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10 SUPERIOR COURT OF THE STATE OF CALIFORNIA  
11 COUNTY OF SAN FRANCISCO  
12 UNLIMITED JURISDICTION

13 PEOPLE OF THE STATE OF CALIFORNIA,  
14 by and through Dennis J. Herrera, City  
Attorney for the City and County of San  
15 Francisco,

16 Plaintiff,

17 vs.

18 OAKDALE MOB, a criminal street gang, sued  
as an unincorporated association, and DOES 1  
19 through 500,

20 Defendants.

Case No. CGC-06-456517

MEMORANDUM OF POINTS AND  
AUTHORITIES IN SUPPORT OF PLAINTIFF'S  
MOTION TO MODIFY PERMANENT  
INJUNCTION RELATED TO OAKDALE MOB  
[California Civil Code §3424, California Code of  
Civil Procedure §533]

Reservation Number 05150628-06

Hearing Date: June 28, 2018  
Hearing Judge: Hon. Harold Kahn  
Time: 9:30 a.m.  
Place: Dept. 302

Date Action Filed: September 27, 2006  
Trial Date: N/A

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25 INTRODUCTION

26 Plaintiff People of the State of California seek to modify the Permanent Injunction issued by  
27 the San Francisco Superior Court on March 15, 2007 against Defendant Oakdale Mob, a criminal  
28

1 street gang, sued as an unincorporated association. The Permanent Injunction has been previously  
2 modified twice by this Court, on February 18, 2009, and August 17, 2011, and is currently enforceable  
3 against Defendant Oakdale Mob and thirty-two named non-party individuals that this Court previously  
4 found to be active gang members. Plaintiff seeks a court order modifying the March 15, 2007  
5 Permanent Injunction to remove fourteen of the thirty-two gang members currently bound by the  
6 Permanent Injunction because they no longer contribute to the nuisance in the safety zone caused by  
7 Defendant Oakdale Mob.

### 8 **BACKGROUND & PROCEDURAL HISTORY**

9 On September 27, 2006, Plaintiff filed a Complaint for Injunctive Relief against Defendant  
10 Oakdale Mob Criminal Street Gang. (“Declaration of Jill Cannon ISO Plaintiff’s Motion to Modify  
11 Permanent Injunction Related to Oakdale Mob” (“Cannon Decl.”), ¶ 3, filed concurrently with this  
12 Motion.)

13 On September 28, 2006, Plaintiff filed a motion seeking a preliminary injunction against  
14 Defendant. (Cannon Decl., ¶ 4.) This motion included a declaration from a gang expert and sixty-four  
15 declarations of San Francisco Police Department Officers documenting the nuisance caused by  
16 Defendant and its gang members. (*Id.*)

17 On November 29, 2006, following a hearing, the Court signed an Order granting a Preliminary  
18 Injunction against Defendant Oakdale Mob criminal street gang and twenty-two non-party members of  
19 the gang, enjoining them from certain enumerated activities within a neighborhood in San Francisco’s  
20 Bayview Hunter’s Point (“Safety Zone”). (Cannon Decl., ¶ 5.)

21 Defendant Oakdale Mob failed to respond to Plaintiff’s Summons and Complaint. (Cannon  
22 Decl., ¶ 6.) On February 2, 2007, the Clerk of the Superior Court entered Default against Defendant  
23 Oakdale Mob criminal street gang. (*Id.*)

24 On March 15, 2007, the Court issued a Judgment Granting Permanent Injunction (“March 15,  
25 2007 Permanent Injunction”). (Cannon Decl., ¶ 7, Exh. A.) The Court found by clear and convincing  
26 evidence that: (1) Defendant Oakdale Mob criminal street gang is a criminal street gang as defined by  
27 California Penal Code § 186.22 and *People v. Englebrecht* (2001) 88 Cal.App.4th 1236, 1258; (2) a  
28 public nuisance exists in the gang’s Safety Zone; and (3) the conduct and activities of Defendant

1 Oakdale Mob and its members and those persons through whom Defendant acts caused the public  
2 nuisance in the Safety Zone. (*Id.*, at ¶ 8, Exh. A.) In the March 15, 2007 Permanent Injunction, the  
3 Court enjoined Defendant Oakdale Mob and twenty-two of its non-party individual members from  
4 engaging in certain enumerated activities within the Safety Zone. (*Id.*, at ¶ 9, Ex. A.) The Court  
5 further specified that the March 15, 2007 Permanent Injunction shall be subject to modification,  
6 including to add individuals to, or remove individuals from, the list of persons subject to the  
7 Injunction, upon noticed motion. (*Id.*)

8 On January 12, 2009, Plaintiff filed a motion to modify the March 15, 2007 Permanent  
9 Injunction to add six additional non-party members of the gang to the enforcement list, and to remove  
10 three deceased gang members. (Cannon Decl., ¶ 10.) This motion included a declaration from a gang  
11 expert and fifty-eight declarations of San Francisco Police Department Officers documenting the  
12 nuisance caused by Defendant and the gang members. (*Id.*)

13 On February 18, 2009, following a hearing, the Court signed an Order (“February 18, 2009  
14 Order”) granting the motion to modify the March 15, 2007 Permanent Injunction against Defendant  
15 Oakdale Mob criminal street gang to add the six additional Oakdale Mob members to the enforcement  
16 list, and to remove the three deceased members. (Cannon Decl., ¶ 11, Ex. B.) The Court found by  
17 clear and convincing evidence that the six members to be added were active members of the Oakdale  
18 Mob criminal street gang and that “the ends of justice would be served” by modifying the March 15,  
19 2007 Permanent Injunction to add them to the enforcement list for the Injunction. (*Id.*) The Court  
20 further found that the three individuals to be removed were deceased and should be removed from the  
21 enforcement list. (*Id.*) Otherwise, March 15, 2007 Permanent Injunction remained unaltered and in  
22 full force and effect. (*Id.*)

23 On July 7, 2011, Plaintiff filed another motion to modify the March 15, 2007 Permanent  
24 Injunction to add nine additional non-party members of the gang to the enforcement list, and to  
25 remove two deceased gang members. (Cannon Decl., ¶ 12.) This motion included a declaration from  
26 a gang expert and sixty declarations of San Francisco Police Department Officers documenting the  
27 nuisance caused by Defendant and the gang members. (*Id.*)

1 On August 17, 2011, following a hearing, the Court signed an Order (“August 17, 2011  
2 Order”) granting the motion to modify the March 15, 2007 Permanent Injunction against Defendant  
3 Oakdale Mob criminal street gang by adding nine additional Oakdale Mob members to the  
4 enforcement list, and removing two deceased members. (Cannon Decl., ¶ 13, Ex. C.) The Court  
5 found by clear and convincing evidence that the nine members to be added were active members of the  
6 Oakdale Mob criminal street gang and that “the ends of justice would be served” by modifying the  
7 March 15, 2007 Permanent Injunction to add them to the enforcement list for the Injunction. (*Id.*) The  
8 Court further found that the two individuals to be removed were deceased and should be removed  
9 from the enforcement list. (*Id.*) The August 17, 2011 Order also contained a complete enforcement  
10 list of the thirty-two non-party gang members subject to the March 15, 2007 Permanent Injunction  
11 following the modification. (*Id.*) Otherwise, and as modified by the amendments to the enforcement  
12 list in the February 18, 2009 Order, the March 15, 2007 Permanent Injunction remained unaltered and  
13 in full force and effect. (*Id.*)

14 On May 10, 2018, this Court issued an Order providing instructions on how Plaintiff’s current  
15 Motion for Modification should be served on Defendants. (Cannon Decl., ¶ 14, Ex. D.)

16 **THE PERMANENT INJUNCTION SHOULD BE MODIFIED TO REMOVE FOURTEEN**  
17 **GANG MEMBERS**

18 Upon notice and motion, this Court may modify a final injunction upon a showing that there  
19 has been a material change in the facts upon which the injunction was granted, the law upon which the  
20 injunction was granted has changed, or “the ends of justice would be served.” (Cal. Civ. Code §  
21 3424(a); Cal. Code Civ. Proc. § 533; *Sontag Stores Co. v. Superior Court* (1941) 18 Cal.2d 92, 94-95  
22 [explaining that a preventive injunction is continuing in nature and is always subject to modification  
23 upon proper showing].) Section 3 of the March 15, 2007 Permanent Injunction also authorizes any  
24 party to move to modify the Permanent Injunction, including to remove persons to be bound by the  
25 Permanent Injunction, upon proper notice and motion. (Cannon Decl., Exh. A.)

26 Plaintiff seeks to modify the March 15, 2007 Permanent Injunction to reflect changes in  
27 membership in the enjoined gang over the years because, “membership evolves over time.” (“Expert  
28 Declaration of San Francisco Police Department Officer Leonard Broberg ISO Plaintiff’s Motion to

1 Modify Permanent Injunction Related to Oakdale Mob” (“Broberg Decl.”), ¶¶ 23, 43, filed  
2 concurrently with this Motion.) Courts have recognized that “. . . membership [in gangs] is  
3 continually changing. New members are joining the gang, while old members are leaving or  
4 becoming inactive.” (*People ex rel Gregory D. Totten v. Colonia Chiques* (2007) 156 Cal.App.4th 31,  
5 41.)

6 Specifically, Plaintiff seeks to remove fourteen of the thirty-two non-party individuals  
7 currently bound by the March 15, 2007 Permanent Injunction because they no longer actively  
8 contribute to the nuisance in the Safety Zone. (Broberg Decl., ¶¶1-43.)<sup>1</sup>

9 The names of the fourteen individuals Plaintiffs seeks to remove are as follows:

- 10 • Laurice Barrett
- 11 • Larry Benjamin
- 12 • Deonte Bennett
- 13 • Shaun Britton
- 14 • Donte Brooks
- 15 • Geary Brown
- 16 • Namone Green
- 17 • Shanteak Harris, aka Shanteak Kincaid
- 18 • Antonio Johnson
- 19 • Curtis Jones
- 20 • Eric Jones
- 21 • Michael Metcalf
- 22 • DeShawn Range
- 23 • Mario Woods

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27 <sup>1</sup> Two of the fourteen individuals are deceased. They are Laurice Barrett and Mario Woods.  
28 (“Request for Judicial Notice ISO of Plaintiff’s Motion to Modify Permanent Injunction Related to  
Oakdale Mob” (“RJN”), Exhs. A-B (filed concurrently with this Motion).)



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Superior Court of California,  
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**05/18/2018**  
Clerk of the Court  
BY: SANDRA SCHIRO  
Deputy Clerk

8 Attorneys for Plaintiff  
9 PEOPLE OF THE STATE OF CALIFORNIA

10 SUPERIOR COURT OF THE STATE OF CALIFORNIA  
11 COUNTY OF SAN FRANCISCO  
12 UNLIMITED JURISDICTION

13 PEOPLE OF THE STATE OF CALIFORNIA,  
14 by and through DENNIS J. HERRERA, City  
Attorney for the CITY AND COUNTY OF  
15 SAN FRANCISCO,  
16 Plaintiff,  
17 vs.  
18 NORTEÑO, a criminal street gang, sued as an  
unincorporated association, and DOES 1  
19 through 500,  
20 Defendants.

Case No. CGC 07-464492  
MEMORANDUM OF POINTS AND  
AUTHORITIES IN SUPPORT OF PLAINTIFF'S  
MOTION TO MODIFY PERMANENT  
INJUNCTION RELATED TO NORTEÑO  
(California Civil Code §3424, California Code of  
Civil Procedure §533)  
Reservation No: 05150629-05  
Hearing Date: June 29, 2018  
Hearing Judge: Hon. Harold Kahn  
Time: 9:30 a.m.  
Place: Dept. 302  
Date of Injunction: June 17, 2008

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24 Plaintiff People of the State of California seek to modify the Permanent Injunction issued by  
25 the San Francisco Superior Court on June 17, 2008 against Defendant NORTEÑO Criminal Street  
26 Gang ("Defendant NORTEÑO"). This Permanent Injunction is currently enforceable against  
27 Defendant NORTEÑO and twenty-four (24) named non-party individuals that this Court previously  
28 found to be active gang members. Plaintiff seeks a court order modifying the Permanent Injunction to

1 remove sixteen (16) non-party individuals currently bound by the Permanent Injunction because they  
2 no longer contribute to the nuisance in the safety zones caused by Defendant NORTEÑO.

### 3 BACKGROUND & PROCEDURAL HISTORY

4 On June 21, 2007, Plaintiff filed a Complaint for Injunctive Relief against Defendant  
5 NORTEÑO. (“Declaration of Samuel C. Ray ISO Plaintiff’s Motion to Modify Permanent Injunction  
6 Related to NORTEÑO” (“Ray Decl.”), ¶ 3 (filed concurrently with this Motion).)

7 On July 12, 2007, Plaintiff filed a motion seeking a preliminary injunction against Defendants.  
8 (Ray Decl., ¶ 4.) This motion included a declaration from a San Francisco Police Department gang  
9 expert and ninety-three (93) declarations of San Francisco Police Department Officers documenting  
10 the nuisance caused by Defendant NORTEÑO and thirty (30) of Defendant NORTEÑO’s most active  
11 gang members. (*Ibid.*)

12 On October 12, 2007, following a hearing, the Court signed an Order granting a Preliminary  
13 Injunction against Defendant NORTEÑO and thirty (30) non-party individual gang members,  
14 enjoining them from certain enumerated activities within the designated safety zone located in the  
15 southeast portion of San Francisco’s Mission District (“Safety Zone”). (Ray Decl., ¶ 5.)

16 Defendant NORTEÑO failed to respond to Plaintiff’s Summons and Complaint. (Ray Decl., ¶  
17 6.) On April 1, 2008, the Clerk of the Superior Court entered Default against Defendant NORTEÑO.  
18 (*Ibid.*)

19 On June 17, 2008, the Court issued an “Order For Granting Default Judgment in the Form of  
20 Permanent Injunction” against Defendant NORTEÑO (“Permanent Injunction”). (Ray Decl., ¶ 7, Exh.  
21 A.) The Court found by clear and convincing evidence that: (1) Defendant NORTEÑO is a criminal  
22 street gang as defined by California Penal Code § 186.22 and *People v. Englebrecht* (2001) 88  
23 Cal.App.4th 1236, 1258; and (2) Defendant NORTEÑO, through its members, has created substantial  
24 and unreasonable public nuisance in the City and County of San Francisco, within the Safety Zone.  
25 (*Id.*, at ¶ 8, Exh. A.) In the Permanent Injunction, the Court permanently enjoined Defendant  
26 NORTEÑO and thirty (30) non-party individual gang members from engaging in certain enumerated  
27 activities within the Safety Zone. (*Id.*, at ¶ 9, Exh. A.)



1 The names of the thirty (30) non-party individual gang members were listed in a “List of Gang  
2 Members for Service and Enforcement of Permanent Injunction” (“Enforcement List”) attached as  
3 Exhibit B to the Permanent Injunction. (Ray Decl., ¶ 9, Exh. A.) A map delineating the Safety Zone  
4 was attached as Exhibit A to the Permanent Injunction. (*Ibid.*)

5 On June 20, 2013, following a hearing, the Court granted Plaintiff’s “Motion to Modify  
6 Permanent Injunction to Remove Six Members” (“2013 Order Removing Six Members”). In this  
7 Order, the Court found that “the ends of justice would be served” by modifying the Permanent  
8 Injunction to remove six (6) non-party individuals from the Enforcement List. (Ray Decl., ¶ 10,  
9 Exh. B.)

10 On May 10, 2018, this Court issued an Order providing instructions on how Plaintiff’s Motion  
11 for Modification should be served on Defendants. (Ray Decl., ¶ 11, Exh. C)

12 **THE PERMANENT INJUNCTION SHOULD BE MODIFIED TO REMOVE**  
13 **SIXTEEN (16) MEMBERS FROM THE ENFORCEMENT LIST**

14 Upon notice and motion, this Court may modify a final injunction upon a showing that there  
15 has been a material change in the facts upon which the injunction was granted, the law upon which the  
16 injunction was granted has changed, or “the ends of justice would be served.” (Cal. Civ. Code §  
17 3424(a); Cal. Code Civ. Proc. § 533; *Sontag Stores Co. v. Superior Court* (1941) 18 Cal.2d 92, 94-95  
18 [finding that a preventive injunction is continuing in nature and is always subject to modification upon  
19 proper showing].) On Pages 5 and 6, the Permanent Injunction also authorizes any party to move to  
20 modify the Permanent Injunction upon proper notice and motion. (Ray Decl., Exh. A.)

21 Plaintiff seeks to modify the Permanent Injunction to reflect changes in membership in the  
22 enjoined gang over the years because, “membership evolves over time.” (“Expert Declaration of San  
23 Francisco Police Department Sergeant Robert Trujillo ISO Plaintiff’s Motion to Modify Permanent  
24 Injunction Related to NORTEÑO” (“Trujillo Decl.”), ¶ 23 (filed concurrently with this Motion).)  
25 Courts have recognized that, “. . . membership [in gangs] is continually changing. New members are  
26 joining the gang, while old members are leaving or becoming inactive.” (*People ex rel Gregory D.*  
27 *Totnine v. Colonia Chiques* (2007) 156 Cal.App.4th 31, 41.)

1 Plaintiff seeks to remove sixteen (16) non-party individuals from the Permanent Injunction's  
2 Enforcement List because they no longer participate in gang-related activity and/or actively contribute  
3 to the nuisance in the Safety Zone. (Trujillo Decl., ¶¶ 44-45.)

4 The names of the sixteen (16) non-party individuals Plaintiffs seeks to remove are as follows:

- 5 • Ernesto Arroyo
- 6 • Juan Barrera
- 7 • Hector Barrera
- 8 • Victor Cano
- 9 • Joshua Deleon
- 10 • Rocky Deleon
- 11 • Joseph Fuimano
- 12 • Antonio Garcia
- 13 • Daniel Gonzalez
- 14 • Jesus Guerrero
- 15 • Henry Hernandez
- 16 • Alex Reyes
- 17 • Salvador Rodriguez
- 18 • Miguel Sanchez
- 19 • Daniel Santiago
- 20 • Omar Varela

21 Accordingly, Plaintiff requests that the names of these sixteen (16) non-party individuals be  
22 removed from the Enforcement List of the Permanent Injunction in the interests of justice.

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**CONCLUSION**

Based on the aforementioned, Plaintiff requests that the Court issue an Order Modifying the Permanent Injunction to remove the aforementioned sixteen (16) non-party individuals from the Enforcement List.

Dated: May 18, 2018

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By: /s/ Samuel C. Ray  
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13 PEOPLE OF THE STATE OF CALIFORNIA,  
14 by and through DENNIS J. HERRERA, City  
15 Attorney for the CITY AND COUNTY OF  
SAN FRANCISCO,

16 Plaintiff,  
17 vs.

18 CHOPPER CITY, a criminal street gang, sued  
as an unincorporated association; EDDY  
19 ROCK, a criminal street gang, sued as an  
unincorporated association; KNOCK OUT  
20 POSSE, a criminal street gang, sued as an  
unincorporated association; and DOES 1  
21 through 500,

22 Defendants.

Case No. CGC-07-464493

MEMORANDUM OF POINTS AND  
AUTHORITIES IN SUPPORT OF PLAINTIFF'S  
MOTION TO MODIFY PERMANENT  
INJUNCTION RELATED TO CHOPPER CITY,  
EDDY ROCK, AND KNOCK OUT POSSE  
(California Civil Code §3424, California Code of  
Civil Procedure §533)

Hearing Date: June 7, 2018  
Hearing Judge: Hon. Harold Kahn  
Time: 9:30 a.m.  
Place: Dept. 302

Reservation No. 04240607-14

Date Action Filed: June 21, 2007  
Trial Date: N/A

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26 INTRODUCTION

27 Plaintiff People of the State of California seek to modify the Permanent Injunction issued by  
28 the San Francisco Superior Court on December 18, 2007 against Defendants Chopper City, Eddy

ELECTRONICALLY  
**FILED**  
Superior Court of California,  
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**04/24/2018**  
Clerk of the Court  
BY: SANDRA SCHIRO  
Deputy Clerk

1 Rock, and Knock Out Posse criminal street gangs. This Permanent Injunction is currently enforceable  
2 against Defendants Chopper City, Eddy Rock, and Knock Out Posse and forty-two named non-party  
3 individuals that this Court previously found to be active gang members. Plaintiff seeks a court order  
4 modifying the Permanent Injunction to remove Defendant Knock Out Posse as it no longer constitutes  
5 a criminal street gang as defined by California Penal Code section 186.22. Plaintiff also seeks to  
6 remove thirty-four gang members currently bound by the Permanent Injunction because they no longer  
7 contribute to the nuisance in the safety zones caused by Defendants Chopper City and Eddy Rock  
8 Criminal Street Gangs.

### 9 **BACKGROUND & PROCEDURAL HISTORY**

10 On June 21, 2007, Plaintiff filed a Complaint for Injunctive Relief against Defendants Chopper  
11 City, Eddy Rock, and Knock Out Posse Criminal Street Gangs. (“Declaration of Jennifer E. Choi ISO  
12 Plaintiff’s Motion to Modify Permanent Injunction Related to Chopper City, Eddy Rock and Knock  
13 Out Posse” (“Choi Decl.”), ¶ 3 (filed concurrently with this Motion).)

14 On July 11, 2007, Plaintiff filed a motion seeking a preliminary injunction against Defendants.  
15 (Choi Decl., ¶ 4.) This motion included two declarations from gang experts and one hundred and  
16 sixteen declarations of San Francisco Police Department Officers documenting the nuisance caused by  
17 Defendants and forty-two of Defendants’ most active gang members. (Id., at ¶ 4.)

18 On October 18, 2007, following a hearing, the Court signed an Order granting a Preliminary  
19 Injunction against Defendants Chopper City, Eddy Rock and Knock Out Posse Criminal Street Gangs  
20 and forty-two non-party members of the three gangs, enjoining them from certain enumerated  
21 activities within two San Francisco neighborhoods (“Safety Zones”). (Choi Decl., ¶ 5.)

22 Defendants failed to respond to Plaintiff’s Summons and Complaint. (Choi Decl., ¶ 6) On  
23 November 5, 2007, the Clerk of the Superior Court entered Default against Defendants Chopper City,  
24 Eddy Rock, and Knock Out Posse Criminal Street Gangs. (Id., at ¶ 6.)

25 On December 18, 2007, the Court issued a “Judgment Granting Permanent Injunction” against  
26 Defendants (“Permanent Injunction”). (Choi Decl., ¶ 7, Exh. A.) The Court found by clear and  
27 convincing evidence that: (1) Defendants Chopper City, Eddy Rock, and Knock Out Posse Criminal  
28 Street Gangs are criminal street gangs as defined by California Penal Code § 186.22 and *People v.*

1 *Englebrecht* (2001) 88 Cal.App.4th 1236, 1258; (2) a public nuisance exists in the two Safety Zones;  
2 and (3) the conduct and activities of Defendants Chopper City, Eddy Rock, and Knock Out Posse  
3 Criminal Street Gangs and their members caused the public nuisance in the two Safety Zones. (*Id.*, at  
4 ¶ 8, Exh. A.) In the Permanent Injunction, the Court permanently enjoined Defendants Chopper City,  
5 Eddy Rock, and Knock Out Posse Criminal Street Gangs and forty-two individual members of the  
6 three gangs from engaging in certain enumerated activities within the two Safety Zones. (*Id.*, at ¶ 9,  
7 Exh. A.)

8 The names of the forty-two non-party gang members were listed in a “List of Gang Members  
9 for Service and Enforcement of Permanent Injunction” (“Enforcement List”) attached as Exhibit B to  
10 the Permanent Injunction. (Choi Decl., ¶ 9, Exh. A.)

11 On April 19, 2018, this Court issued an Order providing instructions on how Plaintiff’s Motion  
12 for Modification should be served on Defendants. (Choi Decl., ¶ 10, Exh. B.)

13 **THE PERMANENT INJUNCTION SHOULD BE MODIFIED TO REMOVE DEFENDANT**  
14 **KNOCK OUT POSSE AND THIRTY-FOUR GANG MEMBERS**

15 Upon notice and motion, this Court may modify a final injunction upon a showing that there  
16 has been a material change in the facts upon which the injunction was granted, the law upon which the  
17 injunction was granted has changed, or “the ends of justice would be served.” (Cal. Civ. Code §  
18 3424(a); Cal. Code Civ. Proc. § 533; *Sontag Stores Co. v. Superior Court* (1941) 18 Cal.2d 92, 94-95  
19 [finding that a preventive injunction is continuing in nature and is always subject to modification upon  
20 proper showing].) Subsection C of the Permanent Injunction also authorizes any party to move to  
21 modify the Permanent Injunction upon proper notice and motion. (Choi Decl., Exh. A.)

22 Plaintiff seeks to modify the Permanent Injunction to reflect changes in membership in the  
23 enjoined gangs over the years because, “membership evolves over time.” (“Expert Declaration of San  
24 Francisco Police Department Sergeant Damon Jackson ISO Plaintiff’s Motion to Modify Permanent  
25 Injunction Related to Chopper City, Eddy Rock and Knock Out Posse” (“Jackson Decl.”), ¶¶ 15, 29  
26 (filed concurrently with this Motion).) Courts have recognized that, “. . . membership [in gangs] is  
27 continually changing. New members are joining the gang, while old members are leaving or  
28

1 becoming inactive.” (*People ex rel Gregory D. Totnine v. Colonia Chiques* (2007) 156 Cal.App.4th  
2 31, 41.)

3 Specifically, Plaintiff seeks to remove Defendant Knock Out Posse from the Permanent  
4 Injunction as it no longer meets the definition of a criminal street gang under California Penal Code  
5 section 186.22(f).<sup>1</sup> (Jackson Decl., ¶¶ 1-37.) Plaintiff, therefore, requests that this Court remove  
6 Defendant Knock Out Posse from the Permanent Injunction in the interests of justice.

7 Plaintiff also seeks to remove thirty-four individuals from the Enforcement List of the  
8 Permanent Injunction because they no longer actively contribute to the nuisance in the Safety Zones.  
9 (Jackson Decl., ¶¶1-50.)<sup>2</sup>

10 The names of the thirty-four individuals Plaintiffs seeks to remove and each individual’s  
11 previously found gang affiliations are as follows:

12 Chopper City Criminal Street Gang

- 13 • Dennis Anderson
- 14 • Deon Anderson
- 15 • Byron Cheeves
- 16 • Clarence Cook
- 17 • Jamal Gaines
- 18 • Ricky Rounds
- 19 • Carnell Taylor

20 Eddy Rock Criminal Street Gang

- 21 • Andre Bernard
- 22 • Deshawn Campbell

23  
24 <sup>1</sup> Penal Code Section 186.22(f) defines a criminal street gang as, “any ongoing organization,  
25 association, or group of three or more persons, whether formal or informal, having as one of its  
26 primary activities the commission of of one or more of the criminal acts enumerated in paragraphs (1)  
to (25) . . . having a common name or common identifying sign or symbol, and whose members  
individually or collectively engage in, or have engaged in, a pattern of criminal gang activity.”

27 <sup>2</sup> Four of the thirty-four individuals are deceased. They are Deon Anderson, Jamal Gaines,  
28 Jelvon Helton, and Leslie Howard. (“Request for Judicial Notice ISO of Plaintiff’s Motion to Modify  
Permanent Injunction Related to Chopper City, Eddy Rock and Knock Out Posse” (“RJN”), Exhs. A-  
D (filed concurrently with this Motion).)

- 1 • Maurice Carter
- 2 • Raymond Davis
- 3 • Robert Harvey
- 4 • Leslie Howard
- 5 • Dontaye Hubbard
- 6 • Kethan Hubbard
- 7 • Steve Johnson
- 8 • Dion Martin
- 9 • Paris Moffett
- 10 • Delshawnte Smith
- 11 • Demetrius Smith
- 12 • Jonathan Smith
- 13 • Hannibal Thompson
- 14 Knock Out Posse Criminal Street Gang
- 15 • Juan Allen
- 16 • Dana Ball
- 17 • Floyd Barrow
- 18 • Kilamanjaro Bell
- 19 • Laveaux Derosane
- 20 • Jelvon Helton
- 21 • Brian Hill
- 22 • Darrell Lockett
- 23 • Terry Lockett
- 24 • Marcus Mays
- 25 • Robert Mays
- 26 • Gary Owens
- 27 (Jackson Decl., ¶¶ 1-50.)
- 28



1 Accordingly, Plaintiff requests that the names of these thirty-four individuals be removed from  
2 the Enforcement List of the Permanent Injunction in the interests of justice.

3 **CONCLUSION**

4 Based on the aforementioned, Plaintiff requests that the Court issue an Order Modifying the  
5 Permanent Injunction to remove Knock Out Posse as a defendant and the aforementioned thirty-four  
6 individuals from the Enforcement List.

7 Dated: April 24, 2018

8 DENNIS J. HERRERA  
9 City Attorney  
10 PETER J. KEITH  
11 Chief Attorney  
12 JENNIFER E. CHOI  
13 MARC PRICE WOLF  
14 Deputy City Attorneys

15 By: /s/ Jennifer E. Choi  
16 JENNIFER E. CHOI  
17 Attorneys for Plaintiff  
18 PEOPLE OF THE STATE OF CALIFORNIA  
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**FILED**  
San Francisco County Superior Court

JUN 07 2018

CLERK OF THE COURT  
BY: [Signature]  
Deputy Clerk

M

Attorneys for Plaintiff  
PEOPLE OF THE STATE OF CALIFORNIA

SUPERIOR COURT OF THE STATE OF CALIFORNIA  
COUNTY OF SAN FRANCISCO  
UNLIMITED JURISDICTION

PEOPLE OF THE STATE OF CALIFORNIA,  
by and through DENNIS J. HERRERA, City  
Attorney for the CITY AND COUNTY OF  
SAN FRANCISCO,

Plaintiff,

vs.

CHOPPER CITY, a criminal street gang, sued  
as an unincorporated association; EDDY  
ROCK, a criminal street gang, sued as an  
unincorporated association; KNOCK OUT  
POSSE, a criminal street gang, sued as an  
unincorporated association; and DOES 1  
through 500,

Defendants.

Case No. CGC-07-464493

<sup>mk</sup>  
~~PROPOSED~~ ORDER GRANTING PLAINTIFF'S  
MOTION TO MODIFY PERMANENT  
INJUNCTION RELATED TO CHOPPER CITY,  
EDDY ROCK, AND KNOCK OUT POSSE  
(California Civil Code §3424, California Code of  
Civil Procedure §533)

Date Action Filed: June 21, 2007  
Trial Date: N/A

Reservation No. 04240607-14

Plaintiff PEOPLE OF THE STATE OF CALIFORNIA's Motion To Modify Permanent  
Injunction To Remove Defendant KNOCK OUT POSSE Criminal Street Gang and Thirty-Four  
Named Gang members came on regularly for hearing at 9:30 a.m. on June 7, 2018, in Courtroom 302  
of the above-captioned Court. Plaintiff appeared through its counsel of record, Deputy City Attorneys

1 Jennifer Choi and Marc Price Wolf. Defendants CHOPPER CITY, EDDY ROCK, and KNOCK OUT  
2 POSSE criminal street gangs failed to appear despite receiving proper notice of the Motion. The  
3 Honorable Harold Kahn, presiding.

4 Having read and considered the moving papers and evidence filed herein, and no Opposition  
5 papers having been filed, Plaintiff's Motion to Modify the December 18, 2007 Permanent Injunction is  
6 **GRANTED.**

7 On December 18, 2007, the San Francisco Superior Court granted the Permanent Injunction in  
8 the present case after finding by clear and convincing evidence that: (1) Defendants CHOPPER CITY,  
9 EDDY ROCK, and KNOCK OUT POSSE are criminal street gangs as defined by California Penal  
10 Code § 186.22 and *People v. Englebrecht* (2001) 88 Cal.App.4th 1236, 1258, (2) a public nuisance  
11 exists in their respective Safety Zones, and (3) the conduct and activities of CHOPPER CITY, EDDY  
12 ROCK, and KNOCK OUT POSSE and their members are a cause of the public nuisance in the Safety  
13 Zones. The Court authorized future modifications by noticed motion of any party.

14 The Court finds by clear and convincing evidence that **Deon Anderson, Dennis Anderson,**  
15 **Byron Cheeves, Clarence Cook, Jamal Gaines, Ricky Rounds, and Carnell Taylor** no longer  
16 actively contribute to the nuisance caused by Defendant CHOPPER CITY criminal street gang. These  
17 seven individuals, therefore, are no longer bound by the December 18, 2007 Permanent Injunction,  
18 and their names are stricken from the list of gang members bound by the December 18, 2007  
19 Permanent Injunction, attached as Exhibit B to the Permanent Injunction.

20 The Court finds by clear and convincing evidence that **Andre Bernard, Deshawn Campbell,**  
21 **Maurice Carter, Raymond Davis, Robert Harvey, Leslie Howard, Dontaye Hubbard, Kethan**  
22 **Hubbard, Steve Johnson, Dion Martin, Paris Moffett, Delshawnte Smith, Demetrius Smith,**  
23 **Jonathan Smith, and Hannibal Thompson** no longer actively contribute to the nuisance caused by  
24 Defendant EDDY ROCK criminal street gang. These fifteen individuals, therefore, are no longer  
25 bound by the December 18, 2007 Permanent Injunction, and their names are stricken from the list of  
26 gang members bound by the December 18, 2007 Permanent Injunction, attached as Exhibit B to the  
27 Permanent Injunction.

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1 The Court finds by clear and convincing evidence that Defendant **KNOCK OUT POSSE** is no  
2 longer a criminal street gang as defined by California Penal Code section 186.22. Defendant **KNOCK**  
3 **OUT POSSE**, therefore, is stricken from, and no longer bound by, the December 18, 2017 Permanent  
4 Injunction.

5 The Court finds by clear and convincing evidence that **Juan Allen, Dana Ball, Floyd Barrow,**  
6 **Kilamanjaro Bell, Laveaux Derosane, Jelvon Helton, Brian Hill, Darrell Luckett, Terry Luckett,**  
7 **Marcus Mays, Robert Mays, and Gary Owens** no longer actively contribute to the nuisance  
8 previously caused by Defendant **KNOCK OUT POSSE** criminal street gang. These twelve  
9 individuals, therefore, are no longer bound by the December 18, 2007 Permanent Injunction, and their  
10 names are stricken from the list of gang members bound by the December 18, 2007 Permanent  
11 Injunction, attached as Exhibit B to the Permanent Injunction.

12 The December 18, 2007 Permanent Injunction otherwise remains in full force and effect. This  
13 Order in no way alters the December 18, 2007 Permanent Injunction except to remove Defendant  
14 **KNOCK OUT POSSE** criminal street gang and the 34 non-party, named gang members found in  
15 Exhibit B to the Permanent Injunction. The terms contained in the December 18, 2007 Permanent  
16 Injunction, therefore, still apply to Defendants **CHOPPER CITY** and **EDDY ROCK** criminal street  
17 gangs as well as the remaining eight individual gang members still listed in Exhibit B to the Permanent  
18 Injunction.

19 IT IS SO ORDERED.

20 Dated: 6/7/18

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JUDGE OF THE SUPERIOR COURT

23 People v. Chopper City  
24 San Francisco Superior Court CGC-07-464493

HAROLD KAHN