

FILED
SUPERIOR COURT OF CALIFORNIA
COUNTY OF LOS ANGELES

MAR 18 2009

John A. Clarke, Executive Officer/Clerk
By *R. Alva* Deputy
ROBERT ALVA

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

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

Plaintiff,

vs.

TOONERVILLE (aka TVR), a criminal street
gang sued as an unincorporated association;

Defendant.

Case No.: BC401928


JUDGMENT GRANTING PERMANENT
INJUNCTION

Assigned for all purposes to the Honorable
Maureen Duffy-Lewis, Dept. 38

Case Filed: November 14, 2008

Plaintiff, the People of the State of California, *ex rel.* Rockard J. Delgadillo as the City Attorney for the City of Los Angeles and Scott H. Howard as the City Attorney for the City of Glendale (“the People”), applied for a permanent judgment seeking to abate a public nuisance in the “L.A. River-Glendale Safety Zone” (as depicted in “Map A” and “Map B” attached as Exhibit 1) caused by the Toonerville criminal street gang and its members.

After due consideration of all documents filed by the People in this action, including Plaintiff’s declarations, memorandum of points and authorities and attached exhibits, and consideration of the precedent of *People ex. Rel. Gallo v. Acuna* (1997) 14 Cal.4th 1090, *cert. denied* (1997) 521 U.S. 1121; *People v. Colonia Chiques* (2007) 156 Cal.App.4th 31; *People v. Englebrecht* (2001) 88 Cal.App.4th 1236; *In re Englebrecht* (1998) 67 Cal.App.4th 486, and other evidence submitted, this Court makes the

1 following findings, by clear and convincing evidence:

- 2 1. Defendant Toonerville is a “gang” as defined for the purpose of a gang abatement
3 injunction in *Englebrecht, supra*, 88 Cal.App.4th 1258;
- 4 2. Defendant Toonerville is a “criminal street gang” as defined in Penal Code
5 Section 186.22, subdivision (f) (Street Terrorism and Prevention Act);
- 6 3. A public nuisance, pursuant to Civil Code Sections 3479 and 3480, which a gang
7 injunction may properly abate, exists in the Safety Zone;
- 8 4. The conduct and activities of Defendant Toonerville, acting through its members,
9 are responsible for such public nuisance;
- 10 5. Defendant Toonerville is an unincorporated association as defined in Code of
11 Civil Procedure Section 369.5; and
- 12 6. Service on Defendant Toonerville is proper.

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

14 1. Defendant **TOONERVILLE**, and its members, are enjoined, restrained and prohibited
15 from engaging in or performing, directly or indirectly, any of the following activities in the “L.A. River-
16 Glendale Safety Zone” (as depicted in “Map A” and “Map B” attached as Exhibit 1)¹:

17
18 ¹ The “L.A. River-Glendale Safety Zone” is bounded by the route starting at the intersection of the 134
19 Freeway and Interstate 5, continuing south along Interstate 5 to Los Feliz Boulevard, continuing east on
20 Los Feliz Boulevard to the Metrolink train tracks, continuing south along the Metrolink train tracks to
21 Tyburn Street, continuing northeast on Tyburn Street to San Fernando Road, continuing southeast on
22 San Fernando Road to Treadwell Street, continuing northeast on Treadwell Street to the border of Forest
23 Lawn Memorial Park, continuing south along the Forest Lawn Memorial Park border to Chapman
24 Street, continuing northeast on Chapman Street to Weldon Avenue, continuing south on Weldon Avenue
25 to Fletcher Drive, continuing south on Fletcher Drive to West Avenue 36, continuing south on West
26 Avenue 36 to the 2 Freeway, continuing north on the 2 Freeway to Verdugo Road, continuing north on
27 Verdugo Road to Maple Street, continuing east on Maple Street until it meets the 2 Freeway, continuing
28 north on the 2 Freeway to Broadway, continuing west on Broadway to San Fernando Road, continuing
north on San Fernando Road to the 134 Freeway, continuing west on the 134 Freeway back to the
starting point at Interstate 5 (as depicted in “Map A” of Exhibit 1) and extending one hundred yards to
the outside of these boundaries. The Safety Zone also includes the area starting at the intersection of
Foothill Boulevard and Haines Canyon Avenue, continuing north on Haines Canyon Avenue to Day
Street, continuing west on Day Street to Fairgrove Avenue, continuing north on Fairgrove Avenue to
Summitrose Avenue, continuing west on Summitrose Avenue to Pinyon Avenue, continuing north on
Pinyon Avenue to Hillrose Street, continuing west on Hillrose Street to Tujunga Canyon Boulevard,
continuing north on Tujunga Canyon Boulevard to Hillrose Street, continuing west on Hillrose Street to
Helendale Avenue, continuing north on Helendale Avenue to Kyle [CONTINUED ON NEXT PAGE]

1 a. **Do Not Associate:** Standing, sitting, walking, driving, gathering or appearing
2 anywhere in public view, in a public place or in any place accessible to the public, with any other known
3 member of the Toonerville gang. This prohibition shall not apply in either of the following situations:

4 (1) when an enjoined person is inside the premises of a licensed school attending class or conducting
5 school business, or (2) when an enjoined person is inside the premises of a church or religious institution
6 for purposes of worship. This prohibition against associating shall apply to all methods of travel to and
7 from any of the aforementioned permissible locations;

8 b. **No Intimidation:** Confronting, intimidating, annoying, harassing, threatening,
9 challenging, provoking, assaulting or battering any person who lives, works, visits or passes through the
10 Safety Zone or any person known to be a witness to, or victim of, any Toonerville gang activity or any
11 person known to have complained about any Toonerville gang activity;

12 c. **No Firearms, Imitation Firearms, Ammunition, Dangerous or Illegal**
13 **Weapons:** (1) Possessing any firearm, imitation firearm, ammunition, dangerous weapon (defined as
14 any fixed or folding knife with a blade two inches or longer), or illegal weapon as defined in Penal Code
15 section 12020, whether or not concealed, while in public view, in a public place or in any place
16 accessible to the public, or (2) knowingly remaining in the presence of anyone who is in possession of
17 such firearm, imitation firearm, ammunition, dangerous weapon or illegal weapon while in public view,
18 in a public place or in any place accessible to the public, or (3) knowingly remaining in the presence of
19 such firearm, imitation firearm, ammunition, dangerous weapon or illegal weapon while in public view,
20 in a public place or in any place accessible to the public;

21 d. **Stay Away From Drugs:** (1) Selling, transporting, possessing or using, without a
22 prescription, any controlled substance or marijuana, or such drug-related paraphernalia, including, but
23

24 ¹[CONTINUED FROM PREVIOUS PAGE] Street, continuing west on Kyle Street to Plainview
25 Avenue, continuing south on Plainview Avenue to Kyle Street, continuing west on Kyle Street to Mount
26 Gleason Avenue, continuing south on Mount Gleason Avenue to Hillrose Street, continuing west on
27 Hillrose Street to Sherman Grove Avenue, continuing south on Sherman Grove Avenue to Fenwick
28 Street, continuing west on Fenwick Street to Foothill Boulevard, continuing southeast on Foothill
Boulevard to the starting point at Haines Canyon Avenue (as depicted in "Map B" of Exhibit 1) and
extending one hundred yards to the outside of these boundaries.

1 not limited to, rolling papers and pipes used for illegal drug use, or (2) knowingly remaining in the
2 presence of anyone selling, transporting, possessing or using, without a prescription, any controlled
3 substance or marijuana, or such drug-related paraphernalia, or (3) knowingly remaining in the presence
4 of any controlled substance or marijuana, or such drug-related paraphernalia;

5 e. **Stay Away From Alcohol:** Drinking or possessing an opened container of an
6 alcoholic beverage in public view, in a public place or in any place accessible to the public;

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

11 g. **No Obstructing Traffic:** Obstructing, impeding or blocking the free passage of
12 any person or vehicle on any street, walkway, sidewalk, driveway, alley, parking lot or any other area
13 accessible to the public;

14 h. **No Graffiti or Vandalism Tools:** Damaging, defacing, marking, painting or
15 otherwise applying graffiti to any public or private property, or possessing any aerosol paint container,
16 felt tip marker or other item which can be used to paint, spray paint, etch, mark, draw or otherwise apply
17 graffiti;

18 i. **No Loitering:** Loitering in public view, in a public place or in any place
19 accessible to the public for the purpose of engaging in graffiti, drug-related activity or any other
20 unlawful or nuisance activity;

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

25 k. **Stay Away From Chevy Chase Park:** Being present in or on Chevy Chase Park
26 (located at 4165 Chevy Chase Drive, Los Angeles) or the sidewalks, pathways, entrances, or drive-ways
27 which adjoin and border the park. For purposes of this provision, Chevy Chase Park includes the
28 recreation center, buildings, structures, playground, handball courts, parking lots, and all areas that are

1 bounded by Bemis Street on the north, Alger Street on the east, Chevy Chase Drive on the south, and the
2 apartment complexes adjacent to the parking lot on the west;

3 1. **Stay Away From Palmer Park:** Being present in or on Palmer Park (located at
4 610 E. Palmer Avenue, Glendale) or the sidewalks, pathways, entrances, or drive-ways which adjoin and
5 border the park. For purposes of this provision, Palmer Park includes the recreation center, buildings,
6 structures, playground, parking lots, and all areas that are bounded by Palmer Avenue on the north, and
7 the residences that surround the park on the south, east and west;

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

18 n. **Obey All Laws:** Failing to obey all laws, including (1) those that prohibit
19 violence or threatened violence, including, but not limited to murder, intimidation, rape, robbery by
20 force or fear, assault or battery, (2) those that prohibit interference with the property rights of others,
21 including, but not limited to trespass, theft, vandalism, or the driving or taking of a vehicle without the
22 owner's consent, (3) those that prohibit the commission of acts that create a nuisance, including, but not
23 limited to, the illegal sale of controlled substances, blocking the sidewalk and street and violations of the
24 Los Angeles Municipal Code or Glendale Municipal Code, and (4) any lawful orders of the Court;

25 2. That this Order includes an **Opt-Out Provision**, by which any member of Defendant
26 **TOONERVILLE**, or any person who has been served with this injunction (hereinafter "Served
27 Person") may move this Court under this Opt-Out Provision for an order to be dismissed from this
28 action. Plaintiff agrees not to object to Served Person's motion to dismiss him or her from this Order, so

1 long as such dismissal is to be without prejudice and shall not operate as a retraxit in any other action,
2 with each side bearing its own costs and fees, and Served Person's motion satisfies each of the following
3 requirements:

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

6 b. **No Longer a Gang Member:** Served Person must truthfully declare, under
7 penalty of perjury, that he/she is a reformed, former member of the Toonerville gang and he/she has
8 renounced the gang life. Such declaration under penalty of perjury is an essential part of this provision;

9 c. **Proof Required:** Served Person must truthfully declare, under penalty of perjury
10 that, for the continuous period of three (3) years preceding the date of Served Person's motion, with the
11 starting date being no earlier than the date of a permanent judgment, and excluding any time spent
12 incarcerated, any time on supervised release (parole or probation), and/or any time spent outside the
13 country after having been deported, all of the following are and have been true:

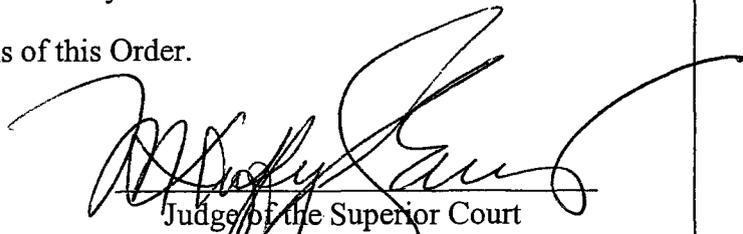
- 14 i. Served Person has not claimed membership in any gang;
15 ii. Served Person has not been documented by law enforcement associating
16 with any known, active members of the Toonerville gang, other than
17 immediate family members;
18 iii. Served Person has not been arrested for any felony or misdemeanor crime;
19 iv. Served Person has not obtained any new gang-related tattoos; and
20 v. Served Person has been consistently and gainfully employed for a period
21 of one year prior to the date of Served Person's motion;

22 d. **No Effect in Other Proceedings:** Plaintiff shall not be bound by the criteria of
23 this Opt-Out Provision in any action, civil or criminal, other than a motion brought under this Provision
24 in this action;

25 e. **Judgment Not Admissible:** This Opt-Out Provision and any orders from it shall
26 not be admissible in any civil or criminal action, and cannot be used for or against Served Person for any
27 purpose whatsoever, other than in a civil or criminal contempt proceeding brought for a violation of this
28 Order; and

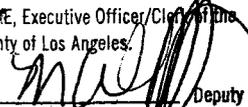
1 f. **Dismissed Served Person Committing New Violation:** If subsequent to
2 successfully obtaining an order of dismissal under this Opt-Out provision, Served Person violates any of
3 subsections (i) through (iv) of 2(c) above (by claiming membership in a gang, associating with known
4 gang members other than immediate family, being arrested for any felony or misdemeanor crime, or
5 obtaining any gang-related tattoos), then Served Person may be re-served with this Order and will be
6 required to comply with of the terms and conditions of this Order.

7
8 DATED: 3-18-09

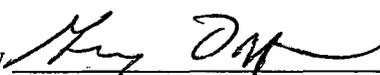

Judge of the Superior Court

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11 Submitted on 2/26/09



I certify that this is a true and correct copy of the
original 10 pages on file in this office consisting
of 10 pages. JOHN A. CLARKE, Executive Officer/Clerk of the
Superior Court of California, County of Los Angeles.
Date: **MAR 18 2009** By:  Deputy
M. WILKERSON

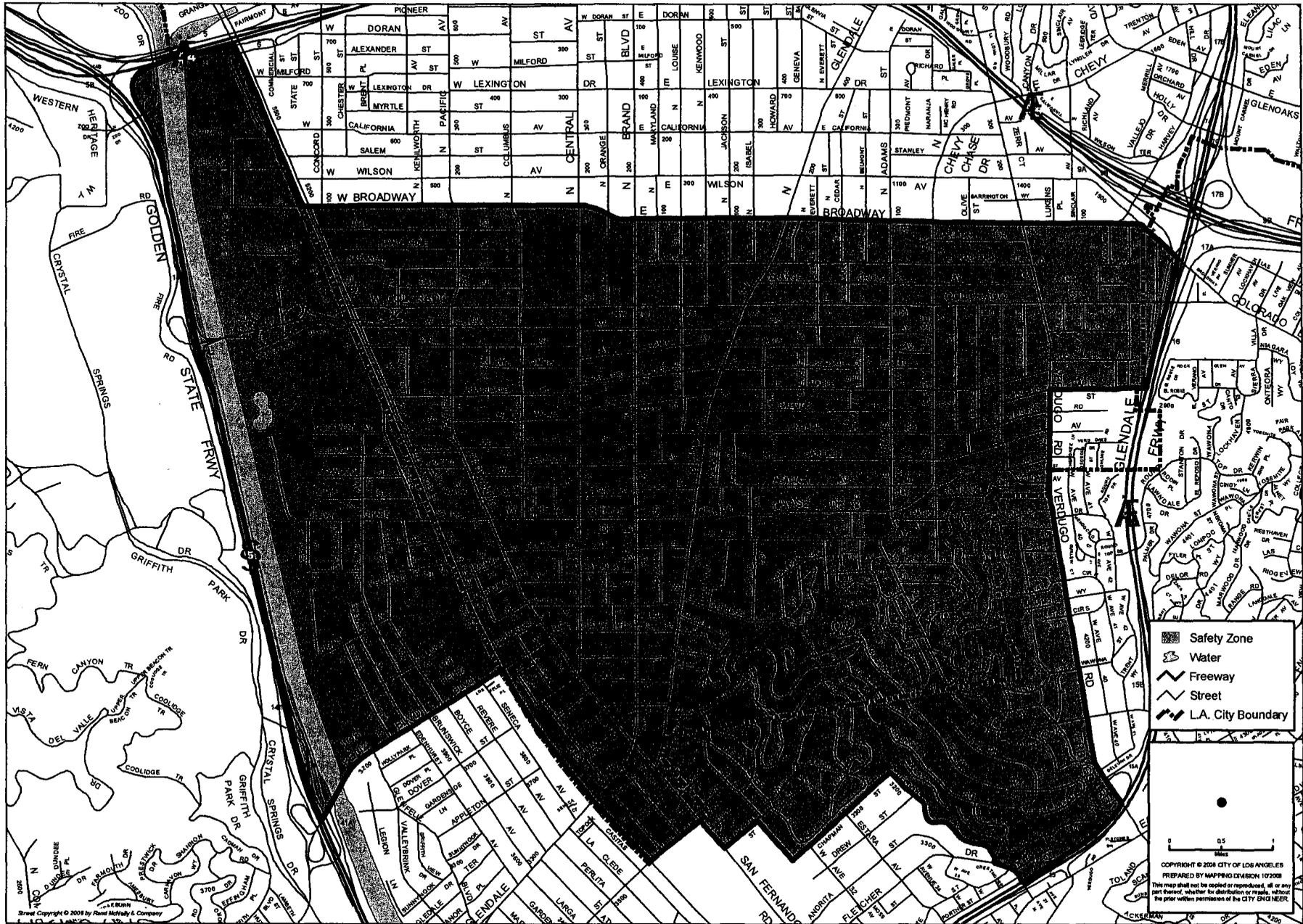
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L.A. River-Glendale Safety Zone

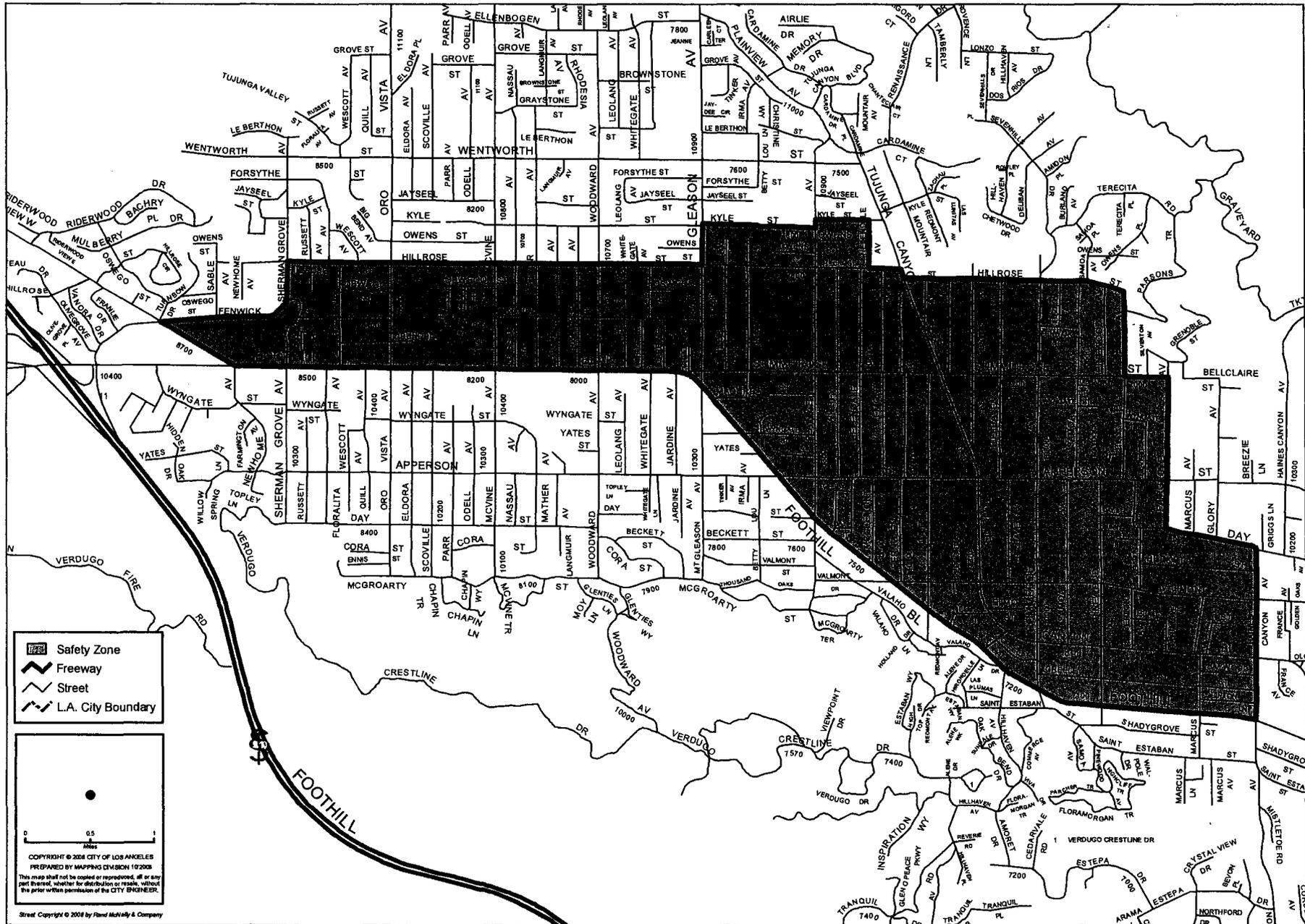
Map A

Office of the City Attorney
City of Los Angeles

LA DPW
ENGINEERING
Present: Designing the Future

GARY LEE MOORE, P.E.
CITY ENGINEER





L.A. River-Glendale Safety Zone

Map B

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 GARY LEE MOORE, P.E.
 CITY ENGINEER

