

**ORIGINAL FILED**  
AUG. 11 2008  
LOS ANGELES  
SUPERIOR COURT

**SUPERIOR COURT OF THE STATE OF CALIFORNIA  
FOR THE COUNTY OF LOS ANGELES**

**PEOPLE OF THE STATE OF CALIFORNIA,**  
**Plaintiff,**

**vs.**

**SAN FER aka SAN FERNANDO aka VARRIO  
SAN FER, a criminal street gang sued as an  
unincorporated association; DOES 1 through 500,  
inclusive;**

**Defendants.**

**Case No.: BC388726  
(Unlimited Civil Case)**

**[PROPOSED]  
JUDGEMENT GRANTING  
PERMANENT INJUNCTION**

**Assigned for all purposes to the  
Honorable Gregory Alarcon, Dept. 36**

**Date: No hearing required  
Time: N/A  
Place: Dept. 36  
Stanley Mosk Courthouse  
111 No. Hill Street  
Los Angeles, CA 90012**

**Trial Date: Not Yet Set  
Case Filed: April 10, 2008**

Plaintiff, the People of the State of California, acting by and through Rockard J. Delgadillo, the City Attorney of Los Angeles, and Steve Cooley, the District Attorney for the County of Los Angeles (“the People”), filed a complaint seeking to abate a public nuisance through the use of what is commonly known as a “gang injunction,” against defendant San Fer aka San Fernando aka Varrio San Fer (hereinafter “San Fer”), a criminal street gang, in the San Fer Gang Safety Zone (hereinafter “Safety Zone,” as depicted in the map included as Exhibit 1), located in the City of Los Angeles and bounded by the route starting in the south where the 118 and 5 Freeways meet, continuing northwest along the 5

1 Freeway, continuing east along the 210 Freeway, continuing southeast along the 210 Freeway until it  
2 meets the 118 Freeway, then continuing southwest along the 118 Freeway, and back to the point where  
3 the 118 and 5 Freeways meet, but not including any portion of the freeways, caused by Defendant San  
4 Fer, its members including, but not limited to, Albert Alcalá (“Scrappy”/”Wino”), Andrew Alcaraz  
5 (“Indio”/”Grenas”), Michael Altamirano (“Big Solo”/”Solo”), Ricky Altamirano (“Lil Solo”), Ruben  
6 Altamirano (“Little Ruben”/”Player”), Ryan Amirant (“Set”), Hector Castillo (“Largo”), David Cobian  
7 (“Listo”/”Shrek”), Nestor Cobian (“Lucky”/”Lucky Boy”), Steven Diaz (“Bizarre”/”Savage”), Daniela  
8 Fernandez (“Fatal”/”Malosa”), Andrew Galeana (“Moreno”), Brett Gillis (“Peanut”), Jose Herrera  
9 (“Crook”), Luis Jimenez (“Panic”), Isaiah Lopez (“Crimer”/”Criminal”), Wilibaldo Lopez (“Boxer”),  
10 Mario Mendibles (“Animal”), Jonathan Osterloh (“Grims”/”Johnny Boy”), Raul Osuna (“Dreamer”),  
11 Jose Padilla (“Silent”/”Big Daddy”), Marco Perez (“Lil Man”/”Pleve”), Jess Ponce (“Flaco”), Antonio  
12 Robledo (“Tony Boy”), Robert Rodriguez (“Monkey”), Richard Soria (“Richie”/”Hefty”), Mark Sotelo  
13 (“Scrappy”), Jose Tovar (“Dopey”), and Vincent Villa (“Stretch”) (hereinafter known as “Designated  
14 San Fer Gang Members” and depicted in photographs attached as Exhibit 2), and all persons acting  
15 under, in concert with, for the benefit of, at the direction of, or in association with them or any of them.

16 Plaintiff subsequently voluntarily dismissed without prejudice all fictitious “Doe” defendants;  
17 default was duly entered against defendant San Fer, after due consideration of all documents filed by the  
18 People in this action, including all declarations, plaintiff’s memorandum of points and authorities  
19 including *People ex rel. Gallo v. Acuna*, 14 Cal.4th 1090 (1997), *cert. denied* 521 U.S. 1121 (1997);  
20 *People v. Colonia Chiques*, 156 Cal.App.4th 31 (2007); *People v. Englebrecht*, 88 Cal.App.4th 1236  
21 (2001); *In re Englebrecht*, 67 Cal.App.4th 486 (1998), and other evidence submitted, and having heard  
22 arguments of counsel, this Court makes the following findings, by clear and convincing evidence:

- 23 1. Service on Defendant San Fer is proper;
- 24 2. Defendant San Fer is an unincorporated association as defined in Code of Civil Procedure  
25 section 369.5;
- 26 3. Defendant San Fer is a “criminal street gang” as defined in Penal Code section 186.22,  
27 subdivision (f) (“Street Terrorism and Prevention Act”);
- 28 4. Defendant San Fer is a “gang” as defined for the purposes of a gang abatement injunction

1 in *Englebrecht, supra*, 88 Cal.App.4th at 1258;

2 5. A public nuisance, which a gang injunction may properly abate, exists in the Safety Zone;  
3 and

4 6. The conduct and activities of Defendant San Fer, acting through its members, and all  
5 persons acting under, in concert with, for the benefit of, at the direction of, or in  
6 association with them, individually and collectively have caused and continue to cause  
7 the public nuisance that exists in the Safety Zone; and

8 **GOOD CAUSE HAVING BEEN SHOWN, IT IS HEREBY ORDERED:**

9 1. That Defendant San Fer, its members including, but not limited to, all individuals listed  
10 as “Designated San Fer Gang Members” (depicted in photographs attached as Exhibit 2) and all persons  
11 acting under, in concert with, for the benefit of, at the direction of, or in association with them or any of  
12 them, are enjoined and restrained from engaging in or performing, directly or indirectly, any of the  
13 following activities in the Safety Zone:

14 a. **Do Not Associate:** Standing, sitting, walking, driving, riding, gathering or  
15 appearing anywhere in public view, in a public place or in any place accessible to the public, with any  
16 known member of the San Fer gang, including, but not limited to, all individuals listed as “Designated  
17 San Fer Gang Members.” This prohibition shall not apply in the following situations: (1) when an  
18 enjoined person is inside a school attending class or conducting school business; or (2) when an enjoined  
19 person is inside a church or religious institution for purposes of worship. This prohibition against  
20 association shall apply to all claims or methods of travel to or from any of the aforementioned  
21 permissible locations;

22 b. **No Intimidation:** Confronting, intimidating, annoying, harassing, threatening,  
23 challenging, provoking, assaulting or battering any person who lives, works, visits or passes through the  
24 Safety Zone or any person known to be a witness to, or victim of, any San Fer gang activity or any  
25 person known to have complained about any San Fer gang activity;

26 c. **No Firearms, Imitation Firearms, Ammunition, Dangerous or Illegal**  
27 **Weapons:** While in public view, in a public place or in any place accessible to the public, including  
28 while in a vehicle in any public place or on any public street (1) possessing any firearm, imitation

1 firearm, ammunition, dangerous weapon (defined as any fixed or folding knife with a blade two inches  
2 or longer), or illegal weapon as defined in Penal Code section 12020, whether or not concealed, (2)  
3 knowingly remaining in the presence of anyone who is in possession of such firearm, imitation firearm,  
4 ammunition, dangerous weapon or illegal weapon, or (3) knowingly remaining in the presence of such  
5 firearm, imitation firearm, ammunition, dangerous weapon or illegal weapon;

6 d. **Stay Away from Drugs:** (1) Selling, transporting, possessing or using, without a  
7 prescription, any controlled substance or marijuana, or any paraphernalia related to the sale,  
8 transportation or use of such drug, including but not limited to rolling papers and pipes used for illegal  
9 drug use, (2) knowingly remaining in the presence of anyone selling, transporting, possessing or using,  
10 without a prescription, any controlled substance or marijuana, or any paraphernalia related to the sale,  
11 transportation or use of such drug, or (3) knowingly remaining in the presence of any controlled  
12 substance or marijuana, or any paraphernalia related to the sale, transportation or use of such drug;

13 e. **Stay Away from Alcohol:** (1) Drinking or possessing an open container of an  
14 alcoholic beverage in public view, in a public place or in any place accessible to the public, (2)  
15 knowingly remaining in the presence of anyone possessing an open container of an alcoholic beverage  
16 in public view, in a public place or in any place accessible to the public, or (3) knowingly remaining in  
17 the presence of an open container of an alcoholic beverage in public view, in a public place or in any  
18 place accessible to the public;

19 f. **No Lookouts:** Acting as a lookout by whistling, yelling, or otherwise signaling,  
20 by any means, including, but not limited to, hand signals, walkie-talkies, or cellular telephones, to warn  
21 another person engaged in unlawful or nuisance activity of the approach of law enforcement officers, or  
22 soliciting, encouraging, coercing or employing another person to act as such lookout;

23 g. **No Graffiti or Graffiti Tools:** Damaging, defacing, marking, painting or in  
24 anyway applying graffiti to any public or private property, or possessing any spray paint container, felt  
25 tip marker or graffiti tool as defined in Penal Code sections 594.1 and 594.2, which can be used to paint,  
26 spray paint, etch, mark, draw or otherwise apply graffiti;

27 h. **No Loitering:** Loitering in public view, in a public place or in any place  
28 accessible to the public for the purpose of engaging in graffiti, drug-related activity or any other

1 unlawful or nuisance activity;

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

6 j. **No Reckless Driving:** Driving a vehicle in willful or wanton disregard for the  
7 safety of persons or property, including but not limited to while evading a police officer in violation of  
8 Vehicle Code sections 2800.1 through 2800.3;

9 k. **Stay Away from Sylmar Recreation Center aka Sylmar Park:** Being present  
10 on or in Sylmar Recreation Center aka Sylmar Park. For purposes of this provision, Sylmar Recreation  
11 Center includes the properties, sidewalks, and adjacent parking lots at the address of 13109 Borden  
12 Avenue, Los Angeles, California;

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

23 m. **Obey All Laws:** Failing to obey all laws, including (1) those that prohibit  
24 violence or threatened violence, including, but not limited to murder, intimidation, rape, robbery by  
25 force or fear, assault or battery, (2) those that prohibit interference with the property rights of others,  
26 including, but not limited to trespass, theft, vandalism, or the driving or taking of a vehicle without the  
27 owner's consent, (3) those that prohibit the commission of acts that create a nuisance, including, but not  
28 limited to, the illegal sale of controlled substances, blocking the sidewalk and street and violations of the

1 Los Angeles Municipal Code, and (4) any lawful orders of the Court;

2 2. That no person shall be subject to the provisions of this Order unless that person has been  
3 personally served with this Order;

4 3. That this Order includes an **Opt-Out Provision**, by which any member of Defendant San  
5 Fer, or any person who has been served with this injunction (“Served Person”) may move this Court  
6 under this Opt-Out Provision for an order that this injunction is not enforceable against him/her, which  
7 Plaintiff agrees shall be granted if upon hearing the motion it is shown there is not clear and convincing  
8 evidence that the Served Person is currently a member of Defendant San Fer. Such an order is to be  
9 without prejudice, each side shall bear its own costs and fees, and Served Person’s motion must satisfy  
10 each of the following requirements:

11 a. **Proper Notice:** A motion under this Opt-Out Provision shall be made on proper  
12 notice, properly served on Plaintiff’s counsel, and shall not be made on shortened time; and

13 b. **No Longer a Gang Member:** Served Person must file a noticed motion with this  
14 Court, and said motion must be supported by Served Person’s declaration, made under penalty of  
15 perjury, that Served Person is not or is no longer a member of Defendant San Fer gang, and Served  
16 Person has not engaged in any gang activity or any criminal activity for a period of three years  
17 immediately preceding the filing of said motion; and

18 c. **No Effect in Other Proceedings:** This provision and any orders resulting from it  
19 shall not be admissible in any civil or criminal action, and cannot be used for or against a Served Person  
20 for any purpose whatsoever, other than a civil or criminal contempt proceeding brought for violation of  
21 this judgment. Nor shall it be a defense to any civil or criminal contempt charge that the Served Person  
22 was eligible to apply for an order under this provision;

23 ////

24 ////

25 ////

26 ////

27 ////

28 ////

1 4. No Costs Plaintiff's waived costs. Each party shall bear its own costs in this action.

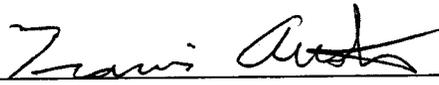
2  
3  
4 DATED: 11 AUG 2008

Gregory W. Alarcon

Judge of the Superior Court

5  
6 Submitted on July 2, 2008

7 ROCKARD J. DELGADILLO, CITY ATTORNEY  
8 Bruce Riordan, Dector, Gang Division  
9 200 N. Main Street, 800 City Hall East  
10 Los Angeles, CA 90012  
(213) 978-4090; FAX (213) 978-8717

11   
12 By: Travis Austin  
13 Deputy City Attorney, Gang Division

14 STEVE COOLEY, DISTRICT ATTORNEY  
15 Gary Hearnberger, Head Deputy, Hard Core Gang Division  
16 Phil Glaviano, Assistant Head Deputy, Hard Core Gang Division  
17 Steven Lopez, Deputy District Attorney (Bar No. 162326)  
210 W. Temple Street, 17th Floor  
Los Angeles, California 90012

18   
19 By: Steven Lopez  
20 Deputy District Attorney

21 Attorneys for Plaintiff,  
22 People of the State of California