that requires
5 immediate attention;

6 h. **No Graffiti or Graffiti Tools:** Damaging, defacing, or marking any
7 public property or private property of another, or possessing any spray paint container or felt tip
8 marker;

9 i. **Obey All Laws:** Failing to obey all laws (1) which prohibit violence and
10 threatened violence including murder, rape, robbery by force or fear, assault and battery, (2)
11 which prohibit interference with the property rights of others including trespass, theft, driving or
12 taking a vehicle without the owner's consent, and vandalism, or (3) which prohibit the
13 commission of acts which create a nuisance including the illegal sale of controlled substances
14 and blocking the sidewalk;

15 **[Text continued on page 7 after maps]**

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White Fence Safety Zone

Section A (Boyle Heights)

Office of the City Attorney
City of Los Angeles

LA DPW
ENGINEERING
Planning, Designing the Future

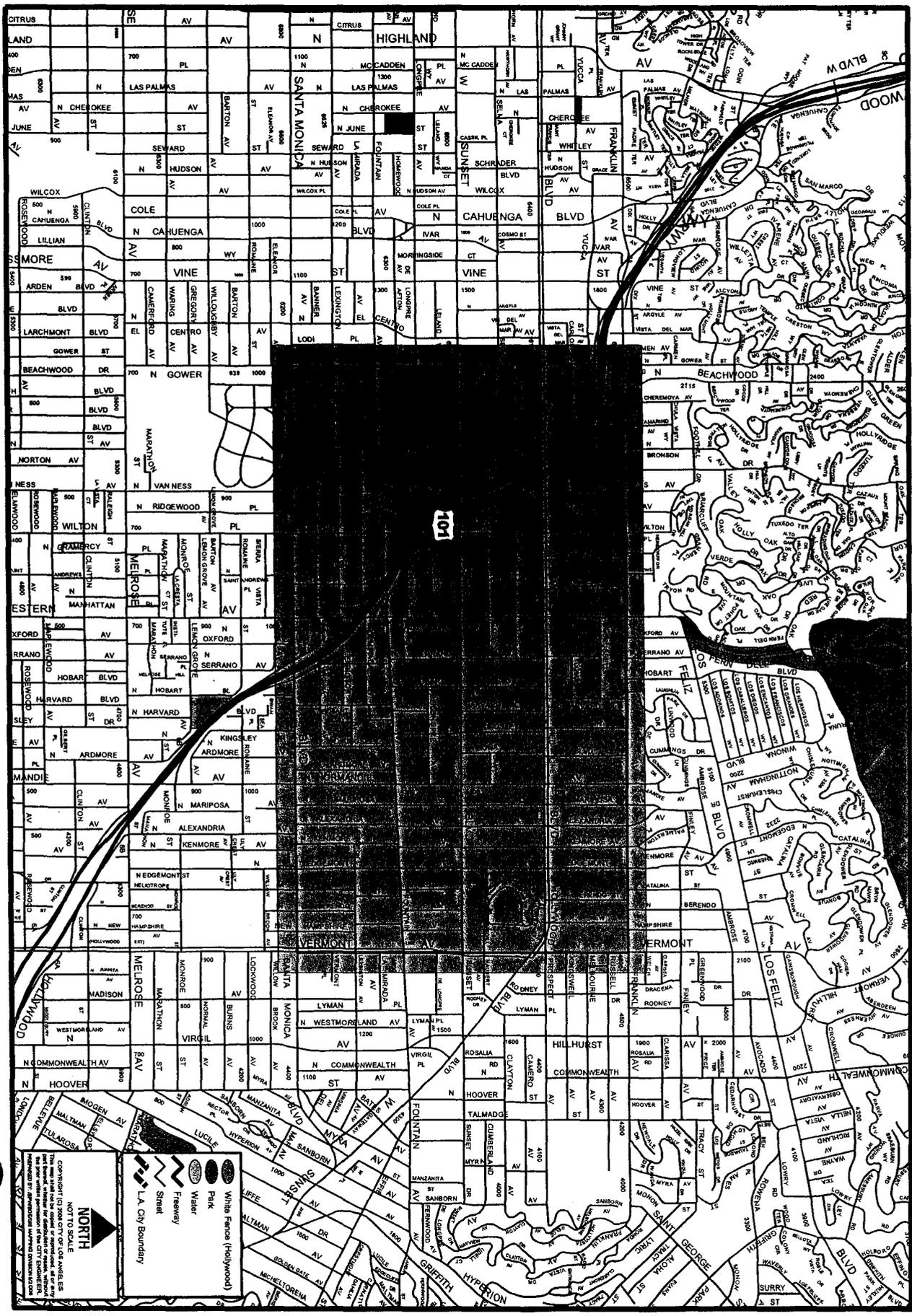
GARY LEE MOORE, P. E.
CITY ENGINEER

LEGEND

- White Fence (Boyle Hts)
- Park
- Water
- Freeway
- Street
- LA City Boundary

GRAPHIC SCALE
NORTH

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White Fence Safety Zone

Section B (Hollywood)

Office of the City Attorney
City of Los Angeles

L.A. CITY
ENGINEERING

GARY LEE MOORE, P.E.
CITY ENGINEER

LEGEND

- White Fence (Hollywood)
- Park
- Water
- Freeway
- Street
- L.A. City Boundary

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NOT TO SCALE
This map is a reproduction of the City of Los Angeles' official street map. It is not intended to be used for legal purposes. The City of Los Angeles is not responsible for any errors or omissions on this map.

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2. **No Costs** Plaintiff waived costs. Each party shall bear its own costs in this action.

DATED: OCT 03 2006

DAVID L. MINNING

Judge of the Superior Court

Submitted on July 27, 2006, by
ROCKARD J. DELGADILLO, Los Angeles City Attorney
Martin Vranicar, Ass't City Attorney, Supervisor, Gang Unit
Max Shiner, Deputy City Attorney
200 North Main Street, 800 City Hall East
Los Angeles, California 90012
(213) 978-0490



By: Max Shiner
Deputy City Attorney, Gang Unit

Attorneys for Plaintiff,
People of the State of California