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LOS ANGELES SUPERIOR COURT

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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,

Plaintiff,

vs.

204TH STREET (aka 204th) and EASTSIDE
TORRANCE (aka EST), criminal street gangs
sued as unincorporated associations; DOES 1
through 300, inclusive;

Defendants.

Case No.: BC381942
(Unlimited civil case)

~~[PROPOSED]~~
JUDGMENT GRANTING PERMANENT
INJUNCTION AGAINST DEFENDANT
204TH STREET AFTER SUMMARY
JUDGMENT AND AGAINST DEFENDANT
EASTSIDE TORRANCE AFTER DEFAULT

Assigned for all purposes to the
Honorable Michael L. Stern, Dept. 62

Case Filed: December 7, 2007
Trial Date: Off calendar

The motion by Plaintiff, the People of the State of California, for summary judgment or in the alternative for summary adjudication of issues against Defendant 204th Street came on for hearing in Department 62 of this Court on July 1, 2008. Deputy City Attorney Kelly Huynh appeared on behalf of Plaintiff. Defendant 204th Street did not appear. No opposition to plaintiff's motion for summary judgment was filed with this Court. Defendant Eastside Torrance also did not appear, a request for entry of default having been entered against Defendant Eastside Torrance on March 10, 2008.

Plaintiff filed its complaint on December 7, 2007. Plaintiff's complaint sets forth one cause of action for injunctive relief against Defendants 204th Street and Eastside Torrance, whereby plaintiff seeks to enjoin each defendant, acting through its respective members, from engaging in conduct which

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1 causes a public nuisance within a proposed Safety Zone, described in the complaint as an area located in
2 the City of Los Angeles, bounded by W. Del Amo Boulevard to the north, S. Western Avenue to the
3 west, W. Lomita Boulevard to the south and S. Normandic Avenue to the east, and extending 100 yards
4 to the outside of each of these boundaries, and is depicted in attached Exhibit 1 (hereinafter “Safety
5 Zone.”)

6 Plaintiff’s cause of action is based on the grounds that the conduct and activities of **Defendants**
7 **204th Street and Eastside Torrance**, each acting through its respective members, constitute a public
8 nuisance within the meaning of Civil Code sections 3479 and 3480, and that an injunction should issue
9 to abate such public nuisance, consistent with the principal set forth in *People ex rel. Gallo v. Acuna*
10 (1997) 14 Cal. 4th 1090, *cert. denied*, 521 U.S. 1121 (hereinafter “*Acuna*”).

11 After full consideration of the evidence, written and oral submission by the parties, including
12 Plaintiff’s Memorandum of Points and Authorities, Plaintiff’s Separate Statement of Undisputed
13 Material Facts and Supporting Evidence, Plaintiff’s Exhibits List and Exhibits and Declarations in
14 Support, and Plaintiff’s Request for Judicial Notice of Criminal and Nuisance Convictions, the Court
15 finds that there are no triable issues of material fact, and plaintiff has established by undisputed, clear
16 and convincing evidence all the elements of its cause of action within the meaning of Civil Code
17 sections 3479 and 3480, and as mandated by *Acuna*, and therefore, plaintiff is entitled to judgment as a
18 matter of law against **Defendant 204th Street** for the following reasons:

- 19 1. A public nuisance pursuant to Civil Code sections 3479 and 3480 exists in the Safety
20 Zone;
- 21 2. The public nuisance in the Safety Zone is “substantial” and “unreasonable;”
- 22 3. Defendant 204th Street, acting through its members, is responsible for the public
23 nuisance in the Safety Zone;
- 24 4. Injunctive relief is the appropriate and necessary remedy to abate the public nuisance in
25 the Safety Zone;
- 26 5. Defendant 204th Street is an unincorporated association within the meaning of Code of
27 Civil Procedure section 369.5, subdivision (a) and a jural entity capable of being sued
28 pursuant to *People v. Colonia Chiques* (2007) 156 Cal.App.4th 31;

1 6. Defendant 204th Street is a “criminal street gang” within the meaning of Penal Code
2 section 186.22, subdivision (f); and

3 7. Defendant 204th Street is a “gang” as defined by *People v. Englebrecht* (2001) 88
4 Cal.App.4th 1236.

5 Additionally, after consideration of the evidence, including Plaintiff’s Request for Judgment
6 Granting Permanent Injunction After Default against Defendant Eastside Torrance and its attached
7 memorandum of points and authorities, and previously filed Declaration of Officer Dan Robbins and
8 Officer Declarations in Support, as well as all pleadings, papers, files and records on file herein, this
9 Court finds by clear and convincing evidence that the conduct of **Defendant Eastside Torrance**, an
10 unincorporated association sued as a criminal street gang, and its members, constitutes a public nuisance
11 within the meaning of Civil Code sections 3479 and 3480 in the Safety Zone; and therefore, good cause
12 appearing,

13 **IT IS HEREBY ORDERED:**

14 1. That the motion for summary judgment is granted, and that judgment in favor of plaintiff,
15 the People of the State of California, and against **Defendant 204th Street** (aka 204th) is entered
16 accordingly;

17 2. That judgment in favor of plaintiff, the People of the State of California, and against
18 **Defendant Eastside Torrance** (aka EST) for its default is entered accordingly; and

19
20 **IT IS FURTHER ORDERED:**

21 3. That **Defendant 204TH STREET**, its members including, but not limited to, Aldo
22 Anguiano (“Creeper”), Christian Claudio (“Pecas”), Eugenio Claudio (“Cave Kid”), Jesus Claudio, aka
23 Jesus Hernandez (“Drowsy”), Miguel Claudio (“Trigger”), Michael Colclasure (“Cyco”/ “Cyclone”),
24 Jonathan Fajardo (“Mono”), Enrique Gonzalez (“Crow”), Carlos Hernandez (“Flaco”), Jose Lopez
25 (“Serio”/ “Brownie”), Mario Martinez (“Trippy”), Omar Martinez (“Woody”), Westley McDowell
26 (“Chino”/ “Stimey”), Sabino Munoz (“Stubbs”), Jonathan Ogorman (“Listo”), Carlos Osuna (“Riskee”),
27 Israel Perales, aka Israel Rodriguez (“Oso”), Rafael Silva (“Droopy”), Jean Paul Sorrilla (“Abad”),
28 Alfonso Tarula (“Sparky”), Noe Abundis Torres (“Huero”), and Ernest Yanez (“Stranger”/ “Big E”)

1 (hereinafter known as “Designated 204th Street Gang Members” and depicted in photographs attached as
2 Exhibit 2), and all persons acting under, in concert with, for the benefit of, at the direction of, or in
3 association with them or any of them, and **Defendant EASTSIDE TORRANCE**, its members
4 including, but not limited to, Alberto Abrego (“Bandit”), Daniel Barral (“Lil Demon”), Joe Barral
5 (“Midget”), Alfonso Castello (“Crook”), Ulysses Cigarroa (“Monster”), Nicholas Hallam (“Menace”),
6 Jose Hernandez (“Little Joe”/ “Weasel”), Ruben Mandujano (“Stalker”), Jose Mosqueda (no moniker
7 claimed), Ernesto Murillo (“Shadow”), Michael Murillo (“Beaver”), Michael Najera (“Felon”), Daniel
8 Navarro (“Troubles”), Alejandro Ponce (“Crazy”), Alejandro Ramirez (“Dopey”), Ernesto Ramirez
9 (“Sniper”), Denise Rios (“Rowdy”), Rudy Romero (“Blackie”/ “Creeper”), Abel Saldana (“Slugger”),
10 Hermilio Sanchez (“Scrio”), Marcos Santillan (“Boy”), Miguel Tello (“Coco”), and Nataly Vargas
11 (“Baby Doll”) (hereinafter known as “Designated Eastside Torrance Gang Members” and depicted in
12 photographs attached as Exhibit 3), and all persons acting under, in concert with, for the benefit of, at
13 the direction of, or in association with them or any of them, are enjoined and restrained from engaging in
14 or performing, directly or indirectly, any of the following activities in the Safety Zone:

15 a. **Do Not Associate:** Standing, sitting, walking, driving, gathering or appearing
16 anywhere in public view, in a public place or in any place accessible to the public, with any other known
17 member of **Defendants 204TH STREET** and **EASTSIDE TORRANCE**, including, but not limited to,
18 all individuals listed as “Designated 204th Street Gang Members” and “Designated Eastside Torrance
19 Gang Members.” This prohibition shall not apply in either of the following situations: (1) when an
20 enjoined person is inside the premises of a licensed school attending class or conducting school
21 business, or (2) when an enjoined person is inside the premises of a church or religious institution for
22 purposes of worship. This prohibition against associating shall apply to all methods of travel to and
23 from any of the aforementioned permissible locations. For purposes of this Order, “public place” means
24 any place open to the general public or a substantial group of the general public, including, but not
25 limited to, hospitals, transport facilities, parks and common areas of schools. For purposes of this Order,
26 “accessible to the public” means any place to which the general public or a substantial group of the
27 general public has access, including, but not limited to, driveways, walkways, common areas of
28 apartment buildings, parking lots, stores and shops;

1 b. **No Intimidation:** Confronting, intimidating, annoying, harassing, threatening,
2 challenging, provoking, assaulting or battering any person who lives, works, visits or passes through the
3 Safety Zone or any person known to be a witness to, or victim of, any 204th Street or Eastside Torrance
4 gang activity or any person known to have complained about any 204th Street or Eastside Torrance gang
5 activity;

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

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

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

25 f. **No Obstructing Traffic:** Obstructing, impeding or blocking the free passage of
26 any person or vehicle on any street, walkway, sidewalk, driveway, alley, parking lot or any other area
27 accessible to the public;

28 g. **Stay Away From Alcohol:** (1) Drinking or possessing an open container of an

1 alcoholic beverage in public view, in a public place or in any place accessible to the public, (2)
2 knowingly remaining in the presence of anyone possessing an open container of an alcoholic beverage
3 in public view, in a public place or in any place accessible to the public, or (3) knowingly remaining in
4 the presence of an open container of an alcoholic beverage in public view, in a public place or in any
5 place accessible to the public;

6 h. **No Graffiti or Vandalism Tools:** Damaging, defacing, marking, painting or
7 otherwise applying graffiti to any public or private property, or possessing any aerosol paint container,
8 felt tip marker or other marking substance as defined in Penal Code sections 594.1 and 594.2, which can
9 be used to paint, spray paint, etch, mark, draw or otherwise apply graffiti;

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

13 j. **No Trespassing:** Being present in or on the property of another person that is not
14 open to the general public, except (1) with the prior written consent of the owner, owner's agent or
15 person in lawful possession of the property, or (2) in the presence of and with the voluntary consent of
16 the owner, owner's agent or person in lawful possession of the property. For purposes of this provision,
17 the prior written consent must be carried on the enjoined person at the time he or she is visiting the
18 property not open to the general public and must be presented when requested by any peace officer;

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

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

8 4. That no person shall be subject to the provisions of this Order unless that person has been
9 personally served with this Order; and

10 5. That this Order includes an **Opt-Out Provision**, by which any member of **Defendants**
11 **204TH STREET** and **EASTSIDE TORRANCE**, or any person who has been served with this injunction
12 (hereinafter "Served Person") may move this Court under this Opt-Out Provision for an order to be
13 dismissed from this action. Plaintiff agrees not to object to Served Person's motion to dismiss him or
14 her from this Order, so long as such dismissal is to be without prejudice and shall not operate as a
15 retraxit in any other action, with each side bearing its own costs and fees, and Served Person's motion

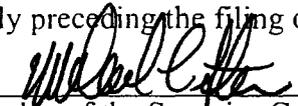
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1 satisfies both of the following requirements:

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

4 b. **No Longer a Gang Member:** Served Person must file such noticed motion with
5 this Court, and such motion must be supported by Served Person's declaration, made under penalty of
6 perjury, that Served Person is not or is no longer a member of either **Defendant 204TH STREET** gang
7 or **Defendant EASTSIDE TORRANCE** gang, and Served Person has not engaged in any gang activity
8 or any criminal activity for a period of three years immediately preceding the filing of such motion.

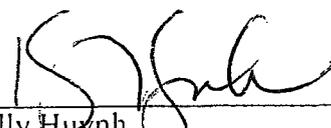
9 DATED: July 7, 2008
10 Submitted on 7/7/08



Judge of the Superior Court

MICHAEL L. STERN

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