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FILED
LOS ANGELES SUPERIOR COURT

JUN 27 2013

JOHNA CLARKE, CLERK
[Signature]
BY R. M. AGUIÑO, DEPUTY

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

**PEOPLE OF THE STATE OF CALIFORNIA,
ex rel. Carmen A. Trutanich, as the City Attorney
for the City of Los Angeles,**

Plaintiff,

vs.

**COLUMBUS STREET (aka CST), a criminal
street gang sued as an unincorporated association;
DOES 1 through 300, inclusive;**

Defendants.

**Case No.: BC501348
(Unlimited Civil Case)**

[PROPOSED]

**JUDGMENT GRANTING PERMANENT
INJUNCTION AGAINST DEFENDANT
COLUMBUS STREET**

**Assigned for all purposes to the
Honorable Rolf M. Treu, Dept. 58**

Case Filed: February 20, 2013

Plaintiff, the People of the State of California, *ex rel.* Carmen A. Trutanich, as the City Attorney for the City of Los Angeles ("People"), applied for a permanent injunction seeking to abate a public nuisance caused by Defendant COLUMBUS STREET (aka CST), and its members, in the "Columbus Street Safety Zone" (as depicted in the map attached as Exhibit 1), located in the City of Los Angeles and bounded by the route starting at the intersection of Sepulveda Boulevard and Plummer Street, continuing east on Plummer Street to Cedros Avenue, continuing south on Cedros Avenue to Chase Street, continuing east on Chase Street to Woodman Avenue, continuing south on Woodman Avenue to Lanark Street, continuing west on Lanark Street to Van Nuys Boulevard, continuing south on Van Nuys Boulevard to Saticoy Street, continuing west on Saticoy Street to Sepulveda Boulevard, continuing north on Sepulveda Boulevard, back to the starting point at Plummer Street, and extending one hundred yards

1 to the outside of these boundaries.

2 After due consideration of all documents filed by the People in this action, including Plaintiff's
3 declarations, memorandum of points and authorities and attached exhibits, and consideration of the
4 precedent of *People ex. rel. Gallo v. Acuna* (1997) 14 Cal.4th 1090, *cert. denied* (1997) 521 U.S. 1121;
5 *People v. Colonia Chiques* (2007) 156 Cal.App.4th 31; *People v. Englebrecht* (2001) 88 Cal.App.4th
6 1236; *In re Englebrecht* (1998) 67 Cal.App.4th 486; *People v. Acuna* (2010) 182 Cal.App.4th 866, and
7 other evidence submitted, this Court makes the following findings, by clear and convincing evidence:

- 8 1. Defendant Columbus Street is a "gang" as defined for the purposes of a gang abatement
9 injunction in *Englebrecht, supra*, 88 Cal.App.4th at 1258;
- 10 2. Defendant Columbus Street is a "criminal street gang" as defined in Penal Code section
11 186.22, subdivision (f) (Street Terrorism and Prevention Act);
- 12 3. A public nuisance, pursuant to Civil Code sections 3479 and 3480, which a gang
13 injunction may properly abate, exists in the Columbus Street Safety Zone;
- 14 4. The conduct and activities of Defendant Columbus Street, acting through its members,
15 individually and collectively, have caused, and continue to cause, the public nuisance that
16 exists in the Columbus Street Safety Zone; and
- 17 5. The provisions set forth in this Order are narrowly tailored and necessary to abate the
18 public nuisance that exists in the Columbus Street Safety Zone.

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

20 1. That Defendant COLUMBUS STREET, and its members, are enjoined and restrained
21 from engaging in or performing, directly or indirectly, any of the following activities in the Columbus
22 Street Safety Zone:

23 a. **Do Not Associate:** Standing, sitting, walking, driving, gathering, or appearing,
24 anywhere in public view, in a public place, or anyplace accessible to the public, with any other known
25 member of the Columbus Street gang. This prohibition shall not apply in any of the following
26 situations: (1) when an enjoined person is inside the premises of a licensed school attending class or
27 conducting school business, or (2) when an enjoined person is inside the premises of a church or
28 religious institution for purposes of worship, or (3) when an enjoined person is inside a place where

1 he/she is lawfully employed and is engaged in a lawful business, trade, profession, or occupation which
2 requires such presence. This prohibition against associating shall apply to all methods of travel to and
3 from any of the aforementioned permissible locations. For the purpose of this provision, and every
4 provision where it is mentioned, public place is defined as any place to which the public has access,
5 including but not limited to sidewalks, alleys, streets, highways, parks, hospitals, office buildings,
6 transport facilities, businesses, and the common areas of schools.

7 b. **Do Not Associate in Common Areas:** Standing, sitting, walking, gathering, or
8 appearing, with any other known member of the Columbus Street gang, in a common area, courtyard, or
9 carport of any apartment complex, condominium, or townhome;

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

14 d. **No Firearms, Imitation Firearms, Ammunition, Dangerous or Illegal**
15 **Weapons:** Possessing any firearm, imitation firearm, ammunition, fixed or folding knife, box cutter, ice
16 pick, cattaill, or other illegal weapon, whether or not concealed, while in public view, in a public place,
17 or anyplace accessible to the public;

18 e. **No Drugs:** (a) Selling, transporting, possessing, or using any controlled substance
19 without a prescription, or (b) selling, transporting, possessing, or using marijuana without a prescription,
20 a physician's recommendation letter, or a medical marijuana card;

21 f. **No Alcohol in Public:** Drinking or possessing an open container of an alcoholic
22 beverage in public view, in a public place, or anyplace accessible to the public, except when on licensed
23 premises where alcohol consumption is authorized;

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

1 h. **No Obstructing Traffic:** Obstructing, impeding, or blocking the free passage of
2 any person or vehicle on any street, walkway, sidewalk, driveway, alley, parking lot, or any other area
3 accessible to the public;

4 i. **No Graffiti or Vandalism Tools:** (a) Damaging, defacing, marking, painting, or
5 otherwise applying graffiti, to any public or private property, or (b) possessing any aerosol paint
6 container, felt tip marker, paint marker, spray paint tip, slap tag, or other item which can be used to
7 paint, spray paint, etch, mark, draw, or otherwise apply graffiti;

8 j. **No Loitering:** Loitering in a public place, in public view or anyplace accessible
9 to the public for the purpose of engaging in graffiti, drug-related activity, or any other unlawful activity;

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

14 l. **Do Not Drive or Possess Another Person's Motor Vehicle:** Driving or
15 possessing a motor vehicle of which you are not the registered owner, except (1) in the presence of and
16 with the voluntary consent of the registered owner, or (2) with the prior written consent of the registered
17 owner.

18 2. That this Order includes a **Hardship Exemption**, by which any member of Defendant
19 COLUMBUS STREET may receive a specific exemption from portions of the "Do Not Associate"
20 and/or "Do Not Associate In Common Areas" provisions, pursuant to the following process:

21 a. A written request for such exemption is to be made to the Los Angeles City
22 Attorney's Office, c/o Gang Division Re: Hardship Exemption, 200 North Main Street, 966 City Hall
23 East, Los Angeles, CA 90012;

24 b. The request must be specific in that it must request permission to associate with
25 only individual(s) identified by name and date of birth, at specific times and in specific locations, when
26 such association is reasonably necessary for some legitimate purpose. The legitimate purpose must be
27 articulated in the request; and

28 c. If such request is made and not granted within ten (10) days after it is delivered or

1 fifteen (15) days after it is mailed, the enjoined party may apply to this Court for such an exemption by
2 noticed motion;

3 d. If such request is granted, written proof of the Hardship Exemption must be
4 carried by the enjoined party and shall be presented to any peace officer upon request.

5 3. That this Order includes an **Opt-Out Provision**, by which any member of Defendant
6 COLUMBUS STREET, or any person who has been served with this injunction (hereinafter "Served
7 Person") may move this Court under this Opt-Out Provision for an order to be dismissed from this
8 action. Plaintiff agrees not to object to Served Person's motion to dismiss him or her from this Order, so
9 long as such dismissal is to be without prejudice and shall not operate as a retraxit in any other action,
10 with each side bearing its own costs and fees, and Served Person's motion satisfies each of the following
11 requirements:

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

14 b. **No Longer a Gang Member:** Served Person must truthfully declare, under
15 penalty of perjury, that he/she is no longer a member of the Columbus Street gang;

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

- 21 i. Served Person has not claimed membership in any gang;
- 22 ii. Served Person has not been documented by law enforcement associating
23 with any known, active members of the Columbus Street gang, other than
24 immediate family members;
- 25 iii. Served Person has not been arrested for any felony or misdemeanor crime;
- 26 iv. Served Person has not obtained any new gang-related tattoos; and
- 27 v. Served Person has been consistently and gainfully employed for a period
28 of one year prior to the date of Served Person's motion;

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

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

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

14 4. That no person shall be subject to the provisions of this Order unless that person has been
15 personally served with this Order.

16
17 DATED: June 27, 2013


Judge of the Superior Court

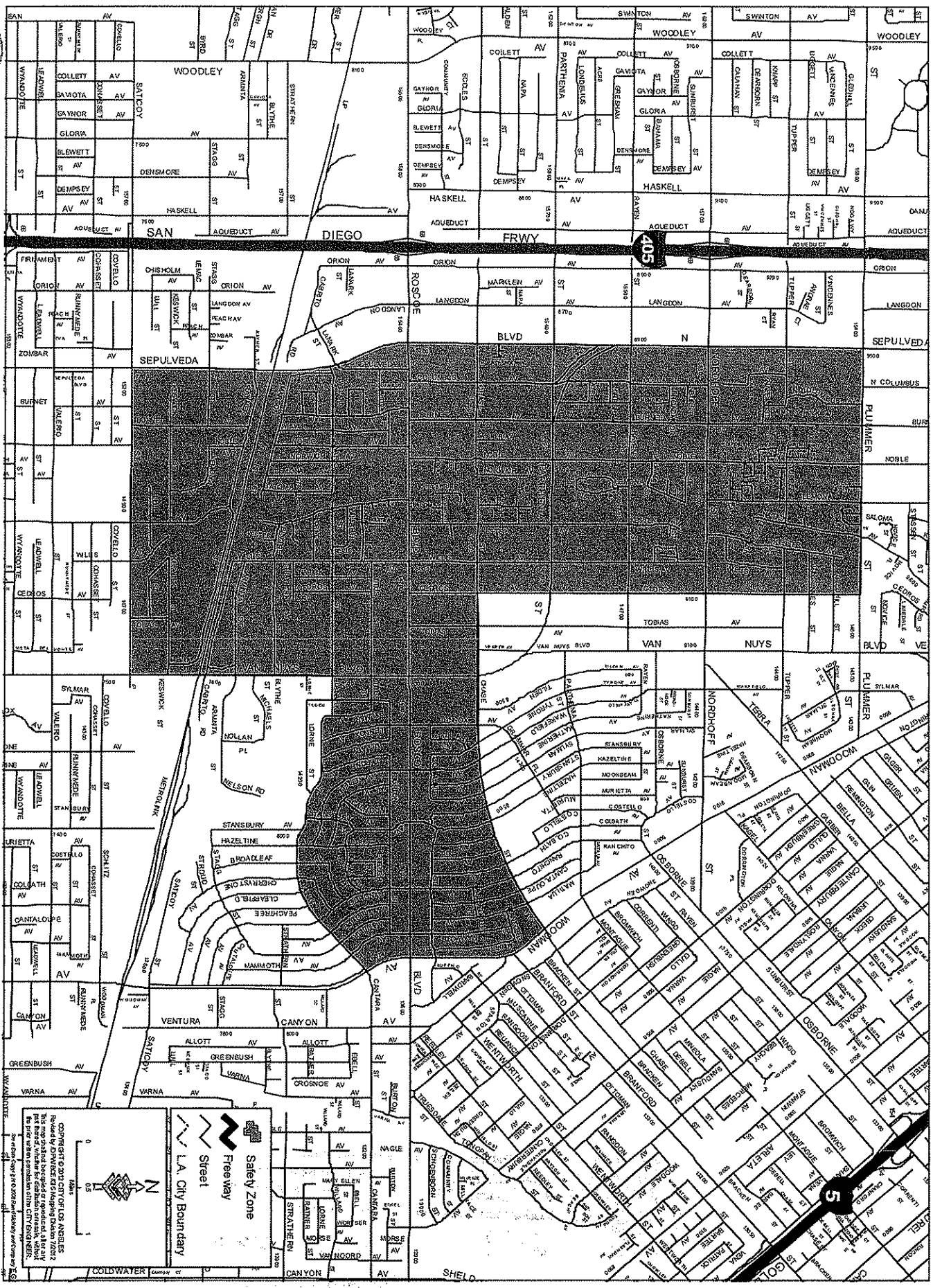
ROLF M. TREU

18
19 Submitted on May 10, 2013

20 PEOPLE OF THE STATE OF CALIFORNIA
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24 By 
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26 Attorneys for Plaintiff

27 By 
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Columbus Street Safety Zone

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Safety Zone

Freeway

Street

L.A. City Boundary

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Map for the City of Los Angeles.