

MAR 27 2009

John A. Clarke, Executive Officer/Clerk
By R. Castle, Deputy

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

PEOPLE OF THE STATE OF CALIFORNIA,

Plaintiff,

vs.

TEMPLE STREET, a criminal street gang
sued as an unincorporated association; and
DOES 1 through 200, inclusive;

Defendants.

Case No. BC401190
(Unlimited Civil Case)

~~Proposed~~
JUDGMENT GRANTING
PERMANENT INJUNCTION

Assigned for all purposes to the
Honorable Ronald M. Sohigian (Dep't 41)

Date: March 27, 2009

Time: 8:30 a.m.

Place: Dep't 41

Stanley Mosk Courthouse
111 North Hill Street
Los Angeles, CA 90012

Trial Date: September 14, 2009

Case Filed: November 3, 2008

Plaintiff, the People of the State of California, filed a complaint seeking to abate a public nuisance through the use of what is commonly known as a "gang injunction," against defendant "Temple Street," which is an unincorporated association alleged to be a criminal street gang, and against all members of the defendant, in a "Safety Zone" (a map of which is included as page 4), located in the City of Los Angeles, starting at Temple Street & Alvarado Street, north on Alvarado past Sunset Boulevard to Reservoir Street, west along the line of Reservoir Street to Silver Lake Boulevard, south on Silver Lake to Virgil Avenue, south to West 3rd Street, east to South Union

1 Avenue, north to Beverly Boulevard, west to North Union Avenue, north to Temple, and then west to
2 the starting point at Temple & Alvarado, and extending 100 yards to the outside of each of those
3 boundary streets.

4 On plaintiff's request, default was duly entered against defendant Temple Street.

5 On plaintiff's motion, an order for judgment on the pleadings was entered against each of
6 Alisa Ann Acuna and Jonathan Quevedo, each of whom had filed an "answer" to the complaint.

7 Plaintiff voluntarily dismissed without prejudice as unserved all fictitious "Doe" defendants,
8 none of whom had been served.

9 After due consideration of all papers filed in this action, including the declarations, other
10 evidence submitted, plaintiff's memorandum of points and authorities including *People v. Acuna*
11 (1997) 14 Cal. 4th 1090, *cert. denied*, 521 U.S. 1121; *People v. Colonia Chiques* (2007) 156 Cal.
12 App. 4th 31; *People v. Englebrecht* (2001) 88 Cal. App. 4th 1236; *In re Englebrecht* (1998) 67 Cal.
13 App. 4th 486, and other argument of counsel, this Court finds by clear and convincing evidence that
14 service is proper under the circumstances, and makes the following additional findings of fact:

15 (a) that the defendant is a criminal street gang as defined in Penal Code section 186.22 (the Street
16 Terrorism Enforcement and Prevention "STEP" Act); (b) that the defendant is a gang as defined for
17 the purpose of a gang abatement injunction in *People v. Englebrecht* (2001) 88 Cal. App. 4th 1236,
18 1258, (c) that the defendant is an "unincorporated association" as defined in Code of Civil Procedure
19 section 369.5; (d) that a public nuisance caused by the conduct and activities of the Temple Street
20 criminal street gang exists in the Safety Zone, and (e) that the conduct and activities of the defendant,
21 the members of the defendant, and those persons through whom the defendant acts, is a cause of the
22 public nuisance that exists in the Safety Zone; and **good cause appearing for entry of judgment,**

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

24 1. Defendant Temple Street; and all members of defendant Temple Street, are enjoined
25 and restrained from engaging in or performing, directly or indirectly, any of the following activities
26 in the Safety Zone:

27 a. **Do Not Associate:** Driving, standing, sitting, walking, gathering or appearing,
28 anywhere in public view or anyplace accessible to the public, with any known member of the Temple

1 Street gang, but not including: (1) when all individuals are inside a school attending class or on
2 school business, and (2) when all individuals are inside a church, provided however that this
3 prohibition against associating shall apply to all claims of travel to or from any of those locations;

4 b. **No Intimidation:** Confronting, intimidating, annoying, harassing, threatening,
5 challenging, provoking, assaulting or battering any person known to be a witness to any activity of
6 Temple Street, known to be a victim of any activity of Temple Street, or known to have complained
7 about any activity of Temple Street;

8 c. **No Firearms, Imitation Firearms, or Dangerous Weapons:** Anywhere in
9 public view or anyplace accessible to the public, (1) possessing any firearm, imitation firearm,
10 ammunition, or illegal weapon as defined in Penal Code section 12020, (2) knowingly remaining in
11 the presence of anyone who is in possession of such firearm, imitation firearm, ammunition or illegal
12 weapon, or (3) knowingly remaining in the presence of such firearm, imitation firearm, ammunition
13 or illegal weapon;

14 d. **No Graffiti or Graffiti Tools:** Damaging, defacing, or marking any public
15 property or private property of another, or possessing any spray paint container, felt tip marker, or
16 other graffiti tool as defined in Penal Code section 594.2, including "slap tags";

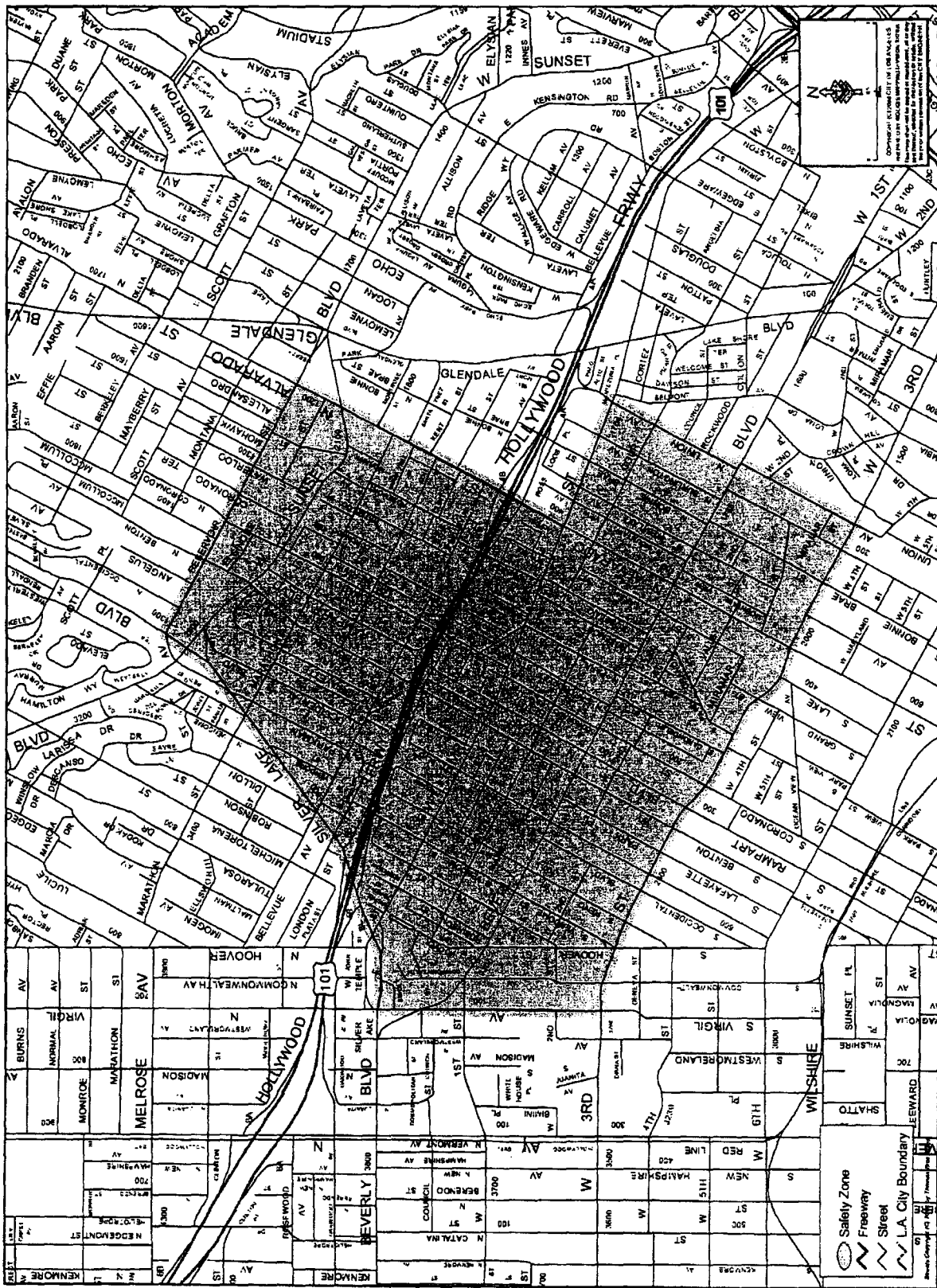
17 e. **Stay Away From Drugs:** Without a prescription, (1) selling, possessing, or
18 using any controlled substance or related paraphernalia, including but not limited to rolling papers
19 and pipes used for illegal drug use, (2) knowingly remaining in the presence of anyone selling,
20 possessing,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

22 f. **Stay Away From Alcohol:** Anywhere in public view or anyplace accessible
23 to the public, except on properly licensed premises, (1) possessing an open container of an alcoholic
24 beverage, (2) knowingly remaining in the presence of anyone possessing an open container of an
25 alcoholic beverage, or (3) knowingly remaining in the presence of an open container of an alcoholic
26 beverage;

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28 [text continued on page 5 after "Safety Zone" map]

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ENGINEERING
COURT LEE MOORE, P.E.
CITY ENGINEER

Temple Street Safety Zone

Office of the City Attorney
City of Los Angeles



1 [text continued from page 3]

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


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

16 i. **Obey All Laws:** Failing to obey all laws that (1) prohibit violence and
17 threatened violence, including murder, robbery by force or fear, assault and battery, (2) prohibit
18 interference with the property rights of others including robbery, theft, driving or taking a vehicle
19 without the owner's consent, and vandalism, or (3) prohibit the commission of acts which create a
20 nuisance including the illegal sale of controlled substances and blocking the sidewalk or street.

21
22 DATED: MAR 27 2009

RONALD M. SOHIGIAN
23 _____
24 Judge of the Superior Court

25 Submitted on February 26, 2009, by:
26 ROCKARD J. DELGADILLO, Los Angeles City Atty (125465x)
27 Bruce Riordan, Special Ass't City Atty, Director, Gang Division
28 James A. McDougal, Deputy City Atty, Gang Division (140408)
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