

NARCOTICS ABATEMENT TRAINING MANUAL

L.A.P.D. • CITY ATTORNEY • BUILDING & SAFETY • HEALTH SERVICES

143135
part 1

U.S. Department of Justice
National Institute of Justice

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Los Angeles

FALCON

Focused Attack Linking Community Organizations & Neighborhoods

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FALCON NARCOTICS ABATEMENT TRAINING MANUAL 1991 Edition

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NARCOTICS ABATEMENT TRAINING MANUAL

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NARCOTICS ABATEMENT TRAINING MANUAL

SECTION ONE

Introduction

This training manual describes in detail an innovative and comprehensive approach to abate narcotics activity in a community. The system is known as FALCON, Focused Attack Linking Community Organizations and Neighborhoods. It combats crime and blight through a concentrated, coordinated effort consisting of law enforcement, prosecutorial, regulatory and service agencies working closely with community groups.

This process was developed during a successful abatement pilot program conducted in 1989 in the City of Los Angeles which targeted a neighborhood plagued by narcotics and gang activity. Conceived by the Los Angeles City Attorney's Office and implemented in conjunction with the Los Angeles Police Department (LAPD), a multi-agency task force approach was utilized to rid a local area of chronic narcotics locations.

Such an approach was instrumental in reducing crime by sixty percent and improving the quality of life in the affected community. In addition, the community was mobilized to form a neighborhood organization and to effectively police itself. President George Bush personally bestowed a "Point of Light" award on this project in 1990. A model was developed from this program that led to the creation of the FALCON Narcotics Abatement Unit (NAU). The FALCON NAU was launched on November 5, 1990, with grant funding from the State of California Office of Criminal Justice Planning.

The chief objective of FALCON is to revitalize neighborhoods by encouraging voluntary abatement of narcotics nuisances at targeted locations through a cooperative approach involving affected property owners, LAPD, City prosecutors and regulatory inspectors. The Los Angeles Police Department, through its GRATS (Gang Related Active Trafficker Suppression) Program, has identified 130 areas (hotspots) in the City of Los Angeles where street sales of narcotics are prevalent. These hotspot areas are typically located in neighborhoods in which many of the residential properties are multi-unit dwellings and meet the criteria required for the initiation of civil and criminal narcotics abatement proceedings. Special police teams, assigned to the FALCON NAU, developed a prioritized list of locations to be abated based on crime and arrest statistics, citizen complaints, frequency of radio calls, and other data indicative of narcotics activity.

The FALCON NAU is a multi-agency task force comprised of personnel from the LAPD, City Attorney's Office, Department of Building and Safety, and the County Department of Health Services. The FALCON NAU program stresses the team approach and recognizes the importance of both law and code enforcement to effectively eliminate narcotics and other criminal activity. It integrates and coordinates investigative and prosecutorial functions every step of the way in order to create a more potent and efficient drug abatement strategy. In fact, the FALCON NAU houses the LAPD officers, prosecutors, and code inspectors in the same office. Such an arrangement reinforces the concept that all members of the unit are part of the "team." Additionally, it allows for day-to-day informal contact among personnel regarding the progress of pending investigations.

The FALCON NAU employs a non-traditional abatement strategy to eliminate drug activity in selected neighborhoods. It has been shown that the abatement process is a tool through which police and prosecutorial agencies can effectively rid properties of criminal nuisance activity. The word abatement literally means, "to put an end to," or "to decrease in force or intensity." Any building or place which is used to facilitate narcotics, prostitution, gambling or other chronic criminal activity can be subject to the abatement process.

The customary "rock house" (narcotics) or "Red Light" (vice) abatement investigation typically targets ongoing criminal activity at a specific location. The investigative package includes declarations by officers and citizens concerning the criminal misconduct as well as data regarding police activity at a specific location. This and other information is compiled into a case package, and a civil court action is filed which names the property and/or business owner as defendants. When the nuisance is proven to the satisfaction of the court, an injunction containing specific conditions aimed at eliminating the criminal activity is issued. Subsequent violations of the injunction constitute contempt of court and can result in substantial penalties including closure or sale of the property.

This traditional abatement strategy, however, is often unable to provide a long-term solution to criminal nuisance problems because it is too site-specific and does not factor in the needs and concerns of the surrounding neighborhood. It also does not recognize the abilities and responsibilities of other governmental agencies, it does not tap the resources of the affected community, and it overlooks the potential for cooperative participation by the involved property or business owner in abating such problems.

The FALCON abatement strategy seeks not only to eliminate the criminal nuisance, but also to address those causal factors which create an environment for crime. The elements of this program include:

- Evaluation and application of criminal and civil remedies to eliminate narcotics nuisance activities.
- Targeting problem properties.
- Coordinated code enforcement by regulatory agency inspectors.
- Informal City Attorney hearings with property owners.
- Narcotics civil abatement actions aimed at obtaining court-ordered restrictions on the continued use of problem locations.
- Real property seizure and forfeiture.
- Monitoring problem locations.
- Formation of "Community Impact Teams" to restore and improve municipal services in blighted neighborhoods.
- Fostering citizen involvement through the formation of community groups and providing non-confrontational methods to combat drug dealing.
- Educating property owners and tenants about security improvements, lease provisions, and potential legal ramifications for failure to implement measures to eliminate narcotics activity on private property.
- Identification of chronic offenders and imposition of tailored probation conditions.

- Enforcement and vertical prosecution of the Street Terrorism Enforcement and Prevention (STEP) Act directed at gang members in targeted neighborhoods, as well as STEP situs abatement and gang abatements.
- Training in nuisance abatement strategies for prosecutors and law enforcement personnel.

This cooperative task force approach, in conjunction with active citizen involvement, has been instrumental in addressing problems of immediate community concern. FALCON has been effective in eliminating rock houses, visible street dealing, heavy vehicular traffic by narcotics buyers, graffiti and abandoned vehicles in targeted neighborhoods. The FALCON NAU is a unitary process which develops a comprehensive nuisance abatement plan to maximize limited resources and increase the ability of the community to self-police.

Though statutory language concerning abatement procedures is clear, effectively abating a nuisance often involves a creative approach. This manual describes one such creative strategy which has proven successful in the City of Los Angeles. The manual itself is divided into two sections, each placed in a separate binder, the first of which follows immediately and discusses in detail the FALCON abatement strategy. The second section contains sample pleadings, as well as an outline which describes the legal procedures involved in handling narcotics abatements. .

NUISANCE REMEDIES

NARCOTICS ABATEMENT: HEALTH AND SAFETY CODE § 11570

Legal Definition

The Uniform Controlled Substances Act was enacted in 1972 as Chapter Six of the California Health and Safety Code. Health and Safety Code Section 11570 et. seq. deals specifically with narcotics abatement. It is a specialized public nuisance statute patterned after the Red Light Abatement Act which went into effect in 1953. It authorizes a civil action against those locations determined to be a nuisance as defined by Section 11570:

Every building or place used for the purpose of unlawfully selling, serving, storing, keeping, manufacturing or giving away any controlled substance, precursor or analog specified in this division.

- and -

Every building or place wherein or upon which the unlawful selling, storing, keeping, manufacturing or giving away of a controlled substance, precursor or analog takes place.

A civil court action may be brought by a district attorney, city attorney or a resident to abate the nuisance. The action may be brought against an owner, lessee, agent or the person conducting or maintaining the nuisance. They can be enjoined (prohibited) from directly or indirectly conducting, maintaining or permitting the nuisance. Additionally, the court can order the owners to implement improvements that will eliminate the nuisance. These orders (temporary restraining orders and preliminary injunctions) can be obtained within two days and two weeks, respectively, from the date the action was filed. If at trial the court finds that the private property has been the site of narcotics nuisance activity, it has the power to order the following:

- Elimination of the nuisance
- Removal and sale of the fixtures and other removable property used in the maintenance of the nuisance
- Payment of up to \$25,000.00 in civil penalties
- Closure of the building for a period of up to one year or damages in the amount of the fair rental value of the property for a period of one year
- Sale of the property to reimburse the City for its costs

Health and Safety Section 11580 allows the court to punish violations of the injunction or abatement order by a fine of not less than \$500.00 nor more than \$10,000.00 or by imprisonment in the county jail for not less than one month nor more than six months, or by both.

Burden of Proof

Abatement proceedings are civil rather than criminal actions. Since the abatement action is brought by the City in the name of the People, the City is the plaintiff (the party allegedly wronged). Unlike criminal actions, the plaintiff in a civil action is not required to prove allegations beyond a reasonable doubt. Instead, the burden of proof is a preponderance of evidence, i.e., the evidence presented by the plaintiff should be more convincing than the evidence offered in opposition to it by the defendant.

Basis for Initiation of an Abatement Action

Section 11571.5 of the California Health and Safety Code authorizes a city attorney to bring a civil court action in the name of the people to abate the nuisance.

A nuisance is defined generally as any activity which interferes with the free use or enjoyment of life and property by a neighborhood or community. While Health and Safety Code Section 11570 establishes a separate basis for the existence of a nuisance, i.e., when a location is used to sell, store, manufacture, or give away controlled substances, the rationale for the statute is the fact that illegal drug activity adversely affects the community. Therefore, circumstances commonly associated with illegal drug dealing, such as frequent vehicular or pedestrian traffic to a specific location, barricaded

dwelling, sightings of weapons, and evidence of crimes other than narcotics activity constitute admissible evidence in support of a nuisance action.

For a location to be deemed a nuisance, the activity described above must be chronic and ongoing. Isolated instances of narcotics possession and/or sales will not be deemed a nuisance. Further, arrests or observations of individuals under the influence of a controlled substance will not suffice. Narcotics abatement law does not prohibit the use of controlled substances, but rather the storage, sales or manufacture of controlled substances. However, evidence which consists of observations of individuals entering a specific location who appear normal and leave under the influence should not be automatically excluded. This may be circumstantial evidence that drugs are being sold or given away at that location.

The only viable defense to a nuisance action is that the nuisance was abated before the action was filed. California Civil Code Section 3547 states the presumption that "a thing continues to exist as long as it is usual with things of that nature." Therefore, the burden is on the defense to demonstrate that the nuisance has been abated.

A narcotics abatement action is also not applicable to drug activity occurring only on public property. However, if this activity can be linked to a particular privately-owned location,

an abatement action may be appropriate. Although there are no cases directly on point, a common sense interpretation of the language of Health and Safety Code Section 11570 would include those instances where a perpetrator is selling on the street but is using the subject location as an escape route or otherwise to facilitate the selling of controlled substances. Certainly, using the property to store the drugs, e.g., in a mailbox, will bring the activity within the purview of the statute, even if the perpetrators are selling on the street.

NUISANCE REMEDIES CONTINUED...

REAL PROPERTY: SEIZURE AND FORFEITURE

A relatively new strategy in the war on drugs is the seizure and forfeiture of real property under the premise that it is either an instrument or the proceeds of crime. Forfeiture is defined as the taking, without compensation, of property used in a manner contrary to law. Its purpose is to strip drug dealers of their economic base.

Forfeiture proceedings are brought against the property itself, not the individual defendant. In civil forfeiture proceedings, the People have the burden of persuading the court that the property is forfeitable. The burden of proof is a preponderance of the evidence.

Abatement investigation teams may use this strategy in cases where the owner actively participates, or knowingly allows the narcotics activity to occur on his or her property. In those instances, it is unlikely the nuisance will self-abate through the voluntary actions of the owner.

Typically, the evidence gathered in the course of a nuisance abatement investigation will suffice for a forfeiture action. However, in a forfeiture action, the investigating officers

should focus on obtaining evidence of the owner's complicity in the nuisance activity.

Numerous federal and state laws authorize the seizure and forfeiture of real property. The following section delineates commonly used state and federal statutes.

State Laws

Facilitation Theory

Under state law, real property which is "related" to certain specified violations of the Health and Safety Code is subject to forfeiture (Health and Safety Code Section 11470(g)). To show that the property is "related" to the criminal violation, the property must either be used to facilitate the criminal act(s) or the criminal act(s) must occur on that piece of property. The criminal acts that can lead to state forfeiture are contained in the following sections:

1) Health and Safety Code, Section 11366

Opening or maintaining a place for the purpose of unlawfully selling, giving away or using any controlled substance.

This section can be violated by allowing the premises to be used to sell narcotics as well as by allowing drug users to congregate and use the location as a "smokehouse," i.e., a place where users gather to use controlled substances. The activity must be

continuous. While a single criminal act may suffice as a violation, continuity of purpose must then be demonstrated by other evidence.

2) Health and Safety Code, Section 11366.5(a)

Knowingly renting, leasing or making available for use any property for the purpose of unlawfully manufacturing, storing or distributing a controlled substance, either for sale or distribution.

The key element is this section is knowledge. This section makes owners, landlords, agents, employees and lenders all liable if the property is under their management or control. It is not necessary that these individuals receive any compensation for the use of the property.

If the illegal use arises after the property has been rented, the person in management or control has an obligation to investigate the activity and take remedial action.

3) Health and Safety Code, Section 11366.5(b)

Knowingly allowing the property to be fortified to suppress law enforcement from entering in order to further the sale of cocaine, cocaine base, heroin, PCP, amphetamine, methamphetamine, LSD or diethylamide and obtaining excessive profits from the use of the property.

Forfeiture proceedings may be brought against an owner, landlord, agent, employee or lender who has management or control of the property for violation of the above section.

4) Health and Safety Code, Section 11366.6

Using a property specifically designed to suppress law enforcement entry in order to sell, manufacture, or possess for sale cocaine, cocaine base, heroin, PCP, amphetamine, methamphetamine, LSD or diethylamine.

This section is designed to address the actual user of the property (tenant or resident).

5) Health and Safety Code, Section 11379.6

Manufacturing, preparing, producing, processing, converting or compounding, either directly or indirectly, a controlled substance.

Any property which is used as a site for the unlawful manufacture, etc., of a controlled substance is subject to forfeiture proceedings.

Under state law, the interest of an innocent co-owner in a family residence is exempt from forfeiture. However, the amount of this interest may not exceed \$100,000.

Exchange or Proceeds Theory

Any item of value furnished or intended to be furnished in exchange for a controlled substance and any proceeds that are traceable to an exchange for a controlled substance may be forfeited under the Health and Safety Code Section 11470(f). Therefore, any real property that is purchased with funds from drug transactions is subject to forfeiture. The innocent co-owner exemption does not apply in this situation.

Most proceeds cases are supported by circumstantial evidence. For example, property which has been purchased with cash by a documented drug dealer may be subject to forfeiture if he or she has no legitimate source of income.

Guidelines for filing state forfeiture actions will be provided by the District Attorney's Office in each jurisdiction. As in abatement proceedings, it is important to establish liaison early in the investigation with the prosecution in order to obtain legal advice and direction.

Federal Laws

Federal seizure and asset forfeiture laws are used by those jurisdictions where state or local authorities do not have applicable laws or do not have the means to manage seized real property.

Federal investigative agencies, with the assistance of state and local law enforcement agencies, are responsible for identifying forfeitable property during the course of their criminal investigations.

The three Department of Justice investigative agencies which seize forfeitable property are the Drug Enforcement Administration (DEA), the Federal Bureau of Investigation (FBI) and the Immigration and Naturalization Service (INS). Judicial forfeitures are handled by the United States Attorney's Office with support from the Criminal Division of the Department of Justice.

Title 21 of the United States Code, Section 881, delineates the legal authority for seizure and forfeiture of real property. It states that all real property which is used or intended to be used in any manner or part, to commit any violation of Title 21, punishable by more than one year imprisonment, shall be subject to forfeiture. Title 21, Section 841, makes the manufacture, distribution and possession with intent to distribute of controlled substances punishable by more than one year in prison.

Common grounds for forfeiture include property purchased or traceable to proceeds from the sale of drugs as well as real property used to facilitate a drug transaction. Facilitation is the primary theory used in seizures which arise from abatement investigations. However, in some instances, an investigation which results in a seizure based upon facilitation may uncover

another property that was purchased by proceeds from the narcotics activity at the original targeted location.

In general, federal civil proceedings can be more expedient than state narcotics abatement or forfeiture actions. In addition, should the owner of the property file a federal bankruptcy action, the federal forfeiture proceeding would continue in most instances. Conversely, a state forfeiture action is held in abeyance pending the outcome of a bankruptcy action. A federal court can also force the illegal activity to stop under penalty of eviction should the owner violate the occupancy and indemnity agreement he signs at the time of the seizure. It is customary practice to allow the owner to remain in control of the property pending the outcome of the forfeiture action, provided he or she executes such an agreement with the government.

Liaison should be established with either the FBI or DEA for direction and filing guidelines. A local case must be presented by representatives of one of these agencies to the U.S. Attorney's Office. The U.S. Attorney will then file the case if sufficient evidence exists to meet the burden of proof to forfeit the property.

NUISANCE REMEDIES CONTINUED...

GENERAL NUISANCE STATUTES

Where the problem consists of other chronic nuisance types of activity, such as excessive noise, accumulation of garbage or graffiti, an appropriate remedy might be either a civil action for abatement of the nuisance or a misdemeanor filing for a criminal nuisance.

Civil Nuisance Action

California Civil Code Section 3479 defines a nuisance as:

"Anything which is injurious to health, or is indecent or offensive to the senses, or an obstruction to the free use of property, so as to interfere with the comfortable enjoyment of life or property, ..."

California Civil Code Section 3450 defines a public nuisance as a condition which:

"affects at the same time an entire community or neighborhood, or any considerable number of persons, although the extent of the annoyance or damage inflicted upon individuals may be unequal."

California Code of Civil Procedure Section 731 provides the authority for the City Attorney or District Attorney to bring a civil action in the name of the People to abate a public nuisance and to recover damages.

Private persons can also bring civil actions to abate public nuisances and collect damages under Civil Code Section 3493, and indeed such actions have met with success in Berkeley and the Hollywood Area of Los Angeles (See Citizen Involvement Section - Page # 60). It should be noted that California Civil Code Section 3484 provides that the "abatement of a nuisance does not prejudice the right of any person to recover damages for its past existence."

Furthermore, California Civil Code Section 3483 states that successive owners who neglect to abate a continuing nuisance created by a former owner are liable in the same manner as the one who created the nuisance.

Criminal Nuisance Filing

Penal Code Section 373(a) provides a misdemeanor remedy for public nuisances. Prior notice of the nuisance is mandatory. (See Attachment A)

Penal Code Section 370 defines a public nuisance as:

"Anything which is injurious to health, or is indecent, or offensive to the senses, or an obstruction to the free use of property, so as to interfere with the comfortable enjoyment of life or property by an entire community or neighborhood, or by any considerable number of persons,..."

Penal Code Section 372 provides that every person who maintains or commits a public nuisance, or who willfully omits to perform a legal duty relating to the removal of a public nuisance is guilty of a misdemeanor. The District Attorney or City Attorney is charged with the duty of prosecuting persons who commit public nuisances.

NUISANCE REMEDIES CONTINUED...

REGULATORY AGENCIES: CODE VIOLATIONS

Building and Health Code Violations

More often than not, the buildings under investigation for a narcotics abatement will be dilapidated and run-down. In the City of Los Angeles, many of the older structures are in violation of ordinances enacted for earthquake safety as well as other building code sections. A wide array of municipal ordinances are available to abate vacant or constructed properties that are considered a nuisance, hazardous or substandard. (See Attachment B)

Under the Los Angeles Municipal Code, violations of the ordinances are actionable under Section 11.00(m) as abatements, and may also be prosecuted as misdemeanors.

The Los Angeles County Health Code provides various health laws which can be enforced to upgrade buildings. The State Health and Safety Code Sections 27500 et. seq. (California Uniform Retail Food Facilities Law) are also utilized by agencies enforcing local health laws. Health and Safety Code Sections 17910 et. seq. (State housing law) regulate building standards and substandard buildings. These sections are enforceable through misdemeanor prosecution or by a civil action to abate a nuisance. (See Attachment C)

Local Zoning Ordinances

In 1989, the Los Angeles City Council adopted an ordinance giving the Planning Department the legal ability to either impose new conditions on any commercial or industrial "public nuisance" use within 300 feet of a residential zone, or ultimately revoke the use of a problem site if conditions failed to correct the nuisance problems.

Los Angeles Municipal Code Section 12.21 A 15 (a) authorizes the Zoning Administrator to modify or discontinue a commercial or industrial use located within 300 feet of a lot or lots in any agricultural or residential zone, if the Zoning Administrator finds that as operated or maintained, such use:

- Adversely impacts nearby agriculturally or residentially zoned properties; and
- Jeopardizes or endangers the public health or safety of persons residing or working on the premises or in the surrounding area; or
- Constitutes a public nuisance; or
- Has resulted in repeated nuisance activities including but not limited to disturbances of the peace, illegal drug activity, public drunkenness, drinking in public, harassment of passersby, gambling, prostitution, sale of stolen goods, public urination, theft, assaults, batteries, acts of vandalism, loitering, excessive

littering, illegal parking, loud noises (particularly late night or early morning hours), traffic violations, curfew violations, lewd conduct or police detentions and arrests;
or

- Violates any provision of this Chapter or any other city, state or federal regulation, ordinance or statute.

In many cases, the increased attention paid to a particular building by governmental agencies working with the police department will make a significant impact upon all illegal activity. Too often, there is insufficient communication between city or county agencies and police when, in fact, they can both benefit from each other's efforts at a particular location. The potential criminal and civil sanctions available from code violations can furnish a powerful incentive for an owner to comply with the law.

NUISANCE REMEDIES CONTINUED...

GANGS: STEP ABATEMENT

Penal Code Section 186.22a(a) provides for abatement of buildings and places when used by members of a criminal street gang for the purposes of certain designated offenses. This is further elaborated on in the "GANGS" section of this manual.

TARGETING PROBLEM PROPERTIES

IDENTIFICATION OF NUISANCE LOCATIONS

Information regarding specific nuisance properties comes from a variety of sources. From a law enforcement perspective, these sources can be divided into two categories: internal and external.

Information From Internal Sources

The primary source of information concerning nuisance locations is derived from patrol officers. In the course of their routine duties, patrol officers can identify problem locations based upon calls for service and the number of narcotics/gang arrests associated with a specific property. They also receive information from citizen complaints and law enforcement-related community groups such as block clubs or neighborhood watch associations.

Narcotics units are another major internal source of information used in identifying potentially abatable locations. These units receive complaints for investigation from citizens, community groups, government agencies and elected/appointed officials. Many of the locations are easily identified from prior narcotics investigations where traditional enforcement operations have not yielded lasting results. Evidence from prior investigations regardless of their success can be used in abatement actions.

Use of information from internal law enforcement entities is beneficial for a variety of reasons. The information provided is usually easier to quantify (i.e., calls for service and arrests), allowing for greater ease in establishing the "chronic" nature of the narcotics problem. In addition, the concerns of law enforcement officers are community-wide, providing a perspective that allows for prioritization of narcotics problems within their jurisdiction. This is in contrast to the perspective of citizens, whose immediate focus is on their specific neighborhood problem.

Information From External Sources

Information leading to the initiation of abatement actions can also be derived from sources external to law enforcement. Any community group, city or county agency or governmental representative who may receive complaints from the community concerning narcotics activity becomes a potential source of information for investigating officers. Information from the internal and external sources described earlier is expanded and documented during the preliminary investigation.

TARGETING PROBLEM PROPERTIES CONTINUED...

ABATEMENT INVESTIGATION PROCEDURES

Preliminary Investigation

Once information has been received concerning narcotics activity associated with a specific property, a preliminary investigation is initiated. The preliminary investigation is designed to determine whether or not sufficient evidence exists to classify a specific property as a chronic narcotics nuisance location. The information collected in the preliminary investigation supports the initiation of abatement proceedings. The investigating officers should keep in mind that evidence gathered in the course of the preliminary investigation may eventually be used in court and should be properly documented.

It is during the preliminary investigation that the investigating officer will form an opinion, based upon his or her expertise, that the targeted property falls within the provisions of Section 11570 of the Health and Safety Code. Once this opinion is formed, liaison should be established with the prosecution to obtain suggestions concerning legal direction and strategy during the course of the investigation. Regular communication between the investigating officer, the assigned prosecutor and code inspectors must be a top priority at this stage.

Location History: Nuisance Activity

The history of the targeted location is of primary importance to the preliminary investigation. Attention should be focused on quantifiable historic evidence of continuing narcotics activity. Generally, a one- to two-year period is examined, although this may vary depending on the investigation. The determining factor is the establishment of a pattern of narcotics activity.

Quantifiable historic evidence can be obtained from several sources. These include the number of narcotics arrests, calls for service and complaints associated with a specific property. The investigating officer should be aware that while many arrest reports may identify the targeted property as the location of arrest, the arrest report narrative often fails to tie the nuisance activity specifically to the property.

In addition, it is just as common to review reports where the information on the arrest facesheet concerning the location at which the crime was committed and/or the suspect arrested is indicated only as an intersection or 100 block designation. Unfortunately, the specific location of the arrest or illegal activity has never been considered a critical element of the criminal charge. This failure to document the relationship between the illegal activity and the property is the single largest obstacle to compiling an abatement package.

Linking illegal activity to the specific property under investigation is a key element in abatement investigations. In all cases, the accompanying arrest report narrative must be examined to determine if it appropriately connects the crime to a specific location.

The investigating officer should ensure that any arrests made during the course of his or her investigation document the connection between the criminal activity and the specific property. The investigating officer should also ensure that any officers who regularly conduct enforcement activities at this location receive appropriate training on this subject. Additionally, it may be necessary for the investigating officer to initiate surveillance and effect arrests at the targeted location to obtain this type of evidence to document narcotics nuisance activity.

Investigators should make use of any automated data bases which will provide this type of information. LAPD personnel utilize the Narcotics Information Network (NIN) and the Police Arrest Crime Management Information System (PACMIS) to provide complaint and arrest histories.

Interviews

In many cases, it is the interviews which are critical to the success of an investigation. Police officers, citizens, informants and suspects are potential sources of evidence. The

investigating officer should use these interviews to link the narcotics activity to a specific property. Sidewalk sales do not constitute sufficient evidence for abatement action unless the investigator can tie this activity to a specific property (i.e., storage of controlled substances).

The information derived during these interviews will be used to determine, in part, the focus and direction of the investigation. The information obtained in these interviews should be documented in the form of signed declarations.

Site Visits

During the course of the preliminary investigation, site visits and/or surveillance of the targeted location should be conducted. Site visits are used to corroborate or refute existing complaints concerning the location and to assist the investigating officer in evaluating the location. If the result of the preliminary review is the initiation of a formal abatement investigation, additional site visits should be conducted. This is a good opportunity for the prosecutors to see first-hand the state of the building and the nature of the illegal activities occurring on the property.

If the property appears run down or specific code violations are observed, representatives from the Department of Building and Safety, Health Department and any other applicable agencies should also be requested at this point to conduct code inspections.

TARGETING PROBLEM PROPERTIES CONTINUED...

PREPARATION OF THE INVESTIGATIVE FILE (CASE PACKAGE)

Extensive documentation is required to provide proof of nuisance activity. An investigative file should be initiated when the investigating officer has begun documenting the narcotics activity and collecting evidence. The documentation associated with an abatement investigation should be maintained in a separate file and divided into the following categories:

- Investigating Officer's Summary
- Property Owner Information
- Property Information
- Videotapes and Photographs
- Search Warrants
- Narcotics Arrest Reports
- Additional Arrest Reports
- Warrant Summary
- Officer Declarations
- Citizen Declarations
- Agency Investigations
- City Attorney Hearing Documentation
- Miscellaneous Contacts and Correspondence

Investigating Officer's Summary

The Investigating Officer's (I/O) Summary articulates all pertinent information relating to the investigation. It provides a general summary of events relating to the subject location, including a chronology of the communications between the owner and the police. The remaining sections in the investigative file will corroborate this summary. (See Attachment D)

This section should contain accurate and articulate notes taken by the I/O as the case progresses. These notes should include the names of all investigating officers, a brief overview of the location (owner information, legal description and arrest history prior to the initiation of the abatement investigation) and periodic progress reports. Any references to arrests at the locations should include associated booking and/or case identification numbers. In addition, the relationship of the arrestee to the property (i.e., tenant, owner, etc.) should be noted.

The conclusion should include a declaration by the I/O which delineates his or her expert opinion concerning the violations associated with the property under investigation.

Property Owner Information

This section contains all owner information associated with the location under investigation. First, the I/O should identify the

parties who have legal ownership of the property. This may be an individual, a group of individuals, a partnership or a corporation. Initially, this information can be obtained from a variety of sources. Commercial automated data bases such as DAMAR and DATAQUICK can provide this information for a fee. City of Los Angeles personnel can obtain this information from the City mainframe computer via the Land Use Planning and Management System (LUPAMS) which accesses information contained in the County Assessor's and City Clerk's files. Other jurisdictions may have similar on-line systems. Another commercial data base, LEXIS, provides information concerning corporate officers.

Additional sources of ownership information include:

- County Assessor's Office (tax information)
- County Recorder's Office (general partnership, corporate and trust deed information)
- Office of the Secretary of State (limited partnerships and corporations)
- Internal Revenue Service (all partnerships)
- Municipal Engineering Bureaus/Departments (title reports)
- Probate Court (when listed owner is deceased)
- City Clerk's Office (tax and business permit information)

Once the owner has been identified, the I/O should determine if any other properties or businesses are owned by this individual. Information concerning individual ownership of multiple

properties provides the I/O with additional leverage should the owner claim that he or she is unable to finance any improvements to the property deemed necessary during the course of the abatement investigation. Investigating officers should obtain certified copies of any and all deeds which show title to a targeted location by a defendant.

In addition, the I/O should identify any agents of the owner. Owners' agents include managers, management companies, maintenance workers and other contractors. Once the owner and his/her agents have been identified, the I/O should obtain the addresses, telephone numbers, driver's license photographs and criminal histories of all involved parties.

During the course of the investigation, the I/O will determine the involvement of each of the parties. This is especially important in the case of the owner, as his or her involvement in illegal activity will dictate the direction of the investigation. (See Real Property Seizure section.)

Property Information

Property information is obtained from the same sources as owner information. This section should include a legal description of the targeted property, tract and parcel numbers, assessed value, date of assessment and zoning information.

Videotapes and Photographs

Videotapes and photographs are an excellent source of documentation. Subjects may include (but are not limited to) the exterior and interior of the property, suspects, seized narcotics, surveillance and code violations. Photographs which depict neglect in the upkeep of the property (trash, abandoned cars, dilapidation of interior/exterior), lack of adequate lighting and any other problems associated with the property which contribute to the nuisance should be obtained.

Search Warrants

This section should contain copies of all search warrants served at the location, search warrant returns and all related arrest reports. The probable cause articulated in the warrant is a good source of evidence in abatement proceedings.

Narcotics Arrest Reports

Legible copies of all arrest reports for narcotics violations specific to the targeted property should be maintained in this section. In order to show a pattern of on-going activity, arrest reports for a period of at least two years prior to the initiation of the investigation should be included.

Copies of reports for all narcotic arrests made during the course of the investigation should also be included. If the

investigation progresses to a point in which the case goes to court, declarations from all arresting officers must be attached to the copies of the arrest reports.

It is critical that reports taken after the filing of the complaint and even up to the date of any court hearings also be provided. These subsequent reports substantiate that the problem persists. All of these reports are crucial in that they document the illegal activity occurring at the location and the law enforcement measures that have been taken in response to the activity.

IF CHARGES WERE FILED - Each arrest report, if it was filed as a criminal case, must have a corresponding court docket relating to the disposition of the charges filed. Certified copies of each docket must be obtained from the court clerk and must be supplied in order to document the disposition of each case. Proof of convictions or pending actions against any arrestee will support the People's allegation that narcotics or other nuisance activity is occurring on the premises.

IF CHARGES WERE NOT FILED - If it is established that charges were not filed against a particular arrestee on a particular arrest report, it is advisable to delete the arrestee's name from the arrest reports which will be submitted to the court as exhibits. This is necessary to preserve the privacy rights of any arrestees who have not had a case filed against them.

The information that is gathered from these materials will then be broken down into a chart. This chart will summarize for the court the magnitude of the nuisance problem occurring at a particular location. Although each document submitted to the court will be marked as an exhibit, the chart will give the judge a quick overview of the ongoing problem at a given location without having to go through each and every document. (See Attachment E)

Note: Narcotics analysis reports should be attached to those arrests reports which contain a record of narcotics seizures.

Additional Arrest Reports

Copies of any other arrest reports for crimes which have occurred at the targeted location should be included in the investigative file. These reports will show other types of criminal activity occurring at the nuisance location.

The I/O should attempt to obtain the current case status and disposition of prior arrests at the location. This information is a matter of public record and can be obtained from the court clerk.

Warrant Summary

In many jurisdictions, automated systems exist which will generate a summary of all active arrest warrants for persons who

have provided the address of the targeted location as their residence. This information is particularly persuasive in demonstrating to the property owner the number and criminal nature of individuals who may have no legal relationship to the property yet claim it as their residence. Furthermore, it may be of additional value to the owner in identifying all tenants in the event he or she wishes to file an eviction action.

Officer Declarations

Written statements should be obtained from officers who currently work, or have previously worked, in the area where the targeted property is located. These declarations should articulate all observations of illegal activity, the officer's involvement with the location, its reputation, and the sources of information upon which his or her opinion is based. (See Attachment F) Every officer who has made an arrest at the subject location should sign a declaration establishing the authenticity of the arrest report. (See Attachment G)

Citizen Declarations

Tenants and citizens living in the area of the targeted property can provide compelling evidence in abatement investigations. Written statements which articulate the illegal activity associated with the property should be obtained in the form of signed declarations. (See Attachment H)

Note: If the citizens have been previously threatened by the owner, or any act of violence has been committed against them, the court can order that the names and addresses of declarants not be disclosed.

Agency Investigations

Included in this section are all orders to comply (for code violations), investigation summaries or any other associated documentation prepared by various investigating entities e.g., Department of Building and Safety, County Health Services Department. (See Attachment I)

City Attorney Hearing Documentation

All documentation associated with informal property owner meetings should be included in this section. Any and all registered or certified mail receipts must also be provided to prove that all correspondence was received by relevant parties. This will show the court how the case against the property has developed and what attempts were made to get the owner/operator to address the problem. It will also show the court the willingness of City officials to work with property owners in abating the problem prior to filing. Any paperwork regarding the hearing itself as well as any follow-up correspondence should be retained in this section (See Property Owner Meeting Section).

Miscellaneous Contacts and Correspondence

All other miscellaneous contacts and correspondence relating to the subject location, especially those communications between the property owners, their managers and any governmental agencies must be obtained and included in this section.

TARGETING PROBLEM PROPERTIES CONTINUED...

REGULATORY AGENCY INVESTIGATIONS

A 1989 California Council of Criminal Justice State Task Force on gangs and drugs recommended that law enforcement coordinate efforts with code inspectors to abate crack houses:

"A crack house, where crack cocaine is processed, sold and used, brings with it a continuing stream of drug addicts, weapons and significant potential for violence. Crack houses may be abandoned, substandard buildings that have been reinforced to prevent entry by law enforcement. Abandoned or burned-out buildings also serve as places for other gang criminal activities. Arresting subjects in such buildings is not sufficient to close down these structures. In such cases, strict building code enforcement is effective in condemning the structures. Aggressive abatement...of these structures should be pursued in all gang-affected areas."

Revitalization of affected communities is one of the underlying principles in the use of civil abatement as an anti-drug strategy. The FALCON NAU approach is not simply to halt narcotics trafficking, but to address those causal factors which contribute to the deterioration of neighborhoods, leaving them susceptible to illegal activities.

Investigations conducted by specialized municipal or county agencies not only provide evidence for the abatement proceedings, but also result in enhancement of the quality of life in the neighborhood by improving conditions at the targeted property. This improvement takes place because, oftentimes, it is a single building or property which is the source of problems within a specific community.

Coordinated code enforcement typically provides the greatest leverage in the abatement process utilized by FALCON NAU. It alone can compel an owner to make necessary improvements and repairs to a dilapidated building. Such improvements often discourage narcotics activity in that drug dealers will no longer consider the building a suitable habitat for their illicit activities. Law-abiding tenants who observe their building being properly maintained are more likely to alert owners of potential problems and may become more proactive in crime prevention.

Liaison with the agencies whose responsibility is enforcement of state and local codes associated with building, health and safety is imperative for abatement investigators. The agencies which are responsible for these functions may differ in each jurisdiction. The following exemplifies the current functions of code enforcement agencies in the City of Los Angeles.

Department of Building and Safety

The Building and Safety inspector's primary function is to ensure that the property under investigation is in compliance with all applicable state and local building codes. This includes electrical, plumbing, heating and zoning codes. In addition, the property will be inspected to ensure that it is currently maintained as specified in the certificate of occupancy, e.g., storage areas have not been converted into dwelling units.

County Health Services Department

The responsibility of the County Health Services Department inspector is to enforce state and local health and safety codes. He or she is concerned with basic sanitation standards for real property and food establishments, including restaurants, bars, and retail or wholesale food markets. The inspector should examine the location for evidence of vermin, accumulation of garbage, damage to walls, floors or ceilings, nonfunctional toilet facilities and lack of hot and cold running water.

TARGETING PROBLEM PROPERTIES CONTINUED...

CITY OR DISTRICT ATTORNEY'S OFFICE

Participation of personnel from the City and/or District Attorney's Office is encouraged from the moment a location is targeted for investigation. Liaison between the investigating officers and the prosecution will provide legal direction to the investigation and keep the prosecution updated on the progress of the case. (See Property Owner Meeting and Filing the Case Package sections.)

CITY ATTORNEY HEARING: PROPERTY OWNER MEETING

Once the I/O and the assigned prosecutor have formed an opinion that a targeted property is, in fact, a nuisance location and that sufficient evidence has been collected, a meeting is scheduled with the property owner. The scheduling of this meeting can be accomplished telephonically or by sending a letter to the owner. (See Attachment J) Although these meetings are traditionally held at a municipal facility, it may be appropriate to meet at the property site if the owner recognizes the need for action. All concerned parties should be present at this meeting, including the I/O, the prosecutor and representatives from other agencies who have participated in the investigation.

The purpose of the property owner meeting, or informal hearing, is to advise the owner of the narcotics activity and/or code violations associated with his or her property and to obtain voluntary compliance in correcting these problems. By providing the owner with facts uncovered during the investigation, the owner cannot later claim that his inaction was due to a lack of awareness of the problem.

This meeting also provides an opportunity to discuss the extent of the nuisance activity, its effect on the immediate neighborhood and what assistance governmental agencies can provide to the owner.

HEARING PROCEDURES

The hearing is conducted by the deputy city attorney who introduces all investigative participants to the owner and advises him or her of the purpose of the investigation, i.e., eliminating the problems associated with the targeted property. As the hearing has a goal of obtaining the owner's voluntary participation in solving these problems, an effort should be made to establish a cooperative relationship.

Law enforcement personnel will then review the evidence which demonstrates the existence of a nuisance at the location. The evidence may take the form of documentation consisting of arrest reports, search warrants, community complaints or calls for service. Visual aids, such as videotapes and photographs of criminal activity, usually provide the most compelling evidence.

Following the presentation of evidence by law enforcement personnel, representatives of participating regulatory agencies will advise the owner of their findings. Videotapes or photographs of code violations should also be reviewed. At this time, the owner should be served with any orders to comply regarding code violations found during agency inspections.

After all evidence has been presented, a list of suggested improvements should then be given to the owner. The suggested improvements should address the major areas of concern and include all code corrections and crime deterrent measures which are applicable to this specific property.

Improvements commonly suggested include the type and placement of enhanced lighting, fencing and other security measures, as well as graffiti removal, eviction of problem tenants and the use of proper rental/lease agreements. Eviction assistance information, model rental agreements and other applicable materials may be provided to the owner. (See Attachments K, L and M)

In addition, the owner may be asked to provide FALCON NAU personnel with a variety of information that will assist law enforcement in eliminating criminal activity. This may include a copy of all current rental agreements, a list of tenants, the name, address and telephone number of the owner's management company and a diagram of the physical layout of the building.

At this time, the owner will be given a specific non-negotiable time period during which the list of suggested improvements must be completed and the property brought into compliance with all applicable code sections. In most cases, a period of 30 days is specified; however, the circumstances of the investigation and/or the condition of the property may dictate a longer time period. The owner may be required to present a written plan of scheduled improvements and/or submit weekly progress reports. The owner should also be advised that during this time period the location will be monitored by personnel from the participating entities.

Representatives for the prosecution will advise the owner of the possible repercussions of noncompliance. These potential repercussions include the following:

1. Narcotics abatement civil lawsuit.
2. Seizure and forfeiture of the real property by the County District Attorney or U.S. Attorney based on "facilitation" or "proceeds" theory.
3. Lis pendens (notice of pending litigation) filed against the title of the property.
4. Substandard: a notice of substandard building will be filed, if appropriate, with the county recorder and with the Franchise Tax Board. State Revenue and Taxation Code Sections 17274 and 24436.5 provide, in part, that a taxpayer, who derives rental income from housing determined by the local regulatory agency to be substandard by reason of violation of state or local codes dealing with health, safety or building, cannot deduct from state personal income tax and bank and corporation income tax, deductions for interest, depreciation or taxes attributable to such substandard structure where the substandard conditions are not corrected within six months after notice of the violation by the regulatory agency.

5. "Clean and Lien": referral of the property to a municipal agency which will clean and secure (board and fence) the location and then place a lien against the property for incurred costs.
6. REAP (Rent Escrow Account Program): tenants place their rents into an escrow account administered by the Community Development Department as an alternative to paying the rent to their landlord. The purpose of escrowing the rent money is to halt a building's cash flow to owners who will not keep their properties habitable.
7. Public nuisance lawsuits filed in Small Claims Court by neighboring homeowners and residents.
8. Criminal charges for code violations: six months and/or \$1,000.00.

In most cases, the location will "self-abate," i.e., the narcotics or other nuisance activity will cease as a result of the voluntary actions taken and improvements made by the owner. This process of self-abatement will preclude the need to file a civil lawsuit.

Personnel who participate in the owner meeting should be available to answer questions and to assist the owner (within their means and resources) in abating the nuisance. For example, the owner may wish to have law enforcement testify in an unlawful

detainer (eviction) hearing. This type of cooperation between the owner and narcotics abatement personnel is essential and will facilitate the self-abatement process.

In addition, narcotics abatement personnel should consider meeting the owner, as well as his manager and contractors, at the subject property subsequent to the city attorney hearing for a complete walk-through to discuss the suggested improvements and necessary repairs.

The task force should provide the property owner with the case numbers of criminal complaints filed against his tenants. The owner may then obtain public court records documenting the illicit activity. In cities with rent control ordinances, this information can facilitate the eviction process against those tenants involved in narcotics activity.

FOLLOW-UPS AND MONITORING

Following the informal hearing, the property should be monitored on a regular basis to ensure that the owner is in compliance with the provisions outlined in the hearing. The I/O and code inspectors should conduct periodic site visits, usually on a weekly or biweekly basis to document the progress (or lack thereof) on the suggested improvements. This information should be relayed to the assigned prosecutor for appropriate follow-up contact with the owner.

Narcotics enforcement operations should continue during this period. Any arrests made during this time period may be used in future court proceedings as evidence that a nuisance still exists at the location.

If the property owner attempts to sell his or her property to avoid meeting the requirements imposed during the informal hearing, he or she is required by law to disclose to any prospective buyers any facts materially affecting the value or the desirability of the property. Any real estate agent who has independent knowledge or who is notified by an owner that a property for sale is the subject of an abatement investigation has a clear duty to disclose such information to all prospective buyers.

FILING THE CASE PACKAGE

If the property owner fails to voluntarily abate the nuisance, the case should be prepared for filing review. The investigative package should then be submitted to the prosecutor who will determine the appropriate course of action. One of the available remedies is a narcotics abatement action, the purpose of which is to obtain an injunction (civil court order) to force the owner or other responsible parties to make necessary improvements to rid the property of the nuisance.

Generally, the prosecution will request that the court order the defendant(s) (owner(s) and/or owner's agent(s)) to implement the suggestions made during the property owner meeting. This order will be part of a temporary restraining order that the prosecution will obtain after giving the owner 24 hours notice. The issuance of a temporary restraining order will be followed by a formal hearing usually held two to three weeks later. At the time of the hearing, the court will issue a preliminary injunction binding the defendant until the case comes to trial. Frequently the defendant and the prosecution will agree upon the terms and will sign a stipulated injunction. The stipulated injunction becomes a court order when signed by a judge.

If the defendant does not complete the required corrections following the issuance of a court order, the prosecution will request that the defendant be held in contempt of court.

A violation of the terms of the injunction is punishable by a fine of not less than \$500 and not more than \$10,000 and/or by imprisonment in county jail for not less than one month and not more than six months (Health and Safety Code Section 11580).

In addition, the court can order the closure of the building for a period not to exceed one year. In determining whether closure is an appropriate remedy, the court will consider the following:

- The extent and duration of the activity.
- Action (or lack thereof) taken by the defendant.
- The nature and effect of the activity upon the neighborhood.
- The effect of prior orders of the court on the defendant.
- The effect of closure upon the residents, whether any residents are involved in illegal activity and the pendency of eviction proceedings.

The temporary restraining order and preliminary injunction provide interim relief until the case comes to trial. In Los Angeles, this can take from two and one-half to five years, depending on court congestion. The orders are enforceable by contempt or closure as discussed above.

If the People prevail at trial, the court can enter an order of abatement (ordering closure of the building for one year and/or making the injunction permanent) and can also award civil penalties up to \$25,000.00, investigative costs and attorneys' fees.

If the defendant has not been guilty of contempt and if he or she pays all costs, posts a bond in the full amount of the value of the building and agrees that any nuisance condition will be immediately abated (for one year), the court may release the building and cancel the order of abatement (Health and Safety Section 11586).

COMMUNITY IMPACT TEAMS

PARTICIPATING AGENCIES

During the abatement process, it is imperative that a neighborhood support structure be developed to protect the community from narcotics, gang and other nuisance activity. This support structure, or Community Impact Team (CIT) involves a number of other agencies, with each team configured to meet specific problems in a target neighborhood. The strategy is to impact a target area around the subject location with the full weight of law enforcement, prosecution, regulatory and service agencies in a coordinated, cooperative manner. A team, for example, may draw upon the resources of the following entities:

Police Department or Sheriff's Office

City or District Attorney's Office

Building and Safety Department

City or County Department of Health Services

City Council

Fire Department

City Clerk

- Land Records Division

- Tax and Permit Division

Community Development Department

- Rent Stabilization Division

Community Redevelopment Agency

City Housing Authority

Planning

Board of Public Works

- Operation Clean Sweep
- Bureau of Engineering
 - Street Vacations and Closures
 - Mapping Section
- Bureau of Sanitation
- Bureau of Street Lighting
- Bureau of Street Maintenance
 - Lot Cleaning Division
 - Street Maintenance Division
 - Street Tree Division
 - Street Use Inspection Division

Department of Recreation and Parks

Department of Transportation

- Bureau of Traffic Management
- Bureau of Traffic Operations
- Office of Parking Management

PURPOSE: COORDINATION OF MUNICIPAL SERVICES

The Community Impact Team will devise plans to eliminate the elements of community blight, e.g., graffiti, abandoned vehicles, poor street lighting, street dealing, heavy vehicular traffic by narcotics buyers and improper refuse dumping.

The entire revitalization effort will be undermined, however, if government neglects to coordinate efforts to improve a neighborhood by combining law enforcement efforts with the restoration and improvement of municipal and social services. For example, law enforcement may choose to target gang crime during winter. If municipal government fails to initiate plans to repair streets, improve lighting and collect refuse until the summer, any success achieved by law enforcement during the winter months will have been reversed by the time government begins to restore these municipal services.

On the other hand, if municipal and social services are improved at the same time that police reduce gang crime, the environment which supported the criminal activity will have been altered so as to sustain the successes achieved by the police. In addition, the community enjoys a renewed sense of calm as crime is reduced and the neighborhood actually begins to look and feel safe all at the same time.

The I/O and prosecutors assigned to an abatement investigation have an excellent opportunity to initiate a CIT in the neighborhood surrounding the targeted location. During the course of the investigation, they will be in contact with the various agencies and officials who can positively impact the revitalization of affected neighborhoods. Traditionally, the prosecutors maintain liaison with the agency representatives and work with the I/O to develop a plan of action for the participating agencies, which includes specific assignments designed to enhance the neighborhood.

Community support is critical for the CIT to accomplish its objectives. The community should be apprised of these objectives, i.e., to improve the quality of life in their neighborhoods by upgrading city services, diminishing rampant drug dealing and improving the local environment by bringing buildings up to code.

CITIZEN INVOLVEMENT

Active citizen participation is one of the most vital elements in the effective reduction and elimination of criminal activity in a neighborhood. Although narcotics abatement personnel may not directly organize citizen participation, encouraging the formation of such groups and supporting existing organizations is desirable.

The collective efforts of community members in addressing narcotics and other criminal activity can have a positive effect on the abatement process. The following sections describe non-confrontational methods through which residents can reduce crime in their neighborhoods.

SUSPICIOUS ACTIVITY RECORD (SAR)

The Suspicious Activity Record (SAR) is a form on which area residents can record their observations of criminal activity. These completed forms can be useful in criminal prosecutions, abatement proceedings and neighborhood revitalization efforts. In order to encourage participation and preserve anonymity when necessary, completion of the personal data section (name, address, telephone number) is optional. (See Attachment N)

Completed forms should be returned to the I/O to be screened for their relevance to the abatement investigation. Any

information which may not be useful to the I/O but has other value to law enforcement should be forwarded for appropriate action.

OPERATION C.A.R.S. (CITIZENS AGAINST ROCK SALES)

In this program, signs are posted in targeted neighborhoods by the Department of Transportation informing potential drug buyers that their vehicle license plate information will be forwarded to the local law enforcement agency. Residents are asked to record this information on postcards whenever motorists are seen pulling over to the side of the street and engaging in what appears to be drug activity.

This program utilizes a self-addressed postage-paid postcard designed by the city attorney which asks for the type and location of the suspected drug transaction, the color, model and license plate number of the vehicle and a physical description of the vehicle's occupants. The resident mails the card to the local law enforcement agency which will then issue a cautionary letter to the vehicle's registered owner. The cautionary letter informs the owner that his or her car was seen in a location that is noted for narcotics activity and street robberies and that criminal prosecution will be initiated if a police investigation determines that a purchase or sale of narcotics has occurred. (See Attachments O, P and Q)

CITIZEN DECLARATIONS

Individuals living in those areas directly impacted by drug dealing are the ones most likely to observe narcotics and other nuisance activity. Written statements taken from these citizens in the form of a signed declaration provide compelling evidence in civil abatement proceedings. (See Attachment H)

INFORMATION HOTLINES

The City of Los Angeles maintains a toll free Narcotics Information Network (NIN) telephone hotline which allows community members to report (anonymously if necessary) narcotics and other criminal information twenty-four hours a day. The NIN hotline and other such services, such as the "WE TIP" hotline are an excellent source of information for I/O's and prosecutors conducting abatement investigations. Consideration should be given to establishing a narcotics hotline; once operational, it should be checked regularly by I/O's handling abatement investigations.

TRESPASS AUTHORIZATION LETTERS/LOCAL ORDINANCE

In narcotics abatements, many misdemeanor and felony violations are often committed on private property by suspects who do not reside at the location or have any lawful business there. When neither an owner or manager

lives at the site, it is often difficult for law enforcement to identify a "complaining party" and effect misdemeanor arrests. Successful prosecution of these offenses is also difficult.

In these cases, the I/O should ask the owner to grant permission to any law enforcement officer, through a signed "trespass authorization letter," pursuant to Penal Code § 602(n), to arrest on his/her behalf those persons who are found on the property without lawful business. (See Attachment R) This letter should be supported by "No Trespassing" signs posted around the property and signs (wherever appropriate) stating that the property is closed to the public.

In addition, municipalities which contain public housing authority properties overrun by non-residents who frequent the location to buy and sell drugs should consider enacting a local trespass ordinance similar to one approved in Los Angeles in 1989. Los Angeles Municipal Code §41.23 makes it a misdemeanor for any person to return to Housing Authority property within 30 days of being asked to leave, unless they have the specific permission of the Housing Authority or a resident of the project. This ordinance is used in Housing Authority trespassing cases in place of the state trespassing law which had proven largely ineffective in combating criminal activities by non-residents at Housing Authority projects.

Under the state law, police must request undesirables to leave the property and can make an arrest only if the suspects refuse to leave. Drug dealers and gang members quickly learned that if they left when asked to do so, they could return a short time later and resume their activities. Under the new City ordinance, they are in violation if they return in less than 30 days.

SMALL CLAIMS COURT

Small claims court actions represent another means through which community residents can hold property owners accountable for nuisance activity occurring on their property. This method has been successfully used in the San Francisco and Hollywood areas. In the above situations, the attorney who represented the residents first obtained records from the city, the housing authority and the police department. These records confirmed the fact there had been regular complaints about the property and that the complaints had been communicated to the landlords. When ruling on the case, the judge indicated that the disruption of the residents' lives was "the essence of a nuisance."

In these cases, each of the neighbors who sued the involved owners were awarded judgments. Of more importance, the small claims actions resulted in a reduction of narcotics and prostitution activity occurring in and around the subject properties. The pressure of the lawsuit not only

led to the departure of unwanted tenants, but also prompted the landlords to begin cleaning up the building.

These lawsuits may also lead to greater vigilance by government agencies. In the case of one of the buildings, it was learned that the city housing authority had renewed the landlord's federal subsidy even after receiving complaints about the alleged drug dealing in his building.

(See Attachment S)

PAY TELEPHONES

Pay telephones are often a focal point for narcotics activity. Individuals who buy and sell narcotics are often equipped with pagers and use pay telephones to arrange sales and purchases of controlled substances. In areas where heavy narcotics dealing occurs, drug dealers will often monopolize a group of pay phones. It is also quite common for vendors of stolen telephone credit card numbers to congregate around such pay phones.

Most pay phone service providers are sensitive to public needs and will respond to an organized community effort seeking to remove or relocate pay phones, enhance surrounding lighting and restrict type of use.

If pay phones cannot be removed, the community should request that they be relocated separately in well-lighted

areas. The service provider should also be requested to modify the phones to permit outgoing calls only (no incoming calls), permit only those outgoing calls which are made collect or paid for in cash (no credit card calls), require that all long distance calls be completed with operator assistance and restrict the line to prevent outgoing calls to telephone number prefixes which activate paging devices. Placing such restrictions on pay telephones will deter their use by narcotics dealers while ensuring their availability for use by the general public for emergency and other legitimate uses.

CHRONIC OFFENDERS/PROBATION CONDITIONS

Identifying chronic offenders and imposing restrictive probation conditions are other measures through which prosecutors and law enforcement can reduce the frequency of narcotics activity at a location. During the course of an abatement investigation, it is not uncommon to identify a small group of individuals who are responsible for a disproportionate share of the crime. Ridding the property and the immediate neighborhood of such predators is often necessary for a successful abatement.

Due to their demonstrated aggressive and repetitive criminal behavior, complete criminal history packages should be prepared on chronic offenders. These packages should include booking photographs, Department of Motor Vehicle information and local, state (CII) and multi-state rap sheets. These packages should be updated and maintained on file at both the local law enforcement division and the prosecutorial agency.

Identification of these suspects and others who participate in criminal activity at the problem location is of particular importance to the prosecutorial agency. When a chronic offender is arrested, the crime reports should be flagged for filing review.

In addition, the narrative of the report should contain a request for tailored probation conditions specific to the narcotics

activity at the location. During subsequent sentencing proceedings, stringent probation conditions can be sought such as "stay away" conditions which prohibit the defendants from returning to the targeted property or loitering in the immediate area. Imposition of such conditions enhances the ability of local law enforcement officers to aggressively police the property and surrounding neighborhood.

GANGS

STREET TERRORISM ENFORCEMENT AND PREVENTION ACT

The Street Terrorism Enforcement and Prevention (STEP) Act can be used as part of an enforcement strategy against gangs in four ways: STEP prosecutions, STEP abatements, terrorist threats, and parenting programs.

STEP Prosecutions

Penal Code Section 186.22 provides prosecutors with tools to enhance criminal sanctions against members of street gangs. The first step in any such prosecution is to determine whether the gang in question qualifies under the Act.

To qualify a specific gang under the STEP Act, law enforcement and prosecutorial agencies must first profile the gang to determine if it meets the definition of "a criminal street gang" as described in Penal Code Section 186.22:

". . . any ongoing organization, association, or group of three or more persons, whether formal or informal, having as one of its primary activities the commission of . . .

Assault with a Deadly Weapon

Robbery

Homicide/Manslaughter

Sale/Possession for Sale of Controlled Substances

Shooting at an Inhabited Dwelling/Vehicle

Arson

Witness or Victim Intimidation

Grand Theft Vehicle

. . . which has a common name or common identifying sign or symbol whose members individually or collectively engage in or have engaged in a pattern of criminal gang activity."

Members of the gang must have committed at least two such acts, with one committed since September 23, 1988. Dockets or records of conviction are desirable, but not required. Evidence of gang membership of those who committed the crimes is necessary. Once a gang has been "profiled" as meeting the requirements of the Act, this evidence may be kept on file and need not be recreated for every new case.

The STEP Act provides that if a person commits a felony which is gang-motivated, i.e., "committed for the benefit of, at the direction of, or in association with a criminal street gang, with the specific intent to promote, further or assist in criminal conduct by gang members," he or she shall receive a sentence enhancement of up to three years. If the offense is an alternate felony/misdemeanor which is being prosecuted as a misdemeanor, there is a 180 days mandatory

minimum sentence. If the offense is punishable by life in prison, the person shall not be paroled prior to 15 years.

Penal Code Section 186.22 provides that, "Any person who actively participates in any criminal street gang with knowledge that its members have engaged in a pattern of criminal gang activity, and who aids and abets in any felony is guilty of a separate offense punishable by up to three years in prison." In order to show "knowledge," the L.A. District Attorney's and City Attorney's offices have developed a notice form for service upon known gang members. Proofs of service are kept on file for future use. However, service is not required to obtain the enhancements discussed above. (See Attachment T) Notably, police agencies have often seen at least a temporary drop in gang crime based solely upon service of these notices. It is believed that a long term drop in gang crime will require continued law enforcement efforts as well as successful prosecutions.

STEP Abatements: Specific Locations

Penal Code Section 186.22 provides that any building or place used by members of a criminal street gang for the purpose of the commission of any of the offenses listed in the above section or any offense involving dangerous or deadly weapons, burglary or rape, and any building or place where those offenses takes places, is a nuisance which may be abated. The procedures are similar to those for

narcotics abatement, but apply to most crimes committed by criminal street gangs, not just sales of narcotics. If sales of drugs is the exclusive or primary offense involved, use of the Health and Safety Code abatement provisions is normally desirable..

Terrorist Threats

Concurrent with the enactment of the STEP Act, the Legislature reenacted the "Terrorist Threats" provisions of the Penal Code (Section 422), which were previously held to be vague and unconstitutional. The unconstitutional language was removed and the bill was worded to conform to existing case law. The section provides for a new alternate felony/misdemeanor whenever anyone threatens to commit a violent crime against another person or his/her family if there is a clear and present danger that the threat may be carried out.

Previously, gang members and other criminals have often been able to place entire communities in fear simply by making threats which law enforcement could do nothing about. Under these provisions, arrests and prosecutions are now possible.

Parental Responsibility - Parenting Programs

Experts believe that problems such as narcotics activity, criminal gangs, and juvenile delinquency generally arise due

to a lack of parental involvement. Naturally, if a parent aids and abets a criminal offense or receives stolen property, they should be prosecuted under existing laws. The STEP Act, however, amended Penal Code Section 272 to provide that parents shall have the duty to exercise "reasonable care, supervision, protection and control" over their children.

Under this section, parents may now be prosecuted for "failing to stop" criminal activity even if they did not actually participate in it. This legislation also authorized the diversion of violators into counseling.

Parenting programs designed to require reluctant parents who are in violation of Penal Code Section 272 (contributing to the delinquency of a minor) to participate in parent education programs or face possible prosecution can assist in abating criminal nuisance activity. The City Attorney Parenting Program (CAPP), is one such program which has been designed and implemented in the Los Angeles City Attorney's Office.

Upon referral from law enforcement, the District Attorney's Truancy Mediation Program or the Probation Department, a deputy city attorney assigned to CAPP reviews the case to determine if a violation of parental accountability exists. The case is then directed to the Parenting Program for a hearing or prepared for criminal prosecution. During the

hearing, the parent is offered the opportunity to avoid possible criminal prosecution by agreeing to enroll and attend a parent training/counseling program.

The ultimate goal of this program is to offer parents a tool to assist them in becoming better parents. Parent education programs can help to impart basic parenting skills and also provide a forum for parents to come together, exchange information and work collectively to return their children to the mainstream of society and away from the lure of drugs, street gangs and other juvenile crimes. If the parents are reluctant to accept this opportunity and it is evident that they are unable or unwilling to control their minor children, they can be subject to criminal prosecution. In jurisdictions without such a program, cases may be filed in court and then it becomes the responsibility of the Court to consider diversion of such parents into training and counseling programs supervised by the Probation Department. (See Penal Code Section 1001.70, et. seq.)

CIVIL GANG ABATEMENT

The civil gang abatement procedure involves a coordinated effort by prosecutors, police and local residents to significantly reduce illegal gang activity through the procurement of a civil court injunction prohibiting gang members from engaging in certain otherwise lawful conduct. When applied as part of a coordinated effort by FALCON "Community Impact Teams," civil gang abatement becomes a vehicle for both reduced criminal activity and marked improvement in the quality of life for citizens in targeted neighborhoods.

Without civil gang abatements, uniformed police (the majority of any police force) vainly attempt to enforce drug laws against street dealers. All day long, gang members stand at intersections known for drug sales, wear beepers, dress in gang attire, flash handsigns, and approach vehicles and pedestrians for what are certainly offers to buy drugs. Yet, since all of this observed activity is lawful conduct, the uniformed officer merely drives past in frustration while law-abiding citizens look on in disgust.

Although an undercover officer may successfully arrest and convict a limited number of gang members for drug sales and hopefully obtain lengthy prison terms (which is almost impossible in Los Angeles due to jail overcrowding), undercover enforcement often fails to have any measurable impact on the ability of the gang to profit. This is because the "removal" of even a

substantial number of drug dealing gang members by undercover officers, for no matter how long, merely creates a "vacancy" in the ranks of the gang's organization with an endless supply of young recruits ready to assume a position on the street corner dealing the gang's narcotics. This enables the gang to consummate countless drug transactions while suffering only a handful of unsuccessful sales due to undercover enforcement. Thus, while certain gang members may serve long prison sentences, conspicuous drug dealing continues unabated.

The legal procedure known as a civil gang abatement is similar to the abatement of a building. However, unlike a building abatement which may result in a court-ordered injunction against a property owner, a civil gang abatement seeks a series of court orders against members of a street gang. A civil gang abatement can be based on any type of nuisance activity engaged in by a street gang, including but not limited to drug dealing. (See Attachment U)

Once there is sufficient evidence that a street gang is creating a nuisance, for example, by selling illegal drugs, the prosecutor may request a court to prohibit patterns of conduct which further the gang's sales of illegal drugs. It is known, for instance, that many gang members wear beepers, "dress down" in gang attire, flash "handsigns," approach and solicit business from pedestrians and passing vehicles, and congregate at known drug sales locations, all for the express purpose of selling illegal narcotics. If, however, this conduct is enjoined (prohibited) by a court, uniformed police are, for the first time, able to make

arrests before drug deals are consummated, thus impairing the gang's ability to profit from drug dealing (which ultimately prevents gang-related drug dealing).

The civil gang abatement process brings together community residents and police to prove that conduct such as the wearing of pagers, approaching pedestrians and passing vehicles and congregating at known drug locations furthers illegal drug activity. Once this conduct (e.g., wearing of pagers, approaching pedestrians, etc.) is enjoined by the court, the uniformed officer can now arrest gang members who continue to engage in this otherwise lawful conduct for a misdemeanor violation of P.C. 166.4 (disobedience of a court order). Since even standing on a particular corner or wearing a beeper may subject a gang member to arrest, the previously helpless uniformed officer is now able to actually interfere with and reduce the gang's ability to profit from drug sales by arresting gang members before they are able to consummate a drug transaction. This effort, combined with undercover enforcement and building abatements, can significantly reduce a gang's ongoing street sales of narcotics.

Facilitating Community Mobilization

While the effort to obtain an injunction against a drug dealing street gang can be, by itself, effective in interfering with a gang's ability to profit from drug dealing and thus reduce the gang's other criminal activities, a civil gang abatement goes

further. It calls for the active participation of property owners, citizens and merchants in the documentation of the type of gang activity which the court is asked to enjoin. A number of community meetings must be scheduled and attended by local residents, landlords, merchants, patrol officers, probation officers and prosecutors. At these meetings, the concept of the civil gang abatement and its reliance upon the participation of the citizens is explained.

Residents, merchants and property owners attending these meetings are asked to document how the local gang and its criminal activity have negatively impacted their quality of life. This task can be accomplished by citizens maintaining diaries or "logs" of life in the area controlled or frequented by the gang. Not only is gang activity recorded, but importantly, the consequences of gang activity is also documented. As such, the logs include descriptions of gunshots going off each night and routine intimidation by gang members as well as descriptions of how municipal sanitation trucks avoid the neighborhood for fear of gang violence and streets remain in disrepair because maintenance workers are afraid to enter the area.

These logs serve to mobilize the community against a local street gang, and with the citizens' consent, become the primary evidence in court to be included in the civil lawsuit. Moreover, the prosecutor should request and will normally receive a court order "sealing" the logs to prevent gang members from learning the identities of the citizens which avoids retaliation by gang

members. In the event such an order is not received, the logs are simply removed from the court file and other evidence is used to justify the injunction.

Assisting Community Impact Team

Because the consequences of gang activity include the deterioration of the normal municipal services such as street maintenance, garbage collection and other services critical to the quality of life of any community, the logs also become an important source for use by FALCON NAU Community Impact Teams in determining what other remedies are required to restore the quality of life in the neighborhood. A civil gang abatement is, accordingly, not only an effective and logical law enforcement tool for the permanent abatement of drug dealing street gangs, but also a vehicle to assist the Community Impact Team in improving the quality of life in a neighborhood. Because the law enforcement activity is scheduled to occur at the same time that municipal services are restored by the Community Impact Team, the community enjoys a renewed sense of calm as crime is reduced, and the neighborhood actually begins to look and feel safer, all at the same time.

In the first application of the civil gang abatement (against a West Los Angeles street gang before the advent of Community Impact Teams), conspicuous street dealing was out of control while a number of apartment buildings were effectively taken over by the local street gang as a result of poor management by

property owners. In coordination with the gathering of evidence for a civil injunction against the local street gang, the local prosecutor used California building abatement laws to force property owners to take corrective action to discourage gang and drug activity at their property locations. The prosecutor ordered the owners to remove graffiti daily, erect security gates, install lighting, remove abandoned vehicles, initiate evictions of known drug dealers and even trim shrubbery so as to effectively discourage gang and drug activity. Sample leases, property management advice and other special police patrols were simultaneously offered to help the property management and property owners effectively discourage and remove unwanted gang activity. In addition, the prosecutor applied pressure to other governmental entities to pave streets, restore street lighting, and improve garbage collection. Although numerous previous efforts by police failed to significantly reduce the gang's control over the neighborhood, the civil gang abatement successfully reduced criminal activity by over 35%. More importantly, the civil gang abatement not only statistically reduced crime, but it brought about a significant improvement in the quality of life in the area. Citizens were observed walking their dogs, watering their lawns and painting their homes. "For Sale" signs came down and property values went up. Potholes were repaired, street lights replaced and garbage was collected on a daily basis. The project was so effective that it attracted the attention of the Mayor's Office, laying a foundation for the implementation of the Mayor's Model Neighborhood Program. Lastly, because civil gang abatement not only reduces criminal

activity but also mobilizes the community as an effective voice in government, a mechanism was in place to ensure that long after the police and prosecutor moved on to other neighborhoods, crime in the area would remain low while the quality of life would continue to improve.

Accordingly, a civil gang abatement is most effective when used as part of a coordinated application of law enforcement strategies (such as criminal prosecutions and building abatements) as well as efforts to mobilize the community and restore critical municipal services which are essential for improving the quality of life for residents of the neighborhood. Obviously, FALCON Community Impact Teams are in an even better position than a single local prosecutor to coordinate the application of law enforcement strategies with the restoration of critical municipal services to bring about a noticeable improvement in quality of life.

CONCLUSION

Traditional law enforcement methods targeting narcotics activity typically involve a tremendous expenditure of work hours. These hours result from calls for service, arrest and booking of suspects, completion of associated reports and follow-up investigation. Added to this total are the hours associated with processing reports, patrol officer-initiated activity, narcotics unit activity and court time. Despite this labor intensive approach, there exists no guarantee the narcotics activity will cease. Likewise, no mechanism is left in the community to prevent recurrence of such activity.

By focusing their efforts on the property and surrounding community rather than on the individual, law enforcement personnel will often be successful in stemming narcotics activity where previous methods have failed. In this abatement process, emphasis is not placed on the traditional methods involving numerous arrests, thereby reducing the corresponding paperwork and court time. Instead, the investigation focuses on assembling existing information, securing the cooperation of the involved property owner and utilizing existing resources. In most instances, the investigation will bring about the desired changes without the need to file the case in court.

Due to the nature of abatement investigations, an officer or detective whose primary objective is to abate narcotics or other criminal nuisance activity can handle multiple investigations at any given time. The most successful abatement investigations generally result from a focused, well-coordinated, "team" effort. Accordingly, law enforcement agencies, in conjunction with prosecutors and code inspectors, should consider implementation of a unit whose primary responsibility lies in identifying nuisance locations and initiating abatement and/or forfeiture investigations.

The benefits derived from this type of unit are numerous. When the same individuals represent law enforcement for all abatement investigations, the following results can be expected:

- Development of expertise.
- Coordination of law and code enforcement efforts within a jurisdiction for maximum impact.
- Improved liaison with representatives from prosecution and other investigative agencies leading to the formation of an informal multi-agency "team".
- Development of new strategies and investigative methods.

As illustrated in the preceding sections, abatement and forfeiture proceedings are successful and cost-effective tools for use by law enforcement. The implementation of Community Impact Teams, as one component of this approach, enables the

community to regain control in their neighborhoods and enhances their ability to self-police.

In addition, the "holistic" nature of abatement investigations not only leads to the improvement of blighted communities, but establishes a positive relationship between law enforcement personnel and the citizens living within their jurisdiction.

**NARCOTICS ABATEMENT MANUAL
ATTACHMENTS**

- A. Notice to Abate Public Nuisance
- B. LAMC Ordinances: Nuisance, Hazardous or Substandard Properties
- C. Health and Safety Code: Substandard Properties
- D. Investigating Officer's Summary
- E. Summary of Criminal Activity Chart
- F. Officer Declaration I
- G. Officer Declaration II
- H. Citizen Declaration
- I. Agency Orders to Comply
- J. Letter to Owner: Notice of Hearing
- K. List of Suggested Improvements
- L. Property Owner Handout
- M. Model Lease Agreement
- N. Suspicious Activity Record
- O. Operation C.A.R.S. Sign
- P. Operation C.A.R.S. Postcard
- Q. Operation C.A.R.S. Cautionary Letter
- R. Trespass Authorization Letter
- S. Civil Small Claims Action by Private Person
- T. STEP Prosecution Notice Form
- U. Notice to Abate Public Nuisance: Gang
- V. FALCON NAU Forms

ATTACHMENT A



JAMES K. HAHN
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(213) 485-5470

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(213) 485-6370

TELECOPIER
(213) 680-3634

NOTICE TO ABATE PUBLIC NUISANCE

Dear:

Your are hereby notified that you must take appropriate action to abate a public nuisance allowed to exist on property owned by you at ----- in the City of Los Angeles. Said nuisance consists of excessive noise, gang activity, overflowing garbage and litter and overcrowded conditions on the property. Such activity constitutes a public nuisance in that it interferes with the ability of the surrounding property owners to comfortably enjoy their properties. Please be advised that if said nuisance is not abated by ----- you will be subject to prosecution under Penal Code Section 373(a) or a civil action under Civil Code Section 3450 may be filed against you.

Very truly yours,

JAMES K. HAHN, City Attorney

By:-----

Deputy City Attorney

Served on -----
by mailing a copy of this notice
on this ----- day of ----- 91
in the City of Los Angeles



ATTACHMENT B

LOS ANGELES MUNICIPAL CODE

ABATEMENT OF PROPERTIES
(VACANT OR CONSTRUCTED) THAT ARE A NUISANCE, HAZARDOUS OR
SUBSTANDARD. (LAMC SECTION 91.8901-91.8906)

LAMC 91.8901

LAMC Section 91.8901 provides that the remedies in the following sections apply to all premises and structures that are a hazard, nuisance or substandard. Such properties may be vacated, secured, cleaned, repaired, demolished or removed.

LAMC 91.8902

LAMC Section 91.8902 contains definitions of the conditions which give the City authority to take remedial action.

1. Hazardous building is defined as any structure that has any or all of the following defects.

The defects cover a wide range of conditions including inadequately wide exits, excessive stress, structural instability, unsafe settling of the building, buildings that are likely to collapse and buildings in which the walls or structural members are buckling. Also included are buildings that are unsafe for their intended purposes, when there is deterioration in excess of certain specified minimums. Buildings which are in violation of specified building codes and buildings that lack defined fire-resisting and weather-resisting qualities also come within this section. The following defects might be particularly of concern when the building presents a law enforcement problem.

Subsection #11 states that "whenever the building or structure has become so damaged by fire, wind, earthquake or flood or has become so dilapidated or deteriorated as to become an attractive nuisance to children who might play therein to their danger, or as to afford a harbor for vagrants, criminals or immoral persons or as to enable persons to resort thereto for the purpose of committing nuisance or unlawful or immoral acts," the City can take appropriate action.

Subsection #14 specifies that "whenever a building or structure used or intended to be used for dwelling purposes because of dilapidation, decay, damage or faulty construction or arrangement, or otherwise, is insanitary or unfit for human habitation or is in a condition that is likely to cause sickness or disease, when so determined by the health officer or is likely to work injury to the health, safety or general welfare of those living within," the City can act.

Subsection #15 covers buildings or structures, used or intended to be used for dwelling purposes which have light, air and sanitation facilities inadequate to protect the health, safety, or general welfare of persons living within.

Subsection #16 includes buildings or structures which are fire hazards.

Subsection #18 includes buildings that are classified as substandard.

Subsection #19 includes buildings which have become vacant and vandalized.

Subsection #20 includes buildings that have become nuisances.

A Nuisance is defined as "any premises, building, structure or portion thereof containing numerous violations or one or more imminent life hazards.

2. A substandard building is defined as one in which there exist any of the following conditions to an extent that endangers the life, limb, health, property, safety or welfare of the public or the occupants of the building.

Subsection A defines inadequate sanitation as including a lack of hot and cold water, heating, toilet facilities. Also included are inadequate lighting, ventilation, dampness, vermin infestation and general dilapidation and improper maintenance.

Subsection B, structural hazards include defective flooring, walls, ceilings, roofs, fire places and foundations.

Subsection C defines nuisance as any nuisance as defined by this code.

The following subsections include a variety of defects including hazardous wiring, hazardous plumbing, hazardous mechanical equipment, faulty weather protection including ineffective water proofing and lack of paint.

Subsection H includes fire hazards and defines that as follows: "Any building or portion thereof, device, apparatus, equipment, combustible waste or vegetation which, in the opinion of the Chief of the Fire Department or his deputy is in such a condition as to cause a fire or explosion or provide a ready fuel to augment the spread and intensity of fire or explosion arising from any cause."

Subsection I covers faulty materials of construction and includes hazardous or unsanitary premises which are defined as follows: "Those premises on which an accumulation of weeds, vegetation, junk, dead organic matter, debris, garbage, offal, rat harborages, stagnant water, combustible materials and similar materials or conditions constitute fire, health or safety hazards."

Subsections K, J and M cover inadequate maintenance, inadequate exits and inadequate fire protection or fire fighting equipment.

Subsection N includes all buildings or portions thereof occupied for living, sleeping, cooking or dining purposes which were not designed or intended to be used for these occupancies.

LAMC Section 91.8903. Abatement procedures. Whenever the Department of Building and Safety determines that any building meets the above criteria, the Department must issue an order to abate the deficiencies to the owner. The order must specify that if the building is vacant the owner must maintain it as such until it is repaired or demolished.

Subsection 2 Compliance. The owner must obtain necessary permits within 30 days and comply within 90 days.

Subsection 3 Order to Vacate. If the owner does not obtain permits or commence work within 45 days or the defects are not corrected within 90 days, the Department can issue an order to vacate and can institute abatement proceedings.

Subsections 4 and 5 specify that vacated buildings shall not be reoccupied until the defects have been corrected. Also vacated buildings must be locked by the owner and posted by the Department.

Subsection 6 Recordation. At the time the Department issues the initial order, the Department must file with the office of the County Recorder, a certificate stating that the building has been declared hazardous, substandard or a nuisance and that the owner has been so notified. After the building has been repaired or demolished the Department must file with the County Recorder a certificate terminating the above recorded status.

Subsection 7 specifies the manner in which notice is to be given.

Subsection B specifies the penalties for failure to comply. Under 91.8903 (b)1. Any owner or person having control of the building who fails to comply with any order of the Department within the time limits specified is guilty of a misdemeanor.

Under subsection (b) 2 any occupant in possession who fails to comply with any order to vacate such a building in accordance with any order given by the Department is guilty of a misdemeanor.

Under subsection (b) 3 any person who removes any notice or order posted as required in this division is guilty of a misdemeanor.

Subsection C sets forth the remedies in the event of non-compliance.

Subsection (c) 1 provides that in the event of non-compliance, the Department may pursue misdemeanor prosecution or other remedies.

Under Subsection (c) 2 when the Department determines that it shall cause the correction of the deficiencies or demolition, the Department is required to obtain the title report from the Division of Real Estate, Bureau of Engineering, Department of Public Works, City of Los Angeles.

Under Subsection (c) 3 the department then has to notify the owner in a Notice of Intention that the City of Los Angeles intends to cause the correction of the deficiencies or the demolition of the building. The owner must also be notified that the City will charge the cost of the demolition plus an amount equal to 40% of such cost for the cost of administration, and that those costs are to be made a lien against real property on which the building or structure is located. Ten days following the date of the notice the City can start soliciting bids or execution of the work order.

Subsection (c) 4 sets out the method of notification which must be by certified mail. Furthermore a copy of any Order issued must be posted in a conspicuous place upon the building. The failure of any owner or any other person to receive such notice shall not affect in any manner the validity of any proceedings.

Under Subsection (c) 5 an affidavit as to the proof of service must be completed by a Department employee.

Subsection (d) 1 provides that whenever the Department has undertaken any action upon failure of the owner or other person to comply with the work order and has caused the solititation of bids or execution of a work order, the owner or person in charge has lost all further rights and privilages to do such work and is thereafter prohibited from doing any such work except by permission of the Department.

Subsection (D) 2 specifies that if the owner commences work after the Department has initiated action the City shall impose a charge in the amount of 20% of the lowest bid of the demolition or repair contract, but in no even less than \$75.00.

Subsection (D) 3 also provides for penalties for performing work after the contract is awarded.

Subsection E provides for cancellation of the contract or work order and provides for compensation of the contractor.

Subsection F states that if the owner fails to pay within 30 days after the billing the Department shall transmit the claims to the Office or the City Attorney for collection of appropriate legal remedy as determine by the City Attorney's Office.

Subsection G provides that the owner may apply for an extention of time not to exceed 120 days after expiration of the 30 day period provided for in the initial order.

Section 2 also provides for a hearing procedure to determine whether the property falls within the scope of this division. This request by the owner must be made prior to the date set to solicit bids or to execute a work order as specified in the Notice of Intention.

LAMC 91.8904

LAMC Section 91.8904 contains special provisions for fencing vacant property, securing vacant buildings and structures and cleaning property.

This section makes it a misdemeanor for the owner or a person in charge of a vacant building or structure to allow an excessive accumulation of trash, debris, vehicle parts, rubbish, excessive vegetation or other similar nuisance conditions on the parcel or around the building.

Owners whose property is repeatedly used for dumping trash etc. must upon order of the Department erect a maximum 10 foot high chain-link fence with lockable gates. The owner must also post "No Dumping" signs on the property.

LAMC Section 91.8904.1 provides procedures whereby the Department can take steps to secure and clean a building or lot which has become a nuisance. If the Department determines that such a condition exists, it may issue an order by certified mail to the owner to abate these conditions. A copy of the order must also be posted on the property. The order must give a maximum of 15 days from the date the notice was mailed to perform the work. The notice must also specify that if the condition is not corrected by the date specified on the order, the city may take steps to remove the nuisance and that upon completion of such work the cost of the work may become a special assessment against the parcel.

Under subsection B, in the event the nuisance is not removed by the date specified on the notice the City may enter and remove or eliminate the nuisance.

If abatement is performed by a City department other than the Department of Building and Safety, the Department shall bill the owner for the cost, including administrative cost. Abatement may also be accomplished by contract or work order by private contractors.

If the vacant building again becomes open to unauthorized entry, the Department may upon 3 days notice execute a contract or work order to have the work performed.

LAMC 91.8905

LAMC Section 91.8905 provides for the immediate barricading, vacating, removing or demolition of any building or structure which is determined to be a present, imminent, extreme and immediate hazard or danger to life or limb, health or safety. This section enables the Department to without an order or notice of any kind to take remedial action. The Department can request the Board of Public Works to do the work immediately.

LAMC 91.8906

LAMC Section 91.8906 provides for a "repair and demolition fund" out of which funds can be taken to perform necessary work. This section also provides for assessment of costs, recording of assessments, and for the eventual sale of the property if the assessments are not paid.

Michael Tharpe who is Principal Inspector (Phone No. 237-0963) for the Department of Building and Safety is in charge of contract nuisance abatements. His section will take care of any lots that have trash and debris or some other type of nuisance conditions. The only thing they will not clean off is dirt, (usually deposited as a result of grading). He tells me that the procedures are: District Inspector verifies the problem, takes pictures, issues the Order, giving the owner 15 days to comply. If he fails to comply within those 15 days, then a work order is issued and it usually takes about 10 days following the issuance of the work order for the work to be done

SEC. 91.8904. SPECIAL PROVISIONS FOR FENCING VACANT PROPERTY, SECURING VACANT BUILDINGS AND STRUCTURE, CLEANING PROPERTY AND REMOVING GRAFFITI.

(Amended by Ord. No. 165,152, Eff. 10/6/89.)

It shall be unlawful for the owner or person in control of a parcel of land, to allow to exist a vacant building or structure which is open to unauthorized entry on such land. It shall also be unlawful for the owner or person in control to permit the accumulation of trash, debris, vehicle parts, rubbish, excessive vegetation or other similar nuisance conditions on the parcel or in and around any building or structure located on the parcel. It shall also be unlawful for the owner or person in control to allow to exist any graffiti on a building or fence when such graffiti is visible from a public street or alley and, if after being notified by the Department that the City wishes to remove it, such owner or person refuses to consent to the removal of the graffiti by the City. The City shall only remove such graffiti, however, if the Department finds it to be obnoxious. The owner or person in control of a vacant building or structure which is partially or completely open to unauthorized entry shall secure all openings, accessible for entry from the exterior of the building or structure, with a minimum 1/2-inch exterior grade plywood. The plywood shall have a positive connection to the building or structure using minimum 3/8-inch bolts which shall not be removable from the outside. The entire building or structure shall be securely maintained.

Owners, whose property is repeatedly used for dumping trash, debris, vehicle parts, rubbish or other similar nuisance conditions shall, upon order of the Department of Building and Safety, erect a maximum ten foot high unobstructed chainlink fence complete with lockable gates. The fence, once constructed, shall become the property of the owner of the property upon which it is constructed and, all structures on the property, including the fence shall be maintained in good repair. The property so fenced shall be conspicuously posted with a "No Dumping" sign made of incombustible material measuring at least 12 by 24 inches.

Owners, whose property displays graffiti, shall completely remove the graffiti by washing, sandblasting or chemical treatment or shall completely and uniformly cover or otherwise obscure the graffiti with paint or other approved materials.

SEC. 91.8904.1. PROCEDURE FOR SECURING VACANT PROPERTY AND REMOVING GRAFFITI.

(Title and First para. Amended by Ord. No. 165,380, Eff. 2/4/90.)

A. Notification. The City Council finds that the maintenance of an open, vacant building or structure, and storage and accumulation of trash, debris, vehicle parts or other items prohibited under Section 91.8904 of the Municipal Code or graffiti visible from a public street or alley prohibited under Section 91.8904 of the Municipal Code constitutes a public nuisance. If the property owner or person in control consents to the removal of the graffiti, the City may enter upon the property and remove such graffiti. If such a condition exists as to graffiti and the owner or person in control refuses to consent to the removal of the graffiti, or such a condition exists as otherwise above-described the Department of Building and Safety may issue an order by certified mail, return receipt requested, to the owner as shown on the last equalized assessment roll to abate these conditions. A copy of the order shall also be posted on the subject property. The order shall give a maximum of 15 days from the date the notice was mailed to perform the work.

SEC. 91.8905. SPECIAL PROVISIONS FOR VACATING, BARRICADING, REMOVING OR DEMOLISHING BUILDINGS OR STRUCTURES WITHOUT NOTICE.

(Amended by Ord. No. 162,430, Eff. 7/15/87, Oper. 7/31/87.)

(a) Notwithstanding anything to the contrary in this section, whenever the Department determines that any building, structure, premises or portion thereof falling within the scope of this division is a present, imminent, extreme and immediate hazard or danger to life or limb, health or safety, so as to necessitate the immediate elimination thereof without prior notice to the owner, the Department may without an order or notice of any kind whatsoever and without a hearing cause the building, structure or premises or any portion thereof to be immediately vacated, barricaded, removed or demolished by such means as the Department may deem advisable including the use of the Department's annual awarded demolition contractor.

(b) (Amended by Ord. No. 165,310, Eff. 12/31/89.) Buildings or structures which are vacated pursuant to this section shall be locked and otherwise secured against ingress and the Department shall post thereon, in a conspicuous place near the entrance, a placard warning the building is unsafe.

Any warning placard posted pursuant to this section shall not be defaced, covered, removed, or hidden from view in any manner.

(c) The Department may request the Board of Public Works to cause the building, structure or premises or any portion thereof to be immediately barricaded, removed or demolished. The barricading, removal or demolition shall be accomplished by the Board of Public Works upon receipt of the request from the Department. Where the work is accomplished by other than City forces, the cost thereof shall be paid from the "Repair and Demolish Fund" as established in Section 91.8906. In all cases, the costs incurred by the City in barricading, removing or demolishing the building or structure or

any portion thereof, plus an administrative fee of 40 percent of the costs where the work is accomplished by other than City forces, shall be assessed against the property upon which the particular building or structure or any portion thereof is located in accordance with the provisions of Section 91.8906.

(d) The administrative fee of 40% of the costs shall not be included in assessments made for costs incurred for or arising out of any barricading, removal or demolition resulting from an event or course of events which prompted a declaration of a state of emergency, local emergency, war emergency or major disaster by the Mayor, the Governor of the State, or by the President of the United States.

(e) The procedure for the assessment or such cost shall be in accordance with Subsections (b) and (c) of Section 91.8906.

SEC. 91.8906. PAYMENT AND RECOVERY OF REPAIR AND DEMOLITION FUNDS.**(a) Repair and Demolition Fund.**

1. **Established by City Council.** The City Council has set up a Special Revolving Fund designated as the "Repair and Demolition Fund". Payments shall be made out of said fund upon the demand of the Department to defray the costs and expenses which may be incurred by said Department in causing the necessary work of repair, securing, cleaning or demolition of buildings, structures and portions thereof or premises which fall within the scope of this division.

2. **Transfer of Funds.** The City Council may at any time transfer to the "Repair and Demolition Fund", out of any money in the General Fund of said City, such sums as it may deem necessary in order to insure the performance of the work of repair, securing, cleaning or demolition, and the sum so transferred shall be deemed a loan to said special fund and shall be repaid out of the proceeds of the assessment provided for in this division. All funds collected under the proceedings hereinafter provided for, either upon voluntary payments, or as the result of the sale of property after delinquency, shall be paid when collected to the City Treasurer, who shall place the same in the Repair and Demolition Fund.

3. **Maximum Amount in Fund.** At the close of each fiscal year, with the exception of money deposited from the Community Development Trust Fund in connection with the Rental Housing Rehabilitation Program, all moneys in said Repair and Demolition Fund in excess of \$1,000,000.00 over and above the amount of outstanding liabilities payable out of such fund shall be deemed surplus for purposes of Charter Section 382 and shall revert to the reserve fund. (Amended by Ord No. 166,038, Eff. 8/12/90.)

(b) Assessment of Demolition Costs.

1. **Assessment Against the Property.** Whenever the Department, under the provisions of this division of this Code, has caused the repair, securing, cleaning, or demolition of any building, structure, or portion thereof or any premises, the Department shall proceed to have all such costs, including the administrative costs, assessed against the property upon which the work was performed and recover from the sale of such property as hereinafter provided, except as otherwise provided in Section 91.8905. (Amended by Ord. No. 162,430, Eff. 7/15/87, Oper. 7/31/87.)

2. **Administrative Cost.** The total cost covered in Paragraph 1 of this subsection shall include, in addition to the cost to perform the actual work, an amount equal to forty percent of such cost, but not less than the sum of \$100, to cover the cost of the City administering the contract and supervising the work required, except as otherwise provided in Section 91.8905. (Amended by Ord. No. 162,430, Eff. 7/15/87, Oper. 7/31/87.)

ATTACHMENT C

CALIFORNIA HEALTH AND SAFETY CODE

RULES AND REGULATIONS

§ 17920.3

Pt. 1.5

Library References

Health and Environment § 20, 32.
 C.J.S. Health and Environment §§ 2 to 6,
 28 to 36, 47, 52.

§ 17920.3. Substandard building; conditions

Any building or portion thereof including any dwelling unit, guest room or suite of rooms, or the premises on which the same is located, in which there exists any of the following listed conditions to an extent that endangers the life, limb, health, property, safety, or welfare of the public or the occupants thereof shall be deemed and hereby is declared to be a substandard building:

(a) Inadequate sanitation shall include, but not be limited to, the following:

- (1) Lack of, or improper water closet, lavatory, or bathtub or shower in a dwelling unit.
- (2) Lack of, or improper water closets, lavatories, and bathtubs or showers per number of guests in a hotel.
- (3) Lack of, or improper kitchen sink.
- (4) Lack of hot and cold running water to plumbing fixtures in a hotel.
- (5) Lack of hot and cold running water to plumbing fixtures in a dwelling unit.
- (6) Lack of adequate heating.
- (7) Lack of, or improper operation of required ventilating equipment.
- (8) Lack of minimum amounts of natural light and ventilation required by this code.
- (9) Room and space dimensions less than required by this code.
- (10) Lack of required electrical lighting.
- (11) Dampness of habitable rooms.
- (12) Infestation of insects, vermin, or rodents as determined by the health officer.
- (13) General dilapidation or improper maintenance.
- (14) Lack of connection to required sewage disposal system.
- (15) Lack of adequate garbage and rubbish storage and removal facilities as determined by the health officer.

(b) Structural hazards shall include, but not be limited to, the following:

- (1) Deteriorated or inadequate foundations.
- (2) Defective or deteriorated flooring or floor supports.
- (3) Flooring or floor supports of insufficient size to carry imposed loads with safety.

§ 17920.3

STATE HOUSING LAW
Div. 13

- (4) Members of walls, partitions, or other vertical supports that split, lean, list, or buckle due to defective material or deterioration.
- (5) Members of walls, partitions, or other vertical supports that are of insufficient size to carry imposed loads with safety.
- (6) Members of ceilings, roofs, ceilings and roof supports, or other horizontal members which sag, split, or buckle due to defective material or deterioration.
- (7) Members of ceiling, roofs, ceiling and roof supports, or other horizontal members that are of insufficient size to carry imposed loads with safety.
- (8) Fireplaces or chimneys which list, bulge, or settle due to defective material or deterioration.
- (9) Fireplaces or chimneys which are of insufficient size or strength to carry imposed loads with safety.
- (c) Any nuisance.
- (d) All wiring, except that which conformed with all applicable laws in effect at the time of installation if it is currently in good and safe condition and working properly.
- (e) All plumbing, except that which conformed with all applicable laws in effect at the time of installation and which has been maintained in good condition, or which may not have conformed with all applicable laws in effect at the time of installation but is currently in good and safe condition and working properly, and which is free of cross connections and siphonage between fixtures.
- (f) All mechanical equipment, including vents, except that which conformed with all applicable laws in effect at the time of installation and which has been maintained in good and safe condition, or which may not have conformed with all applicable laws in effect at the time of installation but is currently in good and safe condition and working properly.
- (g) Faulty weather protection, which shall include, but not be limited to, the following:
 - (1) Deteriorated, crumbling, or loose plaster.
 - (2) Deteriorated or ineffective waterproofing of exterior walls, roof, foundations, or floors, including broken windows or doors.
 - (3) Defective or lack of weather protection for exterior wall coverings, including lack of paint, or weathering due to lack of paint or other approved protective covering.
 - (4) Broken, rotted, split, or buckled exterior wall coverings or roof coverings.
- (h) Any building or portion thereof, device, apparatus, equipment, combustible waste, or vegetation which, in the opinion of the chief of the fire department or his deputy, is in such a condition as to cause a fire or explosion or provide a ready fuel to augment the spread and intensity of fire or explosion arising from any cause.

RULES AND REGULATIONS

§ 17920.3

Pt. 1.5

(i) All materials of construction, except those which are specifically allowed or approved by this code, and which have been adequately maintained in good and safe condition.

(j) Those premises on which an accumulation of weeds, vegetation, junk, dead organic matter, debris, garbage, offal, rodent harborages, stagnant water, combustible materials, and similar materials or conditions constitute fire, health, or safety hazards.

(k) Any building or portion thereof which is determined to be an unsafe building due to inadequate maintenance, in accordance with the latest edition of the Uniform Building Code.

(l) All buildings or portions thereof not provided with adequate exit facilities as required by this code, except those buildings or portions thereof whose exit facilities conformed with all applicable laws at the time of their construction and which have been adequately maintained and increased in relation to any increase in occupant load, alteration or addition, or any change in occupancy.

When an unsafe condition exists through lack of, or improper location of, exits, additional exits may be required to be installed.

(m) All buildings or portions thereof which are not provided with the fire-resistive construction or fire-extinguishing systems or equipment required by this code, except those buildings or portions thereof which conformed with all applicable laws at the time of their construction and whose fire-resistive integrity and fire-extinguishing systems or equipment have been adequately maintained and improved in relation to any increase in occupant load, alteration or addition, or any change in occupancy.

(n) All buildings or portions thereof occupied for living, sleeping, cooking, or dining purposes which were not designed or intended to be used for such occupancies.

(o) Inadequate structural resistance to horizontal forces.

"Substandard building" includes a building not in compliance with Section 17920.7.

However, a condition which would require displacement of sound walls or ceilings to meet height, length, or width requirements for ceilings, rooms, and dwelling units shall not by itself be considered sufficient existence of dangerous conditions making a building a substandard building, unless the building was constructed, altered, or converted in violation of such requirements in effect at the time of construction, alteration, or conversion.

(Added by Stats.1979, c. 434, p. 1553, § 2. Amended by Stats.1982, c. 1545, § 1.)

Historical Note

The 1982 amendment substituted, in subd. (j), "rodent harborages" for "rat harborages".

ATTACHMENT D

CASE SUMMARY
JANUARY 22, 1991

INVESTIGATING OFFICERS:

OFFICER CONNIE HOWELL #23994 - LAPD NARCOTICS
OFFICER MARK SEVERINO #25157 - LAPD NARCOTICS

LOCATION:

LOS ANGELES, CALIFORNIA 90016

PROPERTY DESCRIPTION:

IS A SINGLE-STORY, BLUE STUCCO, 11-UNIT
MOTEL LOCATED ON THE SOUTH SIDE OF BETWEEN
AND THE NUMBERS ARE ATTACHED
TO THE FRONT OF THE LOCATION. BLUE WROUGHT IRON IS ATTACHED TO THE
DOORS AND WINDOWS. THE COURTYARD/PARKING LOT IS ENCLOSED BY A BLUE
WROUGHT IRON GATE ON THE FRONT AND A CHAIN LINK FENCE TO THE REAR
ALLEY ().

PROPERTY OWNER:

FEMALE,
CDL:
CII: (FINGER PRINT CARD)

HOME TELEPHONE: ()

DBA

LOS ANGELES, CALIFORNIA 90056

POST OFFICE BOX

PRESIDENT:
BUSINESS TELEPHONE:

FEMALE,
CDL:
SS:
CII: (FINGERPRINT CARD)

LOS ANGELES, CALIFORNIA 90016
MOTEL TELEPHONE:

MALE,
CDL:
SS:
CII:
FBI:
LA:
MAIN:
(ARREST RECORD NOT AUTOMATED)

LOS ANGELES, CALIFORNIA 90016
MOTEL TELEPHONE:

BACKGROUND:

ON NOVEMBER 5, 1990, THE LOS ANGELES POLICE DEPARTMENT FORMED A CITY-WIDE NARCOTIC ABATEMENT UNIT. THIS UNIT'S RESPONSIBILITY IS TO INVESTIGATE THE TOP NARCOTIC HOT SPOTS IN THE CITY OF LOS ANGELES. IS CONSIDERED ONE OF THE NARCOTIC HOT SPOTS BY THE ACCUMULATION OF ARREST AND COMPLAINTS. THE ABOVE OFFICERS ARE ASSIGNED TO THE UNIT.

SOURCE OF INFORMATION:

ON 12/13/90, INVESTIGATING OFFICERS WERE APPROACHED BY LIEUTENANT BRAD MERRITT, OFFICER-IN-CHARGE OF WEST BUREAU CRASH, LAPD GANG UNIT (COMMUNITY RESOURCES AGAINST STREET HOODLUMS).

ACCORDING TO LIEUTENANT MERRITT, THIS MOTEL HAS BEEN A MAJOR TROUBLE SPOT FOR LAPD WILSHIRE OFFICERS FOR SEVERAL YEARS. THE MOTEL HAS BEEN A HAVEN FOR CRIMINAL ACTIVITY FROM LOITERING AND DRINKING IN PUBLIC TO PROSTITUTION AND NARCOTIC ACTIVITY. IT IS A KNOWN DISTRIBUTION SPOT FOR THE SALES OF ROCK COCAINE.

THIS LOCATION HAS PREVIOUSLY BEEN SUBJECT TO A RED LIGHT (PROSTITUTION) ABATEMENT ACTION. THE LAPD HAS RECEIVED NUMEROUS CITIZEN COMPLAINTS REGARDING THE BLATANT DRUG DEALING ACTIVITY EMANATING FROM THE COURTYARD.

TRADITIONAL LAW ENFORCEMENT TECHNIQUES HAVE BEEN UNABLE TO CURTAIL THE NARCOTIC ACTIVITY. AS A RESULT, WEST BUREAU CRASH WAS CALLED IN AND ADDITIONAL NARCOTIC ARRESTS WERE MADE.

SOURCE OF INFORMATION (CON'T):

THIS LOCATION IS FREQUENTED BY SHORELINE CRIPS AND LONG BEACH INSANE CRIP GANG MEMBERS. THE DEALERS CONCEAL THEIR COCAINE IN VARIOUS ROOMS AND SELL TO BUYERS THROUGH EITHER THE FRONT OR REAR GATE TO THE COURTYARD.

INVESTIGATION:

12/14/90

ACCORDING TO LAPD RESOURCES, THERE WERE OVER 45 NARCOTIC-RELATED ARRESTS AT THE LOCATION IN 1990. TWENTY-SIX OF THESE ARRESTS ARE DIRECTLY RELATED TO THE ABOVE LOCATION. EIGHT OF THE ARRESTS WERE MADE IN FRONT OF THE MOTEL. THERE WERE 43 NARCOTIC-RELATED ARRESTS IN 1989 (REFER TO LOCATION SUMMARY AND ARREST REPORT SECTIONS).

I ALSO QUERIED NIN (NARCOTIC INFORMATION NETWORK) WHICH REVEALED THE ABOVE LOCATION HAS AN EXTENSIVE NARCOTIC HISTORY DATING BACK TO JULY OF 1988.

A DATAQUICK TITLE SEARCH REVEALED THE PROPERTY OWNER TO BE AN
(REFER TO PROPERTY
INFORMATION SECTION).

12/17/90

A POSTMASTER CHECK OF POST OFFICE BOX 1051 REVEALED THIS POST OFFICE BOX IS REGISTERED TO
TELEPHONE
PRESIDENT.

12/18/90

RECEIVED DEPARTMENT OF WATER AND POWER UTILITIES CHECK OF ABOVE LOCATION. THE OWNER INFORMATION IS
DBA
LOS ANGELES, (REFER TO
PROPERTY INFORMATION SECTION).

THE DAMAR CHECK INDICATES THE OWNER OF ABOVE LOCATION IS
POST OFFICE BOX (REFER TO PROPERTY
INFORMATION SECTION).

WE CONDUCTED A FOLLOW-UP INVESTIGATION TO THE ABOVE LOCATION AND OBSERVED TWO TO THREE MALE BLACKS, A MALE HISPANIC, AND A FEMALE BLACK LOITERING IN FRONT OF THE MOTEL AND FOUR TO FIVE MALE BLACKS IN THE COURTYARD AREA. SEVERAL OF THE MALE BLACKS WERE WEARING ATTIRE CONSISTENT WITH CRIP GANG AFFILIATION.

FOLLOW-UP TO WILSHIRE POLICE STATION AND SPOKE WITH OFFICER KIM OF WILSHIRE VICE. OFFICER KIM RESEARCHED HIS FILES AND LOCATED A LETTER DATED 2/27/90 TO INVITING MRS. TO A MEETING FOR MOTEL OWNERS IN MARCH, 1990. ATTACHED TO THE LETTER WERE TWO PAGES OF CONDITIONAL USE PERMIT CONDITIONS (REFER TO CORRESPONDENCE SECTION).

01/02/91

DEPARTMENT RESOURCES INDICATE THAT LAPD POLICE OFFICERS RESPONDED TO 146 TIMES DURING 1990. CALLS FOR SERVICE RECORDS INDICATE THERE WAS ONE NARCOTIC-RELATED CALL FOR SERVICE DURING 1990 BUT 122 OFFICER INITIATED INVESTIGATIONS (REFER TO LOCATION SUMMARY SECTION).

OFFICER HOWELL TELEPHONED MR.
ANSWERED THE TELEPHONED AND IDENTIFIED HIMSELF AS
() HUSBAND.

MRS. LATER RETURNED MY TELEPHONE CALL. DURING OUR TELEPHONE CONVERSATION, MRS. STATED THAT WHEN SHE PURCHASED THE MOTEL IN 1985, THE MOTEL WAS CLOSED AND THERE WAS A RED LIGHT ABATEMENT (PROSTITUTION) PRELIMINARY INJUNCTION ON THE PREMISES. MRS. ALSO SAID THAT SHE WAS AWARE OF THE NARCOTIC PROBLEM AT THE LOCATION. SHE SAID THERE WERE NUMEROUS OCCASIONS WHEN SHE WOULD BE AT THE MOTEL, OBSERVE NARCOTIC ACTIVITY, AND CALL THE POLICE. SHE WOULD WAIT FOR TWO - THREE HOURS AND NO OFFICERS WOULD RESPOND.

I ADVISED MRS. THAT THE REASON I WAS CALLING WAS TO SCHEDULE A MEETING TO DISCUSS WAYS TO ALLEVIATE THIS PROBLEM. A CITY ATTORNEY HEARING WAS SCHEDULED FOR 01/22/91 AT 5:00 P.M.

MRS. WILL ALSO HAVE HER MOTEL MANAGERS (MR. AND MRS.) ATTEND THE MEETING.

MRS. ALSO ADVISED ME SHE WAS AN ATTORNEY.

01/10/91

TAX AND PERMIT CHECK AT CITY CLERK'S OFFICE REVEALED MRS. HAS BEEN OPERATING HER MOTEL WITHOUT A VALID BUSINESS TAX REGISTRATION SINCE SHE PURCHASED THE MOTEL (REFER TO PROPERTY TAX INFORMATION SECTION).

CITY ATTORNEY MOLITOR CHECKED STATE BAR FOR MEMBERSHIP RECORDS FOR MRS. IS NOT A PRACTICING ATTORNEY IN THE STATE OF CALIFORNIA (REFER TO PROPERTY OWNER INFORMATION SECTION).

01/10/91 (CON'T):

DURING ANOTHER FOLLOW-UP INVESTIGATION AT WILSHIRE VICE, OFFICER DULA PULLED THEIR FILE. THE FILE REFLECTED BOTH MANAGERS (AND) WERE AWARE OF THE CONDITIONAL USE PERMIT CONDITIONS FOR THE MOTEL. ON 02/27/90 A CERTIFIED LETTER WAS MAILED TO MRS. (PROPERTY OWNER) REGARDING ABOVE SUBJECT MATTER. THE LETTER WAS RETURNED TO THE POSTMASTER UNCLAIMED (REFER TO CORRESPONDENCE SECTION).

SURVEILLANCE AT BOULEVARD. ALL ABATEMENT OFFICERS WERE PRESENT. STILL PHOTOS AND A VIDEO TAPE OF NARCOTIC ACTIVITY WERE TAKEN (REFER TO VIDEO TAPE 01/10/91 #1 AND PHOTO SECTION).

AFTER THE SURVEILLANCE, OFFICERS ENTERED THE ABOVE LOCATION AND WERE MET BY THE MOTEL MANAGER (). OFFICER SEVERINO ADVISED MR. , AND SEVERAL TENANTS AND GUESTS THAT THE POLICE WERE THERE TO CONDUCT A NARCOTIC INVESTIGATION DUE TO NUMEROUS NARCOTIC ARRESTS AND CITIZEN COMPLAINTS. OFFICER SEVERINO ADMONISHED EVERYONE PRESENT THE NARCOTIC PROBLEM MUST CEASE.

MR. STATED HE WAS AWARE OF THE NARCOTIC PROBLEM AND HE HAD ADVISED THE OWNER. SEVERAL OF THE TENANTS SAID THEY HAD OBSERVED NARCOTIC TRANSACTIONS AT THE MOTEL (REFER TO CITIZEN DECLARATIONS SECTION).

OFFICER HOWELL INTERVIEWED MS. (MOTEL MANAGER). MS. STATED SHE, AS WELL AS THE MOTEL OWNER, WERE AWARE OF THE DRUG PROBLEM. MS. ALSO STATED MRS. NO LONGER VISITED THE MOTEL BECAUSE SHE WAS AFRAID OF THE TENANTS. MS. PROVIDED ME WITH VARIOUS ITEMS OF CORRESPONDENCE SHE HAD RECEIVED RELATING TO THE NARCOTIC PROBLEM, A WEEKLY CASH REPORT FOR JANUARY, 1991 WITH TENANTS' NAMES LISTED AND A BLANK RENTAL AGREEMENT. ONE OF THE ITEMS WAS A TWO PAGE LIST OF CONDITIONAL USE PERMIT CONDITIONS. MS. HAD WRITTEN THE WORD "DONE" NEXT TO THE ITEMS WHICH THEY HAD COMPLETED (REFER TO CORRESPONDENCE SECTION, LETTER DATED 02/27/90).

BUILDING AND SAFETY AND COUNTY HEALTH CONDUCTED INSPECTIONS OF THE ENTIRE PREMISES (REFER TO BUILDING AND SAFETY AND COUNTY HEALTH SECTIONS).

01/15/91

CITY ATTORNEY HEARING LETTERS MAILED TO MRS. . HEARING 01/22/91 (REFER TO CORRESPONDENCE SECTION).

01/16/91

RECEIVED COPY OF NOTICE OF NON-COMPLIANCE FROM TAX AND PERMIT DIVISION OF CITY CLERK'S OFFICE (SEE PROPERTY INFORMATION SECTION).

01/22/91

RECEIVED RETURN RECEIPTS FROM POSTMASTER INDICATING MRS. HUSBAND HAD SIGNED AND RECEIVED BOTH OUR CERTIFIED LETTERS ON 01/17/91 CONFIRMING TODAY'S SCHEDULED HEARING (REFER TO CORRESPONDENCE SECTION).

5:00 P.M. - CITY ATTORNEY MOLITOR, COUNTY HEALTH, BUILDING AND SAFETY AND LAPD OFFICERS CONVENED FOR HEARING. MRS. FAILED TO ATTEND.

OFFICER HOWELL TELEPHONED MRS. AT HER BUSINESS (). MRS. STATED SHE HAD FORGOTTEN ABOUT SAID MEETING. HEARING RESCHEDULED FOR FRIDAY, JANUARY 25, 1991, 9:30 - 10:00.

FACTS AND CIRCUMSTANCES SUPPORTING INVESTIGATION:

ARREST SUMMARIES (REFER TO ARREST REPORTS SECTION):

12/21/89

DR # BKG # (RESIDENT)
WITNESS: MOTEL MANAGER MR.

OFFICERS JOHNSON #13246 AND JONES #24795 WERE WORKING METROPOLITAN DIVISION IN AN UNMARKED CAR ASSIGNED TO CRIME SUPPRESSION IN THE WILSHIRE AREA.

OFFICERS RECEIVED INFORMATION FROM AN UNIDENTIFIED CITIZEN "BIG ED" WAS SELLING COCAINE OUT OF ROOM #3 AT THE MOTEL LOCATED AT BOULEVARD. OFFICERS WENT TO AND RECEIVED A CONSENT SEARCH FROM DEFENDANT TO SEARCH HIS ROOM (ROOM #3). OFFICERS RECOVERED A BROWN PAPER BAG CONTAINING AN OFF-WHITE SUBSTANCE RESEMBLING COCAINE. OFFICERS THEN RECEIVED A CONSENT SEARCH TO SEARCH DEFENDANT'S VEHICLE WHICH WAS LOCATED IN THE MOTEL PARKING LOT. OFFICERS RECOVERED A LARGE OFF-WHITE SUBSTANCE RESEMBLING COCAINE FROM UNDER THE VEHICLE SEATS. DEFENDANT WAS ARRESTED FOR 11351.5 HEALTH AND SAFETY CODE (POSSESSION OF COCAINE FOR SALE).

01/03/90

DR # BKG #

OFFICERS JOHNSON #13246 AND GORDON #23850 WERE WORKING METROPOLITAN DIVISION AND ASSIGNED TO WILSHIRE DIVISION DUE TO GANG AND NARCOTIC ACTIVITY. OFFICERS APPROACHED BOULEVARD, WHICH IS KNOWN AS A LOCAL HOT SPOT FOR SALES OF ROCK COCAINE. OFFICERS OBSERVED DEFENDANT STANDING IN FRONT OF LOCATION WITH FOUR MALE BLACKS. DEFENDANT DROPPED A COCAINE PIPE ON THE GROUND. DEFENDANT WAS ARRESTED FOR 11364 HEALTH AND SAFETY CODE (POSSESSION OF A COCAINE PIPE). OFFICERS THEN SEARCHED DEFENDANT'S JACKET POCKET AND RECOVERED A SMALL OFF-WHITE ROCK RESEMBLING COCAINE. DEFENDANT ARRESTED 11350(A) HEALTH AND SAFETY CODE (POSSESSION OF COCAINE). DEFENDANT STATED SHE PURCHASED THE COCAINE FROM A MALE BLACK WHO LIVES IN A MOTEL AT BOULEVARD.

02/05/90

DR # BKG # (RESIDENT)
BKG #
BKG #

UNIFORMED OFFICERS GRIFFEN #23284 AND WHITE #24835 WERE WORKING WILSHIRE DIVISION IN A DUAL PURPOSE VEHICLE. OFFICERS WERE ASSIGNED TO THE TRAP (TARGET REPEAT AGGRESSIVE PREDATORS) UNIT.

02/05/90 (CON'T):

OFFICERS OBSERVED A LARGE GROUP OF MALE/FEMALE BLACKS STANDING INSIDE THE FENCED AREA OF THE DRIVEWAY TO THE MOTEL. OFFICERS OBSERVED A MALE BLACK SMOKING SOMETHING. OFFICERS HAD KNOWLEDGE THAT NARCOTIC SUSPECTS WILL STAND IN THIS AREA AND SMOKE COCAINE. WHEN SUSPECTS NOTICED OFFICERS, DEFENDANT DROPPED A CLEAR PLASTIC BAGGIE TO THE GROUND AND BEGAN CRUSHING THE BAGGIE WITH HER FOOT. OFFICERS RECOVERED THE BAGGIE WHICH CONTAINED A WHITE ROCK SUBSTANCE RESEMBLING ROCK COCAINE. DEFENDANT ARRESTED 11350(A) HEALTH AND SAFETY CODE (POSSESSION OF COCAINE). DEFENDANT ARRESTED FOR 415(1) PENAL CODE (CHALLENGING TO FIGHT). DEFENDANT ARRESTED FOR 148 PENAL CODE (INTERFERING).

04/11/90

DR # BKG # (RESIDENT)

OFFICERS WILSON #21686 AND PICKART #23380 WERE ASSIGNED TO METROPOLITAN DIVISION WORKING CRIME SUPPRESSION IN FULL UNIFORM, DRIVING A DUAL PURPOSE VEHICLE.

OFFICERS OBSERVED DEFENDANT WALK OUT OF THE MOTEL COURTYARD/PARKING LOT OF BOULEVARD (A KNOWN "ROCK COCAINE" SALES LOCATION). WHEN DEFENDANT NOTICED OFFICERS HE DROPPED A BROWN WADDED PIECE OF PAPER ONTO THE GROUND. OFFICERS RECOVERED THE SAME ITEM AND FOUND IT TO CONTAIN ONE (1) WHITE ROCK-LIKE OBJECT RESEMBLING ROCK COCAINE. DEFENDANT ARRESTED FOR 11350 HEALTH AND SAFETY CODE (POSSESSION OF ROCK COCAINE).

DR # BKG #

OFFICERS KONECNIK #22468 AND GRIFFITH #22225 WERE ASSIGNED TO METROPOLITAN DIVISION IN UNIFORM, DRIVING A DUAL PURPOSE VEHICLE. OFFICERS WERE WORKING A CRIME SUPPRESSION DETAIL WITHIN WILSHIRE.

OFFICERS HAD RECEIVED INFORMATION AT ROLL CALL REGARDING THE NARCOTIC ACTIVITY AT THE MOTEL LOCATED AT BOULEVARD. THIS LOCATION IS A KNOWN DIVISIONAL TROUBLE SPOT FOR THE SALES OF ROCK COCAINE. THE DEALERS SELL ROCK COCAINE OUT OF VARIOUS ROOMS TO THE BUYERS WHO ENTER THE MOTEL COMPLEX ON FOOT. OFFICERS OBSERVED DEFENDANT WALK OUT OF THE MOTEL COMPLEX. DEFENDANT LOOKED IN OFFICERS' DIRECTION, APPEARED STARTLED, AND BEGAN WALKING AWAY. DEFENDANT DROPPED A SMALL WHITE ROCK-LIKE OBJECT OFFICERS BELIEVED TO BE ROCK COCAINE. DEFENDANT WAS ARRESTED FOR 11350(A) HEALTH AND SAFETY CODE (POSSESSION OF COCAINE). OFFICERS ALSO RECOVERED A THREE INCH METAL PIPE CONTAINING WIRE MESH USED FOR SMOKING ROCK COCAINE FROM DEFENDANT'S REAR PANTS POCKET.

05/11/90

BKG # (RESIDENT)

UNIFORMED OFFICERS SMALLING #16309 AND MALDONADO #23639 WERE ASSIGNED TO METROPOLITAN DIVISION, WORKING IN A DUAL PURPOSE POLICE VEHICLE.

OFFICERS WERE PATROLLING WASHINGTON BOULEVARD. OFFICERS OBSERVED A GROUP OF MALE BLACKS STANDING IN FRONT OF BOULEVARD.

THE GROUP OF MALE BLACKS WERE BLOCKING THE SIDEWALK AND ACTING IN A DISORDERLY MANNER. OFFICERS STOPPED TO INVESTIGATE AND CHECKED DEFENDANT FOR WANTS AND WARRANTS. DEFENDANT WAS A RESIDENT AT BOULEVARD AND WAS WANTED ON A FELONY WARRANT FOR 11350(A) HEALTH AND SAFETY (POSSESSION OF COCAINE) AND THREE MISDEMEANOR WARRANTS. DEFENDANT WAS PLACED UNDER ARREST.

05/22/90

DR # BKG # (RESIDENT)

UNIFORMED OFFICERS HAMPTON #23287 AND GARCIA #26961 WERE ASSIGNED WILSHIRE PATROL IN A MARKED BLACK AND WHITE POLICE VEHICLE.

OFFICERS HAD RECEIVED NUMEROUS CITIZEN COMPLAINTS REGARDING NARCOTIC ACTIVITIES ON BOULEVARD BETWEEN BOULEVARD AND AVENUE. OFFICERS WERE ON PATROL IN THE OF . OFFICERS OBSERVED DEFENDANT IN FRONT OF BOULEVARD ENGAGED IN WHAT APPEARED TO BE A NARCOTICS TRANSACTION WITH A MALE.

WHEN BOTH NARCOTIC SUSPECTS NOTICED OFFICERS, THEY BEGAN WALKING AWAY. OFFICERS DROVE ALONG SIDE DEFENDANT AND ASKED WHAT SHE WAS DOING. DEFENDANT WORTHEN STOPPED AND DROPPED A ROCK-LIKE SUBSTANCE RESEMBLING ROCK COCAINE TO THE GROUND. OFFICERS RECOVERED THE SAME ITEM FROM THE GROUND. OFFICERS ALSO RECOVERED ADDITIONAL ROCK COCAINE FROM DEFENDANT'S HANDS, AS WELL AS A GLASS COCAINE PIPE. DEFENDANT WAS ARRESTED FOR 11350 HEALTH AND SAFETY CODE (POSSESSION OF ROCK COCAINE) AND 11364 HEALTH AND SAFETY CODE (PARAPHERNALIA).

05/30/90

DR # BKG #
BKG #

OFFICERS COLEMAN #25624 AND POWELL #25335 WERE ASSIGNED TO WEST BUREAU NARCOTICS IN AN UNDERCOVER CAPACITY.

05/30/90 (CON'T):

OFFICERS WERE CONDUCTING A NARCOTIC INVESTIGATION AT
OFFICERS DROVE UP TO DEFENDANT AND
ASKED FOR A "DUB" (STREET VERNACULAR FOR \$20.00 WORTH OF ROCK
COCAINE). DEFENDANT STATED, "FOLLOW ME DOWN THE ALLEY TO THE
MOTEL". UNDERCOVER OFFICERS FOLLOWED DEFENDANT TO REAR
GATE OF BOULEVARD. DEFENDANT MET
DEFENDANT (WHO WAS STANDING IN THE FENCED PARKING LOT AT
THAT LOCATION). DEFENDANT HANDED DEFENDANT A SMALL
UNKNOWN OBJECT THROUGH THE GATE. DEFENDANT HANDED U/C
OFFICER THE SAME OBJECT, A SMALL WHITE OBJECT RESEMBLING ROCK
COCAINE. BOTH DEFENDANTS WERE ARRESTED FOR 11352 HEALTH AND SAFETY
CODE (SALES OF COCAINE).

06/25/90

DR #

BKG #

BKG #

OFFICER POWELL #25335 WAS ASSIGNED TO WEST BUREAU NARCOTICS GROUP IN
AN UNDERCOVER CAPACITY. OFFICER POWELL WAS CONDUCTING AN
INVESTIGATION DUE TO NUMEROUS CITIZEN COMPLAINTS OF BLATANT SALES OF
NARCOTICS IN THE AREA OF BOULEVARD AND BOULEVARD.
OFFICER POWELL DROVE UP TO DEFENDANT AND ASKED "DO YOU KNOW
WHERE I CAN GET A TWENTY?" (S/V FOR A \$20.00 QUANTITY OF COCAINE).
DEFENDANT TOOK OFFICER POWELL THROUGH THE ALLEY TO THE REAR OF
BOULEVARD (MOTEL). DEFENDANT CALLED TO
DEFENDANT WHO WAS STANDING ON THE OPPOSITE SIDE OF THE FENCE.
DEFENDANT ASKED FOR A TWENTY. DEFENDANT WENT INTO
APARTMENT #9, RETURNED AND HANDED DEFENDANT AN OFF-WHITE
ROCK OBJECT. DEFENDANT HANDED OFFICER POWELL THE ROCK
COCAINE. BOTH DEFENDANTS WERE PLACED UNDER ARREST FOR 11352 HEALTH
AND SAFETY CODE (SALES OF COCAINE).

07/10/90

DR #.

BKG #.

(RESIDENT)

DETECTIVE RUSSELL POOLE, SOUTH BUREAU HOMICIDE, RECEIVED AN
ANONYMOUS TELEPHONE CALL ADVISING DETECTIVE POOLE A HOMICIDE SUSPECT
(AKA "MANIAC") WAS STAYING AT THE MOTEL. THE
ANONYMOUS CALLER ALSO STATED THAT DEFENDANT WAS SELLING
NARCOTICS AT THE LOCATION TO PAY FOR HIS ATTORNEY FEES RELATED TO
THE MURDER OF

DETECTIVE POOLE WENT TO THE MOTEL. DEFENDANT WAS
STAYING IN ROOM #5. DEFENDANT WAS ARRESTED FOR 187 PENAL CODE
MURDER. A GUN WAS RECOVERED.

07/12/90

DR #.

BKG #

#

(RESIDENT)

UNIFORMED OFFICERS CLEMONS #27193 AND HARRIS #22834 WERE ASSIGNED WILSHIRE PATROL IN A BLACK AND WHITE POLICE VEHICLE.

AS OFFICERS APPROACHED THE MOTEL, THEY OBSERVED DEFENDANT EXIT ROOM #10 (OFFICERS HAD RECEIVED NUMEROUS CITIZEN COMPLAINTS REGARDING THE HEAVY NARCOTIC SALES AND CONSUMPTION IN AND AROUND THE MOTEL, ESPECIALLY FROM ROOM #10). WHEN DEFENDANT NOTICED OFFICERS, SHE IMMEDIATELY BEGAN TO SHOVE WHAT APPEARED TO BE SOMETHING SMALL INTO HER FRONT WAISTBAND. DEFENDANT WAS DETAINED AND ARRESTED FOR 11350 HEALTH AND SAFETY CODE (POSSESSION OF COCAINE).

DEFENDANT ADVISED OFFICERS SHE PURCHASED THE COCAINE FROM "SHORTY" (DEFENDANT) IN ROOM #10. SHE ALSO ADVISED OFFICERS SHE OBSERVED THREE TO FOUR GRAMS OF ROCK INSIDE A CAMERA VIAL AND THAT "SHORTY" IS A ROCK LADY.

OFFICERS RETURNED TO THE MOTEL AND OBTAINED A SIGNED CONSENT TO SEARCH FORM FROM DEFENDANT . OFFICERS ENTERED ROOM #10 AND RECOVERED COCAINE PIPES, A RAZOR BLADE, AND A LARGE PIECE OF GLASS WITH ROCK-LIKE CRUMBS RESEMBLING COCAINE ON IT. OFFICERS ALSO RECOVERED A GRAM SCALE AND NARCOTIC PAYS/OWES SHEETS. DEFENDANT WAS ARRESTED FOR 11366 HEALTH AND SAFETY CODE (MAINTAINING RESIDENCE FOR SALES). DEFENDANT WAS ARRESTED FOR 11351.5 HEALTH AND SAFETY CODE (POSSESSION FOR SALES OF COCAINE) AND A FELONY WARRANT FOR 11352 HEALTH AND SAFETY CODE (SALES OF COCAINE). DEFENDANT ADVISED OFFICERS DEFENDANT HAD BEEN SELLING OUT OF HIS ROOM SINCE LAST JUNE. HE TRIED TO KICK HER OUT BUT SHE WOULD NOT LEAVE.

07/18/90

DR #

RFC #

(RESIDENT)

OFFICER WATERS #12422 WAS ASSIGNED TO NARCOTICS GROUP, WEST BUREAU FIELD ENFORCEMENT SECTION.

OFFICER WATERS WENT TO 5100 W. WASHINGTON BOULEVARD #9 (MOTEL) TO INVESTIGATE NARCOTIC COMPLAINTS. OFFICERS RECEIVED A CONSENT SEARCH AND RECOVERED MARIJUANA FROM ON TOP OF THE DRESSER.

DEFENDANT ARRESTED AND RELEASED FROM CUSTODY FOR 11357(A) HEALTH AND SAFETY CODE (POSSESSION LESS THAN ONE OUNCE OF MARIJUANA).

07/18/90 (CON'T):

DR #
DR #

RFC #
RFC #

(RESIDENT)

DETECTIVES MOORE #20976, WHITTINGHAM #22520, AND WATERS #17422 WERE ASSIGNED TO NARCOTICS GROUP, WEST BUREAU FIELD ENFORCEMENT SECTION.

OFFICERS WENT TO THE . . . MOTEL (. . . BOULEVARD) #3
TO INVESTIGATE ONGOING COMPLAINTS OF COCAINE SALES. OFFICERS
RECEIVED A CONSENT SEARCH AND RECOVERED PLANT MATERIAL RESEMBLING
MARIJUANA AND U.S. CURRENCY. BOTH DEFENDANTS ADMITTED THE MARIJUANA
BELONGED TO THEM. BOTH DEFENDANTS WERE ARRESTED FOR 11357(B) HEALTH
AND SAFETY CODE (POSSESSION OF LESS THAN ONE OUNCE OF MARIJUANA) AND
RELEASED FROM CUSTODY.

10/25/90

DR #

BKG #
BKG #

(RESIDENT)

UNDERCOVER OFFICERS GAITAN #24049, BUTLER #25693, AND BALLAS #25774 WERE ASSIGNED TO NARCOTICS GROUP, WEST BUREAU FIELD ENFORCEMENT SECTION.

UNDERCOVER OFFICER DROVE UP TO DEFENDANT AND SAID HE WAS LOOKING FOR A TWENTY (S/V FOR \$20.00 WORTH OF COCAINE). DEFENDANT SAID HE WAS DEALING. U/C PARKED HIS VEHICLE AND WENT WITH DEFENDANT. DEFENDANT CROSSED THE STREET (LEAVING U/C BEHIND). DEFENDANT WALKED UP TO THE APARTMENT COMPLEX AT --- BOULEVARD AND STOOD AT THE SECURITY GATE FACING THE COURTYARD. DEFENDANT EXITED ONE OF THE APARTMENT DOORS AND MET DEFENDANT AT THE SECURITY GATE. DEFENDANT HANDED DEFENDANT THE MONEY THE U/C GAVE TO HIM. DEFENDANT THEN HANDED DEFENDANT AN UNKNOWN OBJECT. DEFENDANT THEN RETURNED TO THE U/C AND GAVE HIM A WHITE SUBSTANCE RESEMBLING ROCK COCAINE. BOTH DEFENDANTS WERE ARRESTED FOR 11325 HEALTH AND SAFETY CODE (SALES OF COCAINE).

11/28/90

DR #

BKG #

(RESIDENT)

OFFICER RIOS #25915, IN FULL UNIFORM, WAS ASSIGNED TO WEST BUREAU CRASH (COMMUNITY RESOURCES AGAINST STREET HOODLUMS). DUE TO NUMEROUS CITIZEN COMPLAINTS, THIS UNIT WAS CONDUCTING A SPECIAL INVESTIGATION OF POSSESSION FOR SALES OF NARCOTICS IN THE COURTYARD OF

11/28/90 (CON'T):

TWO UNDERCOVER OFFICERS MONITORED THE LOCATION FOR APPROXIMATELY ONE AND ONE HALF HOURS. OFFICERS OBSERVED WHAT THEY BELIEVED TO BE SEVERAL NARCOTICS TRANSACTIONS TAKE PLACE. DEFENDANTS AND APPEARED TO BE USING APARTMENT #6 TO STASH THEIR NARCOTICS. AFTER WHAT APPEARED TO BE A NARCOTIC TRANSACTION TOOK PLACE, DEFENDANT OR WOULD THEN WALK OVER TO DEFENDANT (SITTING ON THE STEPS OF APARTMENT #10) AND HAND HER AN UNKNOWN AMOUNT OF U.S. CURRENCY.

OFFICERS RIOS REMOVED HIS UNIFORM SHIRT AND WALKED TOWARD THE LOCATION. OFFICER RIOS WAS MET BY DEFENDANT. DEFENDANT ASKED OFFICER RIOS WHAT HE WAS LOOKING FOR. OFFICER RIOS REPLIED "I'M LOOKING FOR A TWENTY" (S/V FOR \$20.00 WORTH OF COCAINE). DEFENDANT TOLD OFFICER RIOS TO FOLLOW HER TO THE "MOTEL" SO THAT SHE COULD BUY SOME ROCK COCAINE FROM "MAMA" (DEFENDANT). OFFICER RIOS AND DEFENDANT THEN WALKED UP TO THE REAR GATE. OFFICER RIOS OBSERVED DEFENDANTS AND STANDING IN FRONT OF APARTMENT #6 COUNTING MONEY. DEFENDANT WALKED OVER TO THE GATE AND DISPLAYED A SMALL CONTAINER. SHE REMOVED ONE OFF-WHITE ROCK RESEMBLING ROCK COCAINE AND HANDED IT TO DEFENDANT. DEFENDANT ASKED DEFENDANT FOR THE MONEY. DEFENDANT HANDED DEFENDANT OFFICER RIOS' MONEY AND THEN HANDED OFFICER RIOS THE OFF-WHITE ROCK.

OFFICER RIOS LEFT THE LOCATION AND OTHER UNIFORMED CRASH OFFICERS RESPONDED TO THE MOTEL. UPON SEEING OFFICERS, DEFENDANTS AND RAN INTO BOTH APARTMENTS #6 AND #10. DEFENDANT THREW A WHITE CONTAINER AND MONEY INTO A LARGE TRASH CONTAINER IN FRONT OF HER APARTMENT. OFFICER RIOS RECOVERED THE CONTAINER CONTAINING NUMEROUS OFF-WHITE ROCKS THAT RESEMBLED ROCK COCAINE AND HIS MARKED \$20.00 BILL FROM INSIDE THE TRASH CAN. ALL DEFENDANTS WERE BOOKED FOR 11352 HEALTH AND SAFETY CODE (SALES OF COCAINE).

12/02/90

DR #

BKG #
#

OFFICERS GILBERT #24721 AND MOLIERS #24803 WERE WORKING A WEST BUREAU GANG SUPPRESSION UNIT, IN UNIFORM, DRIVING A DUAL PURPOSE VEHICLE. OFFICERS WERE AWARE THIS LOCATION WAS A HANG OUT FOR THE LONG BEACH INSANE CRIP GANG. OFFICERS ALSO WERE AWARE OF THE NUMEROUS CITIZEN COMPLAINTS CONCERNING THE BLATANT NARCOTIC SALES.

OFFICERS OBSERVED DEFENDANTS AND STANDING NEXT TO APARTMENT #2. AN UNIDENTIFIED BLACK FEMALE WALKED UP TO THE FRONT SECURITY GATE OF THE MOTEL. DEFENDANT WALKED UP TO THE FEMALE. THE FEMALE HANDED DEFENDANT U.S. CURRENCY.

12/02/90 (CON'T):

DEFENDANT WALKED OVER TO DEFENDANT AND HANDED HIM THE
MONEY. DEFENDANT HANDED DEFENDANT AN UNKNOWN OBJECT
WHICH HE REMOVED FROM A SMALL DARK CASE. AFTER OBSERVING WHAT
OFFICERS BELIEVED TO BE A NARCOTIC TRANSACTION, THEY CALLED IN BACK-
UP UNITS. BOTH DEFENDANTS WERE DETAINED. OFFICERS RECOVERED THE
BLACK CASE WHICH THEY OBSERVED DEFENDANT TOSS ON THE GROUND.
THE CASE CONTAINED ONE LARGE WHITE ROCK RESEMBLING "ROCK" COCAINE.
BOTH DEFENDANTS WERE ARRESTED FOR 11351.5 HEALTH AND SAFETY CODE
(POSSESSION FOR SALES).

INVESTIGATING OFFICERS' NOTES:

IT IS BOTH INVESTIGATING OFFICERS' OPINIONS THAT THE MOTEL MANAGERS AND THE MOTEL OWNER ARE PRESENTLY AWARE AND HAVE BEEN AWARE FOR SEVERAL YEARS OF THE ONGOING NARCOTIC AND CRIMINAL ACTIVITY OCCURRING AT THE LOCATION BASED ON THE FOLLOWING CIRCUMSTANCES:

- 1) RED LIGHT ABATEMENT PRELIMINARY INJUNCTION (10/05/83) AND LIS PENDENS AGAINST THE PREVIOUS OWNER (LOS ANGELES SUPERIOR COURT CASE NUMBER . . .)
- 2) A LETTER SIGNED BY . . . (OWNER) ON 06/30/88 FROM LAPD WILSHIRE AREA IN WHICH SHE WAS ADVISED OF THE NARCOTIC TRANSACTIONS TAKING PLACE ON HER PROPERTY (REFER TO CORRESPONDENCE SECTION).
- 3) DURING OUR ABATEMENT INVESTIGATION AT THE LOCATION ON 01/10/91, OFFICER HOWELL RECEIVED MISCELLANEOUS PAPERS AND CORRESPONDENCE FROM MS. . . (MOTEL MANAGER). INCLUDED IN THOSE PAPERS WERE THE FOLLOWING ITEMS:
 - (A) A LETTER DATED 02/27/90 TO MRS. . . FROM WILSHIRE AREA POLICE ADVISING MRS. . . OF THE NUMEROUS CITIZEN COMPLAINTS REGARDING PROSTITUTION AND NARCOTIC ACTIVITY. ATTACHED WAS A LIST OF CONDITIONAL USE PERMIT CONDITIONS. THE MANAGERS HAD WRITTEN THE WORD "DONE" NEXT TO VARIOUS CONDITIONS (REFER TO CORRESPONDENCE SECTION).
 - (B) THREE LETTERS DATED 04/28/90, 07/02/90, 07/09/90, FROM ATTORNEYS . . . , ATTORNEYS FOR THE . . . MOTEL OWNERS, ALSO ADVISING THE OWNERS OF THE NARCOTIC ACTIVITY AND POLICE DEMANDS FOR CONDITIONAL USE PERMIT CONDITIONS (REFER TO CORRESPONDENCE SECTION).
- 4) DEPARTMENT RESOURCES INDICATE THERE WERE 45 NARCOTIC ARRESTS IN 1990 AND 43 NARCOTIC ARRESTS IN AND AROUND BOULEVARD IN 1989 (REFER TO LOCATION SUMMARY).
- 5) A KNOWN NARCOTIC DEALER WAS ARRESTED ON 07/10/90 IN ROOM #5 AT THE . . . MOTEL FOR 187 P.C. - MURDER (DEFENDANT DR #. . .).
- 6) LAPD RESOURCES INDICATE OFFICERS WENT TO . . . BOULEVARD 146 TIMES IN 1990 - AN AVERAGE OF 3 TIMES PER WEEK (REFER TO LOCATION SUMMARY).
- 7) A COMPARISON OF ARREST REPORTS INDICATES THAT AS OF THE DATE OF OUR INVESTIGATION ON 01/10/91, THREE OF THE CURRENT NINE TENANTS HAD BEEN ARRESTED AT LEAST ONE TIME FOR A NARCOTIC-RELATED OFFENSE:

ROOM #2	07/18/90
ROOM #4	11/28/90
ROOM #9	07/18/90

(REFER TO ARREST REPORTS)

INVESTIGATING OFFICERS' NOTES (CON'T):

8) THE FOLLOWING WERE PAST RESIDENTS WHO WERE ARRESTED ON MORE THAN ONE OCCASION:

12/21/89	POSSESSION OF COCAINE FOR SALE
05/03/90	SALES OF COCAINE
12/02/90	POSSESSION OF COCAINE FOR SALE
02/05/90	POSSESSION OF COCAINE FOR SALE
12/02/90	POSSESSION OF COCAINE FOR SALE
05/11/90	POSSESSION OF COCAINE
07/12/90	POSSESSION OF COCAINE
06/25/90	SALES OF COCAINE
07/12/90	POSSESSION OF COCAINE FOR SALE
10/25/90	SALES OF COCAINE
11/28/90	SALES OF COCAINE

(REFER TO ARREST REPORTS)

ATTACHMENT E

SUMMARY OF CRIMINAL ACTIVITY (PROPERTY ADDRESS)

TIME PERIOD INVOLVED

Total number of filings ---

Convictions for narcotics-related activities ---

Held to answer (narcotics-related) ---

Bench warrants (narcotics-related) ---

Convictions (non narcotics-related) ---

Bench warrants (non narcotics-related) ---

OTHER INFORMATION:

Arrestees who had either hype marks on arms or tattoos
that may have covered hype marks ---

Number of syringes, other narcotics paraphernalia, cocaine
and marijuana recovered ---

Arrestees who were either on parole, probation or had
outstanding warrants ---

Arrestees who lived at location ---

Number of arrests that occurred on or directly adjacent to
the subject location ---

Number of arrests related to narcotics activity ---

ATTACHMENT F

E X E M P L A R

Declaration of Police Officer _____

I, Officer _____, declare that:

I am, and at all times mentioned herein was, a police officer of the Los Angeles Police Department engaged in the performance of official duties.

I have been a police officer for _____ years/months. At the time of the below investigation I was assigned/loaned to _____, and had been so assigned/loaned for _____ years/months.

This image shows a single sheet of white paper with horizontal ruling lines. The lines are evenly spaced and run across the width of the page. There are no margins, text, or other markings on the paper.

Executed at Los Angeles, California, on

(Date)

(Signature)

JAMES K. HAHN, City Attorney
KEVIN T. RYAN, Deputy City Attorney
Special Trials Section
1600 City Hall East
200 North Main Street
Los Angeles, California 90012
Telephone: (213) 485-5030

Attorneys for Plaintiff, THE
PEOPLE OF THE STATE OF CALIFORNIA

SUPERIOR COURT OF CALIFORNIA
COUNTY OF LOS ANGELES, NORTHWEST DISTRICT

THE PEOPLE OF THE STATE OF CALIFORNIA,)

Plaintiff,)

vs.)

and DOES 1 through 50, Inclusive,)

Defendants.)

CASE NO.

DECLARATION OF OFFICER
ANTON H. INDERBITZIN
IN SUPPORT OF PEOPLE'S
APPLICATION FOR
INJUNCTION

I, Officer Anton Inderbitzin, declare that:

1. I am and at all times mentioned herein was a police officer for the City of Los Angeles Police Department engaged in performance of official duties. If called and sworn I could and would testify to the following facts of my own personal knowledge.

2. For the past eight years I have been assigned to North Hollywood Patrol Division. My primary area of patrol has been the Sun Valley section belonging to the North Hollywood Division jurisdiction. In working this area in a black and white police vehicle during all hours of the day and night I have gained

considerable knowledge regarding the criminal activity that has been thriving in a nine unit, one-story apartment building on Street better known as Street, Sun Valley. During the past eight years, hundreds of arrests were made from this location for narcotics violations, murder, burglary, robbery, assaults and other misdemeanor crimes. The last murder on the premises of which I am aware occurred on May 3, 1986, and arose out of a narcotics transaction on the premises (see May 8, 1986, search warrant, Exhibit 13). From January, 1987 to August, 1988, at least 42 arrests were made on or in front of this location for narcotics violations by North Hollywood patrol officers and Operations-Valley Bureau Narcotics officers.

3. In recent years on a typical working day, I personally patrol this particular street on an average of two to three times a day. I have initiated and assisted in arrests for narcotic violations on the property and in front of the property numerous times. I have researched the arrest reports of persons in possession and under the influence of heroin or cocaine in the area. I have found that sales and use of these two narcotics have continued at through Street. Generally, the residents of this location immediately walk into the apartments whenever uniformed officers approach. Potential narcotic buyers and users immediately walk to their parked cars and flee the area. Numerous high-speed pursuits have started at this location.

4. During the course of my duties I have spoken to most of the residents that reside on that particular block of Street. Without hesitation they all voice concern for their safety and the safety of their childr because of the open narcotic and

other criminal activity at through Street.

5. It is my expert opinion through lengthy research, participating and initiating arrests and through interviews with citizens in this area that narcotics, mainly heroin and cocaine, are being stored, served, sold and utilized at through

Street. This location is an ongoing narcotics problem, with known criminals utilizing the apartments as a safe haven to buy, sell and use narcotics. It is, to my knowledge, the worst location in the North Hollywood Division of the Los Angeles Police Department for the sale, etc., of narcotics.

6. I have obtained a certified Title Report for the property located at through Street from the Title Examiner, Victor Minjares, Bureau of Engineering, Real Estate Division. This Title Report contains the names of all parties with a vested interest in the property. This document shows

and , as community property vestees of the above parcel. This report is set forth hereto as Exhibit No. 4, which exhibit is hereby incorporated herein.

7. On or about May 6, 1988, I sent a letter to and the owners of through Street. The letter explained the narcotic problem that exists on and in front of the property and solicited their cooperation in ending the nuisance at their property. A copy of this letter is set forth hereto as Exhibit 5, which Exhibit is hereby incorporated herein.

8. On May 20, 1988, I contacted and set up a meeting with the owners of the property in attempt to seek their cooperation in dealing with the serious narcotics problem at

1 through Street. This meeting was scheduled
2 for May 26, 1988, at 4:30 p.m. On May 20, 1988, I sent a letter to
3 Mr. and Mrs. This letter contained suggestions
4 to improve the property and to rid the serious narcotic problem on
5 said property. A copy of this letter is set forth hereto as
6 Exhibit 6, which Exhibit is hereby incorporated herein.

7 9. On May 26, 1988, I personally met with Mr. and
8 Mrs. at the property in question, 10538 through
9 Sun Valley, California. At the very start of
10 the meeting I asked Mr. and Mrs. if they knew what the
11 term meant to "abate or abatement." Both individuals appeared to be
12 unsure of the term or potential consequences.

13 10. At this time, I took the time to explain the
14 definition and process of abatement to Mr. and Mrs.
15 I first explained the word abatement to the two individuals as per
16 "Websters New Collegiate Dictionary," as it pertained to their
17 problem, stating, "to abate" meant to "put an end to or nullify a
18 nuisance." I further explained that if they should choose not to
19 comply with the suggestions as set forth in Exhibit No. 4, civil
20 action will be initiated against the property owners and that they
21 ultimately might lose the property.

22 11. I further explained to Mr. and Mrs. that
23 a property can be abated for several reasons. One of the reasons is
24 that if the property is being utilized to store, sell or ingest
25 narcotics. At this time, I presented the owners with ample proof
26 that the property located at through Street
27 was well within the scope of being a narcotics nuisance. This was
accomplished by presenting to the two individuals narcotics related

arrests dating from January 1, 1987 to May 26, 1988.

12. At the conclusion of this explanation, I asked Mr. and Mrs. if they understood what abatement meant. Both individuals answered "yes."

13. In addition to Exhibit No. 6, I made several additional verbal suggestions to Mr. and Mrs. in regards to abating the narcotics problem. These additional suggestions were as follows: (1) Post visible signs, written in English and Spanish, forbidding narcotics traffic to continue on or in front of the property; (2) No drinking or alcoholic beverages in public view; (3) No loitering by non-tenants on or in front of the property; and (4) To repair the fence located at the southeast corner of the location. I pointed out to Mr. and Mrs. that narcotics suspects use this hole in the fence to avoid detection by police. Mr. assured me that he would immediately comply.

14. During the course of this meeting Mr. stated to me if he had knowledge of which apartments are involved in storing, selling and utilizing narcotics, he would immediately evict these tenants.

15. Since the meeting of May 26, 1988, I have personally inspected the property at through Street on a weekly basis and observed no improvement concerning the narcotics problem. On two occasions, I contacted Mr. and Mrs. and pointed out four apartments that are involved in selling narcotics, as per request of Mr. I have observed no change in tenants and the narcotics trafficking has increased.

16. During my weekly inspection tours of the property I

1 have not observed any evidence of improvements in regards to the
2 written and verbal suggestions I have made to the property owners on
3 May 26, 1988, except for the repair of the section of fence pre-
4 viously mentioned.

5 17. On or about June 23, 1988, I became concerned that Mr.
6 and Mrs. were either unconcerned or unaware of the
7 consequences facing them, should the existing narcotics problem
8 continue at the location in question. On this date, I contacted
9 Mr. by telephone in the attempt to find out why no
10 improvements have been initiated by him. He stated to me that the
11 sign painter, fence builders, electricians and screen builders were
12 all 7 to 8 weeks behind and that he was unable to say when any of
13 these requests will be installed. Again, I questioned
14 Mr. if he understood the consequences should he not
15 choose to comply. He stated that he understood. My continued
16 weekly inspections to date showed no improvements. The apartment
17 complex appears to be in worse condition now than on May 26, 1988.
18 During the month of July, 1988, I observed an increasing amount of
19 human defecation on the property and in open view. Four photographs
20 were taken by me of the filth and the deteriorating condition of the
21 property. The four photos accurately depict the exterior of the
22 property located at through Street. These
23 photographs are attached as Exhibit 7 to this declaration.

24 18. Since the May 26, 1988 meeting with the property
25 owners, I am aware of eleven arrests for narcotics violations made
26 on premises by North Hollywood officers. On July 6, 1988, Officer
27 Hammond, assigned to North Hollywood Division prepared a search
warrant and served this warrant at Street.

1 Officer Hammond found heroin and cocaine at this location and
2 arrested the occupant, for violation of 11351 of
3 the California Health and Safety Code, possession and sales of
4 narcotics, a felony. A copy of this search warrant, return to
5 search warrant and arrest report and docket is set forth hereto as
6 Exhibits 13, 14, 22 and 23, respectively. Another search warrant
7 was served on the location () on August 10, 1988, resulting in
8 the recovery of heroin and the arrest of two other occupants. (See
9 arrest reports and dockets of occupants and attached
10 hereto as Exhibits 15-18).

11 19. Since the year 1986 an additional four search warrants
12 have been served by Los Angeles Police Officers at through
13 Street. Copies of these three search warrants are
14 attached hereto collectively as Exhibit 13.

15 20. During the month of May, 1988, I contacted the
16 Los Angeles Fire Department, the City of Los Angeles Department of
17 Building and Safety and the Los Angeles County Health Services.
18 Each of these departments conducted an investigation and inspection
19 at through Street. Copies of their reports
20 and findings are attached hereto collectively as Exhibit 8.

21 21. I have obtained declarations from police officers that
22 are familiar with the narcotics problem at through
23 Street and have participated in narcotics investigations and
24 narcotics arrests at the location. I have attached these
25 declarations as Exhibits 84 through 95 to this declaration, which
26 Exhibits are hereby incorporated herein.

27 22. I have obtained handwritten declarations from
28 residents and neighbors of through Street.

1 These individuals all voice grave concern in regards to their
2 safety, deterioration of the neighborhood, and loss of property
3 value due to the narcotics problem and criminal activity at
4 through Street. I have attached these
5 declarations hereto collectively as Exhibit 11.

6 23. I have researched and obtained narcotics related
7 arrest reports dating back to 1987. A total of 42 individuals were
8 arrested on or in front of through Street
9 during 1987 and 1988. I have attached these arrest reports hereto
10 as Exhibits 15, 17, 19, 21, 22, 24, 25, 27, 29, 31, 32, 33, 35, 37,
11 39, 41, 42, 44, 46, 48, 49, 51, 53, 55, 57, 58, 59, 60, 62, 64, 65,
12 66, 68, 69, 71, 73, 75, 77, 79, 80, 81, 82 and 83 which Exhibits are
13 hereby incorporated herein.

14 24. On May 20, 1988, I caused photographs to be taken of
15 the location at through Street, Sun Valley,
16 California. The photographs accurately depict the entire exterior
17 of the above location. The photographs were taken by Detective
18 R. McElroy of Administrative Vice Division, Los Angeles Police
19 Department. These photographs are attached hereto collectively as
20 Exhibit 9 to this declaration, which Exhibit is hereby incorporated
21 herein.

22 25. On July 21, 1988, I took numerous photographs in the
23 neighborhood. These photos depict other residences within the
24 block of Street and focus on the immediate neighbors homes
25 of through Street. These photographs also
26 depict the large contrast between the location in question and the
27 rest of the neighborhood. These photographs are attached hereto
collectively as Exhibit 10 to this declaration, which Exhibit is

1 incorporated herein.

2 I declare under penalty of perjury that the foregoing it is
3 true and correct.

4 Executed this day 1988, at Los Angeles,
5 California.

6
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ATTACHMENT G

DECLARATION OF OFFICER _____

I, _____, declare as follows:

I am a police officer employed by the Los Angeles Police Department. I have been so employed for _____ years.

If called and sworn, I could and would testify to the following of my own personal knowledge.

Attached hereto and incorporated herein by this reference is/are police report(s) marked as Exhibit(s) _____. Said report(s) was/were prepared by me at the time or immediately after the occurrence of the acts and events it/they describe(s). I prepared the report(s) in the regular course of my employment. the report(s) accurately reflect(s) my personal knowledge and observations of the acts and events it/they describe(s).

I declare under penalty of perjury that the foregoing declaration consisting of one page is true and correct.

Executed this _____ day of _____, at Los Angeles, California.

Declarant

ATTACHMENT H

DECLARATION OF _____

I, _____, being present in the City and County of Los Angeles, do hereby make the following declarations under penalty of perjury.

I am a resident of Los Angeles County and have resided
in the County for _____ years/months.

No threats of any kind have been made to me by any person(s) connected with this matter. I have given this statement freely and voluntarily.

I have read the foregoing declaration consisting of one page and I declare under penalty of perjury that it is true and correct.

Executed at Los Angeles, California on _____, 1991

Page one of a one-page declaration.

ATTACHMENT I

A

ABATE ORDER



**CITY OF LOS ANGELES
DEPARTMENT OF BUILDING AND SAFETY
BUREAU OF COMMUNITY SAFETY**

Council Dist.
No.

FAS CS-2 (R.3/85)

OWNER:		PHONE:		JOB ADDRESS:				
OWNER'S ADDRESS:				DESCRIPTION OF BLDG.:		Wood siding	stucco	other
CITY & STATE		ZIP CODE		Stories	Type	Size	X	
LEGAL DESCR.				LOT	BLK.	TRACT		
PARA OBTENER TRADUCCION EN ESPANOL DE ESTA ORDEN, FAVOR DE LLAMAR AL (213) 485-7093 ENTRE LAS 7:30 A.M. a 5:00 P.M.				ZONE	APPROVED USE OF BLDG.	PRESENT USE OF BLDG.		FRANCHISE TAX YES <input type="checkbox"/> BOARD NO <input type="checkbox"/>

PURSUANT TO THE PROVISIONS OF DIVISION 89 OF ARTICLE 1 OF CHAPTER IX OF THE LOS ANGELES MUNICIPAL CODE (L.A.M.C.) YOU ARE HEREBY NOTIFIED THAT THE ABOVE-DESCRIBED BUILDING(S) HAVE BEEN INSPECTED AND FOUND TO BE VACANT AND VANDALIZED AND THEREFORE DETERMINED TO BE A NUISANCE AND A HAZARD AS DEFINED IN SECTION 91.8902 L.A.M.C.. A NOTICE SO STATING IS BEING FILED WITH THE COUNTY RECORDER.

REPAIR/DEMOLITION ORDER & NOTICE OF INTENT

YOU ARE HEREBY ORDERED TO MAINTAIN THE BUILDING(S) VACANT AND, ON OR BEFORE 30 DAYS FROM THE EFFECTIVE DATE OF THIS ORDER TO SECURE THE NECESSARY PERMITS AND DEMOLISH THE BUILDING(S) AND PROPERLY CAP GAS AND SEWER LINES, OR SECURE THE REQUIRED PERMITS AND ELIMINATE THE DEFICIENCIES AS "MARKED" BELOW.

ANY PROPOSED REPAIR PROGRAM SHALL RESTORE THE BUILDING TO A CONDITION OF GOOD REPAIR AND SHALL INCLUDE ANY DAMAGE OCCURRING SUBSEQUENT TO THIS ORDER AND ANY DEFICIENCIES NOT SPECIFICALLY MENTIONED.

IF SUCH WORK IS NOT COMPLETED WITHIN THE TIME SPECIFIED, THE DEPARTMENT WILL INSTITUTE PROCEEDINGS TO CAUSE THE BUILDING TO BE DEMOLISHED AND REMOVED UNDER THE AUTHORITY GRANTED BY THE L.A.M.C AND THE COST OF DEMOLITION AND REMOVAL PLUS ADMINISTRATIVE FEES WILL BE LEVIED AGAINST THE PROPERTY ON WHICH THE BUILDING IS LOCATED. (SECTION 91.8903 L.A.M.C)

SECURING/CLEANING ORDER & NOTICE OF INTENT

FURTHER, YOU ARE HEREBY ORDERED TO SECURE THE VACANT BUILDING(S) AGAINST UNAUTHORIZED ENTRY AND TO REMOVE THE TRASH, DEBRIS, EXCESSIVE VEGETATION, AND SIMILAR NUISANCE CONDITIONS WITHIN 10 DAYS. IF THIS WORK IS NOT COMPLETED WITHIN 10 DAYS, THE DEPARTMENT MAY, WITHOUT FURTHER NOTICE, EXECUTE A WORK ORDER TO HAVE THE REQUIRED WORK PERFORMED BY MEANS OF AN ANNUAL AWARDED CONTRACT. THE COST FOR SUCH WORK PLUS ADMINISTRATIVE FEES WILL BE ASSESSED AGAINST THE SUBJECT PROPERTY. (SECTION 91.8904 L.A.M.C.)

**READ TAX WARNING
ON REVERSE**

EFFECTIVE
DATE☐ REPAIRABLE ☐ DEMOLITION RECOMMENDED ☐ BUILDING UNINHABITABLE ☐ DEMOLITION ORDERED

REPAIR VALUATION A PERMIT IS REQUIRED BEFORE REPAIR OR DEMOLITION IS STARTED.

IT IS UNLAWFUL TO REOCCUPY THE BUILDING(S) WITHOUT CLEARANCE FROM THE DEPARTMENT OF BUILDING AND SAFETY.

1. BUILDING DEFICIENCIES:

- ☐ a. Open to unauthorized entry.
- ☐ b. Broken windows.
- ☐ c. Damaged or missing doors.
- ☐ d. Damaged exterior wall covering.
- ☐ e. Damaged or deteriorated roof covering.
- ☐ f. Sloping or sagging floors.
- ☐ g. Damaged interior wall and ceiling covering.
- ☐ h. Deteriorating flooring.
- ☐ i. Damaged or missing cabinets.
- ☐ j. Damaged floor covering.
- ☐ k. Damaged or deteriorated structural members.
- ☐ l. General clean up and painting necessary.
- ☐ m. Building littered with combustible debris.
- ☐ n. Fire Damage.
- ☐ o. Dangerous stairs.
- ☐ p.

2. ELECTRICAL DEFICIENCIES: METER NO.

- _____ Damaged, deteriorated, inadequate, overloaded defective and hazardous or otherwise unsafe or illegal:
- _____ a. Service equipment.
- _____ b. Utilization equipment.
- _____ c. Interior wiring.
- _____ d. Exterior wiring.

YOU ARE ENTITLED TO KNOW THAT THERE IS AN APPEAL PROCEDURE ESTABLISHED IN THE CITY, WHEREBY THE BOARD OF BUILDING AND SAFETY COMMISSIONERS HAS THE AUTHORITY TO HEAR APPEALS FROM THE REQUIREMENTS CONTAINED IN THIS ORDER.

3. PLUMBING DEFICIENCIES:

-a. Defective or unapproved plumbing piping.
.....b. Damaged and/or missing fixtures.

4. HEATING DEFICIENCIES:

- ☐ a. Defective, missing, or unapproved heating equipment.
- ☐ b. Improper venting, and/or combustion air supply.
- ☐ c. Improper gas supply.

5. YARD CONDITION:

-a. Yard littered with combustion debris.
-b. Deteriorated fences.
-c. Excessive dry weeds or vegetation.

6. ACCESSORY BUILDING:

INSPECTOR'S NAME		INSPECTOR'S SIGNATURE	
TELEPHONE NUMBER ()	OFFICE LOCATION		DATE

For consultation regarding this order or if assistance is needed in securing a permit, the inspector may be personally contacted or reached by telephone on Monday through Friday from 7:30 A.M. to 8:00 A.M. and from 2:30 P.M. to 3:15 P.M.

For general information, please call the following offices between 7:30 A.M. to 5:00 P.M.

Downtown Office (213) 485-7091

Van Nuys Office (818) 989-8201

West L.A. Office (213) 312-8372

San Pedro Office (213) 548-7557

SURVEY DATE

A

B1 SUBSTANDARD ORDER



**CITY OF LOS ANGELES
DEPARTMENT OF BUILDING AND SAFETY
BUREAU OF COMMUNITY SAFETY**

**COUNCIL
DIST. NO.**

OWNER:			PHONE:		JOB ADDRESS:			FIRE DIST.:	
OWNER'S ADDRESS:					IN ADDITION NOTIFY:				TENANT YES <input type="checkbox"/> NO <input type="checkbox"/>
CITY & STATE			ZIP CODE		MAILING ADDRESS:				
LOT	BLOCK	TRACT:		ZONE	CITY & STATE			ZIP CODE	
APPROVED USE		OCCUPANCY	PRESENT USE		OCCUPANCY	DESCRIPTION OF BUILDING:		SIDING:	FRANCHISE TAX BOARD YES <input type="checkbox"/> NO <input type="checkbox"/>
						Stories	Type	Size	X

PARA OBTENER TRADUCCION EN ESPANOL DE ESTA ORDEN, FAVOR DE LLAMAR AL 485-7093 ENTRE LAS 7:30 A.M. A 5:00 P.M.

PURSUANT TO THE PROVISIONS OF DIVISION 89 OF ARTICLE 1 OF CHAPTER IX OF THE LOS ANGELES MUNICIPAL CODE (L.A.M.C.) YOU ARE HEREBY NOTIFIED THAT THE ABOVE-DESCRIBED BUILDING(S) HAS BEEN INSPECTED AND, BECAUSE OF CODE VIOLATIONS "MARKED" BELOW, DETERMINED TO BE A SUBSTANDARD BUILDING(S) AS DEFINED IN SECTION 91.8902 L.A.M.C.. A NOTICE SO STATING IS BEING FILED WITH THE COUNTY RECORDER.

YOU ARE HEREBY ORDERED TO SECURE ALL REQUIRED PERMITS AND BEGIN THE NECESSARY WORK TO ELIMINATE THESE CODE VIOLATIONS WITHIN 30 DAYS FROM THE EFFECTIVE DATE OF THIS ORDER. ALL NECESSARY WORK SHALL BE COMPLETED WITHIN 90 DAYS FROM THE EFFECTIVE DATE OF THIS ORDER.

EFFECTIVE DATE
READ WARNINGS ON BACK OF THIS FORM
PRESENT THIS ORDER WHEN APPLYING FOR A PERMIT

☐ REPAIRABLE ☐ DEMOLITION ORDERED ☐ DEMOLITION RECOMMENDED
A PERMIT IS REQUIRED BEFORE REPAIR OR DEMOLITION IS STARTED
☐ BUILDING VACANT AND UNINHABITABLE ☐ BUILDING ORDERED IMMEDIATELY VACATED
☐ PLANS REQUIRED TO REPAIR BUILDING

SECTION 91.8903(G) OF THE L.A.M.C. ALLOWS AN APPEAL TO THE BOARD OF BUILDING AND SAFETY COMMISSIONERS WITHIN 30 DAYS FROM THE DATE OF THIS ORDER.

1. STRUCTURAL HAZARDS

- _____ a. Weakened or deteriorated footings: concrete/masonry/perimeter footings/piers.
- _____ b. Defective or deteriorated underfloor supports: mudsills/cripple studs/plier posts/plier pads/ girders/floor joists.
- _____ c. Underfloor supports of insufficient size to carry imposed loads with safety: girders/joists/posts.
- _____ d. Members of walls, partitions or other vertical supports split, lean, list or buckle due to defective material or deterioration.
- _____ e. Members of walls, partitions or other vertical supports of insufficient size to carry imposed loads with safety.
- _____ f. Members of ceilings, roofs, ceiling and roof supports or other horizontal members sag, split or buckle due to defective material or deterioration.
- _____ g. Members of ceilings, roofs, ceiling and roof supports or other horizontal members of insufficient size to carry imposed loads with safety.
- _____ h. Fireplace or chimney list, bulge or settle due to defective material or deterioration.
- _____ i.

2. FAULTY WEATHER PROTECTION

- _____ a. Crumbling, loose or falling plaster.
- _____ b. Broken windows or doors.
- _____ c. Defective or weathered exterior wall covering due to lack of paint or other approved protective coating.
- _____ d. Defective or lack of waterproofing for wood-frame roofs.
- _____ e. Broken, split, decayed or buckled exterior wall or roof covering.
- _____ f.

3. HAZARDOUS WIRING

4. HAZARDOUS PLUMBING
(See Attached Sheet B2)

**5. HAZARDOUS HEATING AND VENTILATING DEVICES
AND ACCESSORY VENTS AND PIPING**
(See Attached Sheet B2)

6. ILLEGAL BUILDING OCCUPANCY OR ZONING USE
(See Attached Sheet B2)

7. ILLEGAL CONSTRUCTION (Section 91.8101(g) L.A.M.C.)

_____ a. The building described above or that portion described here was constructed without a building permit. The construction does not conform to the requirements of the (L.A.M.C.)

_____ b. Entire building illegal.

_____ c. Description of illegal portion.

☐ MAY BE MADE TO CONFORM ☐ MUST BE DEMOLISHED

8. INADEQUATE SANITATION

- _____ a. General dilapidated conditions and not maintained as required by Section 91.8101 L.A.M.C. (See attached sheet B2)
- _____ b. Lack of or improper water closet, lavatory, bathtub or shower in a dwelling unit.
- _____ c. Lack of or improper water closets, lavatories, bathtubs or showers per number of guests in a hotel.
- _____ d. Lack of or improper kitchen sink.
- _____ e. Lack of hot and cold running water to plumbing fixtures in a hotel/dwelling unit.
- _____ f. Lack of required electrical lighting.
- _____ g. Lack of adequate heating.
- _____ h. Lack of minimum amounts of natural light and ventilation required by the building code.
- _____ i. Room and space dimensions less than required by the building code.
- _____ j. Dampness of habitable rooms.
- _____ k. Improperly enclosed or insanitary underfloor area.
- _____ l.

9. INADEQUATE EXITS
_____ a. Doors, passageways, stairways and courts do not comply with provisions of Division 33 of the Building Code.

10. NUISANCE
 _____ (Description of Condition) _____

INSPECTOR'S NAME		INSPECTOR'S SIGNATURE	
TELEPHONE NUMBER ()	OFFICE LOCATION		DATE

For consultation regarding this order or if assistance is needed in securing a permit, the inspector may be personally contacted or reached by telephone on Monday through Friday from 7:30 A.M. to 8:00 A.M. and from 2:30 P.M. to 3:15 P.M.

For general information, please call the following offices between 7:30 A.M. to 5:00 P.M.

Downtown Office (213) 485-7091

Van Nuys Office (818) 989-8201

West L.A. Office (213) 312-8372

San Pedro Office (213) 548-7557

PART 1 OF A 2 PART FORM									
SURVEY DATE	B	•						•	

B2 SUBSTANDARD ORDER

B & S/CS-3A (R.4/88)

**CITY OF LOS ANGELES
DEPARTMENT OF BUILDING AND SAFETY
BUREAU OF COMMUNITY SAFETY**

JOB ADDRESS:

DESCRIPTION OF BLDG.:

THIS SHEET IS THE SECOND PAGE OF THE SUBSTANDARD ORDER ON THE BUILDING DESCRIBED ABOVE.

11. INADEQUATE MAINTENANCE
(Section 91.8101(f) and 91.8901 L.A.M.C.)☐ PERMIT REQUIRED VALUATION

- | | |
|--|---|
| <input type="checkbox"/> a. Broken, split, wood siding. | <input type="checkbox"/> l. Drainboards deteriorated. |
| <input type="checkbox"/> b. Deteriorated steps. | <input type="checkbox"/> m. Interior wall covering deteriorated. |
| <input type="checkbox"/> c. Damaged and deteriorated porch flooring. | <input type="checkbox"/> n. Building not maintained in clean and sanitary condition. |
| <input type="checkbox"/> d. Broken or damaged railings. | <input type="checkbox"/> o. Yards not clean and free from rubbish. |
| <input type="checkbox"/> e. Broken windows. | <input type="checkbox"/> p. Dangerous articles kept or stored: in building/on premises. |
| <input type="checkbox"/> f. Rusted and torn window screens. | <input type="checkbox"/> q. Yards not graded to drain properly. |
| <input type="checkbox"/> g. Roof not weatherproof. | <input type="checkbox"/> r. Fences not straight, uniform or structurally sound. |
| <input type="checkbox"/> h. Wood siding in need of paint. | <input type="checkbox"/> s. Wood fences in need of paint. |
| <input type="checkbox"/> i. Exterior stucco in need of paint. | <input type="checkbox"/> t. Fire damage. |
| <input type="checkbox"/> j. Exterior wood trim in need of paint. | <input type="checkbox"/> u. _____ |
| <input type="checkbox"/> k. Walls and ceilings in need of paint. | <input type="checkbox"/> v. _____ |

12. ILLEGAL BUILDING OCCUPANCY OR ZONING USE☐ a. **ILLEGAL USE OR OCCUPANCY** (Section 91.0315 and 91.8902(m) L.A.M.C.)

The entire building described above or, that portion described here is occupied for a use or occupancy for which it was not designated or intended. It does not conform to the construction requirements for said use or occupancy and no Certificate of Occupancy has been issued therefor.

Description of illegally occupied portion: _____

☐ b. **ZONING NOTICE** (Article 2, Chapter 1 of the L.A.M.C.)

The building described above or the premises, on which it is located is in violation of the Zoning Code in the following respect.

13. HAZARDOUS WIRING (Section 93.0311 L.A.M.C.)☐ PERMIT REQUIRED☐ Secure the services of a licensed electrical contractor

- | | |
|--|--|
| <input type="checkbox"/> a. Hazardous and unapproved use of portable cord: living room/bedroom/bath/kitchen/service porch. | <input type="checkbox"/> h. Hazardous or illegal armored or nonmetallic sheathed cable: attic/underfloor. |
| <input type="checkbox"/> b. Hazardous use of multiple adaptors: living room/bedroom/bath/kitchen/service porch. | <input type="checkbox"/> i. Panels or circuits: overfused/overloaded. |
| <input type="checkbox"/> c. Defective, improperly installed or missing light fixtures: living room/bedroom/bath/kitchen/service porch. | <input type="checkbox"/> j. Loose or deteriorated knob and tube wiring: attic/underfloor. |
| <input type="checkbox"/> d. Defective, improperly installed or missing receptacle outlets: living room/bedroom/bath/kitchen/service porch. | <input type="checkbox"/> k. Original wiring has deteriorated to unsafe condition. |
| <input type="checkbox"/> e. Hazardous and illegal receptacles: living room/bedroom/bath/kitchen/service porch. | <input type="checkbox"/> l. Hazardous: belt services/service equipment/_____ |
| <input type="checkbox"/> f. Switch, receptacle plates or covers missing or broken; living room/bedroom/bath/kitchen/service porch. | <input type="checkbox"/> m. Service switch/Fuse block: defective/altered/over fused. |
| <input type="checkbox"/> g. Hazardous or illegal open wire: attic/underfloor. | <input type="checkbox"/> n. Service: overloaded/Ground-defective, altered. |
| | <input type="checkbox"/> o. Open conductors extending from main building to accessory building: not properly installed/too low/bare. |
| | <input type="checkbox"/> p. _____ |
| | <input type="checkbox"/> q. _____ |

14. HAZARDOUS PLUMBING (Chapter 3, Sections 319 and 321 U.P.C.)☐ PERMIT REQUIRED☐ Secure the services of a licensed plumbing contractor

- | | |
|---|--|
| <input type="checkbox"/> a. Damaged or defective fixtures: sink/laundry tray/water heater/lavatory/water closet/bathtub. | <input type="checkbox"/> i. Unapproved, missing, or defective gas connector or shutoff: range/water heater/room heater. |
| <input type="checkbox"/> b. Defective trap, trap arm or tailpiece: sink/laundry tray/lavatory/bathtub/shower. | <input type="checkbox"/> j. Defective, unapproved, or missing water heater accessories: vent/vent connector/vent cap/draft hood. |
| <input type="checkbox"/> c. Defective bathtub overflow or waste. | <input type="checkbox"/> k. Defective or deteriorated waste pipe in underfloor or exterior serving: sink/laundry tray/lavatory/bathtub/water closet. |
| <input type="checkbox"/> d. Defective fittings and waste pipe: sink/laundry tray/lavatory/bathtub/shower/water closet. | <input type="checkbox"/> l. Defective or deteriorated water lines serving: sink/lavatory/laundry tray/bathtub/water closet. |
| <input type="checkbox"/> e. Defective or missing vent: sink/laundry tray/lavatory/bathtub/shower/water closet. | <input type="checkbox"/> m. Defective gas line. |
| <input type="checkbox"/> f. Defective control valves: lavatory/bathtub. | <input type="checkbox"/> n. Loose or improperly supported water and gas lines. |
| <input type="checkbox"/> g. Defective or missing shower pan. | <input type="checkbox"/> o. Missing cleanout plug. |
| <input type="checkbox"/> h. Defective, unapproved or missing toilet accessories: toilet seat/closet bolts/tank lid/ball cock. | <input type="checkbox"/> p. Open outlet in waste pipe. |
| | <input type="checkbox"/> q. _____ |

15. HAZARDOUS HEATING AND VENTILATING DEVICES AND ACCESSORY VENTS AND PIPING
(Section 95.0370 L.A.M.C.)☐ PERMIT REQUIRED☐ Secure the services of a licensed heating contractor

- | | |
|---|---|
| <input type="checkbox"/> a. Defective or damaged: floor furnace/wall furnace. | <input type="checkbox"/> d. Unapproved gas connections to heater. |
| <input type="checkbox"/> b. Unapproved room heater. Section 807.(c) U.M.C. | <input type="checkbox"/> e. _____ |
| <input type="checkbox"/> c. Defective or missing: vent/vent connector. | <input type="checkbox"/> f. _____ |

Inspector's Signature:

DATE

SURVEY DATE

Sheet 2 of 2 Sheets

C**ORDER TO COMPLY
RESIDENTIAL**

B & S/CS-4 (R. 4/88)

**CITY OF LOS ANGELES Page four
DEPARTMENT OF BUILDING AND SAFETY
BUREAU OF COMMUNITY SAFETY**COUNCIL
DIST. NO.

OWNER		PHONE:		JOB ADDRESS:		FIRE DIST.:	
OWNER'S ADDRESS:				IN ADDITION NOTIFY:			TENANT YES <input type="checkbox"/> NO <input type="checkbox"/>
CITY & STATE			ZIP CODE		MAILING ADDRESS:		
LOT	BLOCK	TRACT:	ZONE		CITY & STATE		ZIP CODE
APPROVED USE		OCCUPANCY	PRESENT USE	OCCUPANCY	DESCRIPTION OF BUILDING: STO-RIES TYPE SIZE X		SIDING: FRANCHISE TAX YES <input type="checkbox"/> BOARD NO <input type="checkbox"/>

PARA OBTENER TRADUCCION EN ESPANOL DE ESTA ORDEN, FAVOR DE LLAMAR AL (213) 485-7093 ENTRE LAS 7:30 A.M. A 5:00 P.M.

THIS ORDER APPLIES TO THE PROPERTY DESCRIBED ABOVE.

THE CONDITIONS REPRESENTED BY THE ITEMS CHECKED BELOW ARE VIOLATIONS OF THE LOS ANGELES MUNICIPAL CODE. YOU ARE THEREFORE ORDERED TO SECURE ANY REQUIRED PERMITS WITHIN ____ DAYS FROM THE EFFECTIVE DATE OF THIS ORDER AND TO COMPLETE THE NECESSARY WORK TO ELIMINATE THESE CONDITIONS WITHIN ____ DAYS FROM THE EFFECTIVE DATE OF THIS ORDER.

**READ WARNINGS &
APPEAL PROCEDURES
ON REVERSE**EFFECTIVE
DATE**1. MAINTENANCE AND REPAIR (Section 91.8101(f) L.A.M.C.)**

- ___ a. Broken, split, wood siding.
- ___ b. Damaged and deteriorated porch flooring, steps, railings.
- ___ c. Broken windows/Rusted and torn window screens.
- ___ d. Roof not weatherproof.
- ___ e. Exterior in need of paint/Exterior wood trim in need of paint.
- ___ f. Fences not straight/not structurally sound/in need of paint.

PERMIT REQUIRED — ☐ YES ☐ NO VAL. \$ ____

- ___ g. Yards Rubbish/excessive vegetation/storage.
- ___ h. Interior walls and ceiling deteriorated/in need of paint.
- ___ i. Fire damage. _____ %
- ___ j. _____

2. ILLEGAL CONSTRUCTION PERMIT REQUIRED ☐ YES ☐ NO

(Section 91.8101(g) L.A.M.C.)

☐ PLANS REQUIRED☐ The building described above or that portion described here was constructed without a building permit. The construction does not conform to the requirements of the Los Angeles Municipal Code. Secure a permit before commencing the work indicated.**3. ZONING VIOLATION(S)**

(Pursuant to Section 12. _____ L.A.M.C.)

The present use of the _____ building _____ structure _____ land is in violation of the regulations that apply in the _____ Zone. description _____

Discontinue this illegal use within ____ days.

4. ILLEGAL USE OR OCCUPANCY (Section 91.0307, 91.8101(g) L.A.M.C.)**5. ELECTRICAL VIOLATION(S) (Section 93.0311, 93.0104, 93.0600, 91.8101(F) L.A.M.C. and N.E.C.) PERMIT REQUIRED ☐ YES ☐ NO**

- ___ a. Unapproved use of (portable cord) (multiple adaptors) living room/bedroom/bath/kitchen/service porch.
- ___ b. Defective, improperly installed or missing light fixtures: living room/bedroom/bath/kitchen/service porch.
- ___ c. Defective, improperly installed or missing receptacle outlets: living room/bedroom/bath/kitchen/service porch.
- ___ d. Switch, receptable plates or covers missing or broken: living room/bedroom/bath/kitchen/service porch.

- ☐ Secure the services of a licensed electrical contractor
- ___ e. Panels or circuits: overfused.
- ___ f. Open conductors to garage are not (properly installed) (too low) (bare).
- ___ g. _____

6. PLUMBING VIOLATION(S) (Section 94.0601(b), 91.8101(F) L.A.M.C., 319 & 321 UPC)PERMIT REQUIRED — ☐ YES ☐ NO

- ___ a. Damaged or defective fixtures: sink/laundry tray/water heater/lavatory/water closet/bathub.
- ___ b. Defective trap, trap arm or tailpiece overflow or waste: lavatory/bathub/shower/sink/laundry tray.
- ___ c. Defective fittings and waste pipe: sink/laundry tray/lavatory/bathub/shower/water closet.
- ___ d. Defective or missing vent: sink/laundry tray/lavatory/bathub/shower/water closet.
- ___ e. Defective control valves: lavatory/bathub.
- ___ f. Defective, unapproved or missing toilet accessories: toilet seat/closet bolts/tank lid/ball cock.

- ☐ Secure the services of a licensed plumbing contractor
- ___ g. Unapproved, missing or defective gas connector or shutoff: range/water heater/room heater.
- ___ h. Defective, unapproved or missing water heater accessories: vent/vent connector/vent cap/draft hood.
- ___ i. Defective or deteriorated waste pipe in underfloor or exterior serving: sink/laundry tray/lavatory/bathub/water closet.
- ___ j. Defective or deteriorated water lines serving: sink/lavatory/laundry tray/bathub/water closet.
- ___ k. Open outlet in waste pipe. Missing cleanout plug.
- ___ l. _____

7. HEATING VIOLATION(S) (Section 95.0370, 91.8101(F) L.A.M.C.)PERMIT REQUIRED — ☐ YES ☐ NO

- ___ a. Unapproved room heater. Section 807.(c) U.M.C.
- ___ b. Defective or missing: vent/vent connector.
- ___ c. Lack of approved Heating RGA—10-68.

- ☐ Secure the services of a licensed heating contractor
- ___ d. _____

INSPECTOR'S NAME		INSPECTOR'S SIGNATURE	
TELEPHONE NUMBER ()	OFFICE LOCATION	DATE	

consultation regarding this order or if assistance is needed in securing a permit, the inspector may be personally contacted or reached by phone on Monday through Friday from 7:30 A.M. to 8:00 A.M. and from 2:30 P.M. to 3:15 P.M.

For general information, please call the following offices between 7:30 A.M. to 5:00 P.M.

Downtown Office (213) 485-7091
Van Nuys Office (818) 989-8201
West L.A. Office (213) 312-8372
San Pedro Office (213) 548-7557

SURVEY DATE

C

D**ORDER TO COMPLY
COMMERCIAL****CITY OF LOS ANGELES Page five
DEPARTMENT OF BUILDING AND SAFETY
BUREAU OF COMMUNITY SAFETY**

ATTACHMENT 1

B & S/CS-5 (R.4/88)

COUNCIL DIST.
NO.

OWNER		PHONE:		JOB ADDRESS:		FIRE DIST.	
OWNER'S ADDRESS:				IN ADDITION NOTIFY:			TENANT YES <input type="checkbox"/> NO <input type="checkbox"/>
CITY & STATE				ZIP CODE		MAILING ADDRESS:	
LOT	BLOCK	TRACT	ZONE	CITY & STATE		ZIP CODE	
APPROVED USE		OCCUPANCY	PRESENT USE	OCCUPANCY	DESCRIPTION OF BUILDING: STORIES TYPE SIZE X	SIDING:	FRANCHISE TAX BOARD YES <input type="checkbox"/> NO <input type="checkbox"/>

PARA OBTENER TRADUCCION EN ESPANOL DE ESTA ORDEN, FAVOR DE LLAMAR AL (213) 485-7093 ENTRE LAS 7:30 A.M. A 5:00 P.M.

THIS ORDER APPLIES TO THE PROPERTY DESCRIBED ABOVE.

THE CONDITIONS REPRESENTED BY THE ITEMS CHECKED BELOW ARE VIOLATIONS OF THE LOS ANGELES MUNICIPAL CODE. YOU ARE THEREFORE ORDERED TO SECURE ANY REQUIRED PERMITS WITHIN ____ DAYS FROM THE EFFECTIVE DATE OF THIS ORDER AND TO COMPLETE THE NECESSARY WORK TO ELIMINATE THESE CONDITIONS WITHIN ____ DAYS FROM THE EFFECTIVE DATE OF THIS ORDER.

**READ WARNINGS &
APPEAL PROCEDURES
ON REVERSE**EFFECTIVE
DATE**MAINTENANCE AND REPAIR**

(Section 91.8101 (f) L.A.M.C.)

- ☐ Exterior walls need waterproofing or painting
- ☐ Exterior door/trim need replacing or painting
- ☐ Broken window glass — remove and replace with approved materials
- ☐ Window frames need replacing or painting
- ☐ Deteriorated masonry joints need refilling and repointing
- ☐ Roof not adequately waterproofed
- ☐ Rubbish/excessive vegetation/or garbage on premises
- ☐ Deteriorated walls and ceilings
- ☐ Dangerous articles stored in building/or on premises
- ☐ Drainboards deteriorated
- ☐ Smoke detectors required (Section 91.8603 L.A.M.C.)
- ☐ All sleeping rooms below the 4th floor shall have at least one openable window or exterior door for emergency egress and rescue (Section 91.0101(c) L.A.M.C. and 1204 UBC)

ILLEGAL CONSTRUCTION

(Section 91.8101 (g) L.A.M.C.)

The building or portion thereof, described herein was constructed without a building permit and does not conform to the requirements of the L.A.M.C.

Secure a permit for the work indicated.

Description _____

☐ Must be demolished ☐ May be made to conform**ILLEGAL USE OR OCCUPANCY**

(Section 91.8101 (g) L.A.M.C.)

Approved use _____

Present use _____

☐ Discontinue this illegal use or occupancy within ____ days.**REQUIRED FIRE-RESISTIVE PROTECTION**

(Section 91.0101 (c) L.A.M.C., Section 501, 503, tables 5-A and 5-B and Division 43, UBC)

- ☐ walls — separation/division/exterior
- ☐ openings ☐ fire windows ☐ fire doors ☐ shafts

Description and Location _____

STAIRS AND EXITS

(Section 91.3301 L.A.M.C.)

Doors: (Required Exits)

- ☐ keyed lock ☐ prohibited lock or latch
- ☐ undersized — not 3' X 6' 8" in dimension
- ☐ blocked ☐ unusable ☐ sliding ☐ overhead
- ☐ opens over unsafe landing or public way
- ☐ exit or directional signs not provided
- ☐ two conforming exits and doors are not provided
- ☐ remove unapproved security bars or screens

Stairs:

- ☐ damaged or deteriorated steps or stairway
- ☐ width of stairway less than ____ inches
- ☐ rise of steps more than maximum allowed
- ☐ tread of steps less than minimum allowed
- ☐ provide one handrail for the stairway
- ☐ handrail damaged — repair or replace

ZONING VIOLATION

(Pursuant to Section 12. ____ L.A.M.C.)

The present use of the ____ building ____ structure ____ land is in violation of the regulations that apply in the ____ Zone.

Description _____

☐ Discontinue this illegal use within ____ days.☐ PERMIT REQUIRED ☐ NO PERMIT REQUIRED ☐ PLANS REQUIRED ☐ PLANS NOT REQUIRED ☐ JOB VALUATION

INSPECTOR'S NAME		INSPECTOR'S SIGNATURE	
TELEPHONE NUMBER ()	OFFICE LOCATION	DATE	

For consultation regarding this order or if assistance is needed in securing a permit, the inspector may be personally contacted or reached by telephone on Monday through Friday from 7:30 A.M. to 8:00 A.M. and from 2:30 P.M. to 3:15 P.M.

For general information, please call the following offices between 7:30 A.M. to 5:00 P.M.

Downtown Office (213) 485-7091

Van Nuys Office (818) 989-8201

West L.A. Office (213) 312-8372

San Pedro Office (213) 548-7557

SURVEY DATE

D

WHITE - APPLICANT WHITE - FILE YELLOW - FIELD

E**ORDER TO COMPLY
ELECTRICAL**

B & S/CS-6 (R.4/88)

CITY OF LOS ANGELES
DEPARTMENT OF BUILDING AND SAFETY
BUREAU OF COMMUNITY SAFETY

Page six

COUNCIL
DIST. NO.

OWNER			PHONE:			JOB ADDRESS:			FIRE DIST.:				
OWNER'S ADDRESS:						IN ADDITION NOTIFY:						TENANT YES <input type="checkbox"/> NO <input type="checkbox"/>	
CITY & STATE				ZIP CODE		MAILING ADDRESS:							
LOT		BLOCK		TRACT:		ZONE		CITY & STATE				ZIP CODE	
APPROVED USE		OCCUPANCY		PRESENT USE		OCCUPANCY		DESCRIPTION OF BUILDING: STO-RIES TYPE SIZE X		SIDING:		FRANCHISE TAX BOARD YES <input type="checkbox"/> NO <input type="checkbox"/>	

PARA OBTENER TRADUCCION EN ESPANOL DE ESTA ORDEN, FAVOR DE LLAMAR AL (213) 485-7093 ENTRE LAS 7:30 A.M. A 5:00 P.M.

THIS ORDER APPLIES TO THE PROPERTY DESCRIBED ABOVE.
THE CONDITIONS REPRESENTED BY THE ITEMS CHECKED BELOW ARE VIOLATIONS OF THE LOS ANGELES MUNICIPAL CODE. YOU ARE THEREFORE ORDERED TO SECURE ANY REQUIRED PERMITS WITHIN ____ DAYS FROM THE EFFECTIVE DATE OF THIS ORDER AND TO COMPLETE THE NECESSARY WORK TO ELIMINATE THESE CONDITIONS WITHIN ____ DAYS FROM THE EFFECTIVE DATE OF THIS ORDER.

READ WARNINGS & APPEAL PROCEDURES ON REVERSE	
EFFECTIVE DATE	

ELECTRICAL VIOLATION(S) (Section 93.0311, 93.0104, 93.0800, 91.8101 (F) L.A.M.C. and N.E.C.)

- | | |
|--|--|
| <p>____ 1. Portable cord-hazardous unapproved use/remove 400-8 N.E.C.</p> <p>____ 2. Light fixtures-defective/improperly installed/missing
____ 110-12, ART. 410 N.E.C.</p> <p>____ 3. Receptacles and switches-defective/improperly installed/missing
____ 110-12, ART. 410 N.E.C.</p> <p>____ 4. Open electrical boxes/loose ____ 110-12, 370-13 N.E.C.</p> <p>____ 5. Unused openings ____ 370-8 N.E.C.</p> <p>____ 6. Open wiring-improperly installed/deteriorated/damaged/remove
____ 93.0311 L.A.M.C.</p> <p>____ 7. Armored cable/improperly installed/remove
____ ART. 333 N.E.C.</p> <p>____ 8. Non-metallic sheathed cable improperly installed/remove
____ 336-3 N.E.C.</p> <p>____ 9. Conduit-damaged/loose/improperly installed ____ ART. 346 &
____ ART. 350 N.E.C.</p> <p>____ 10. Grounding-required/loose/unapproved ____ ART. 250 N.E.C.</p> <p>____ 11. Appliances-equipment-hazardous/improperly energized ____
____ 422-7 N.E.C.</p> <p>____ 12. Air conditioning-heating equipment-controls / access / unapproved/open wiring
____ 440-14, 422-7, 380-9 N.E.C.</p> <p>____ 13. Repair/replace all fire damaged wiring/fixtures/devices
____ 93.0311 L.A.M.C.</p> <p>____ 14. Install a minimum of two approved receptacle outlets in each habitable room to comply with Sect. 93.0311(f), 93.0616, 93.0807 L.A.M.C.</p> | <p>____ 15. Services-not adequate / not accessible / heating / damaged / improperly installed
ART. 230.5, 110-22 N.E.C. Meter Number ____
93.0616, 93.0807 L.A.M.C.</p> <p>Service 1. ____</p> <p>2. ____</p> <p>____ 16. New service feeders required-power/light ____ 230-5 N.E.C.</p> <p>____ 17. Panels/circuit breakers-overloaded/overfused/defective ____
____ 240-3, 384-13 N.E.C.</p> <p>____ 18. Separate circuit required-sign/show window/A.C./equipment
____ 220-3, 600-6b N.E.C.</p> <p>____ 19. Open belted conductors-hazardous/deteriorated ____
____ 93.0311 & 320-3 N.E.C.</p> <p>____ 20. Weather protection required-service / panels / appliances / devices
____ 110-11 N.E.C.</p> <p>____ 21. Identify Panels/circuits ____ 110-22 N.E.C.</p> <p>____ 22. This Order is supplemental to the Abate Order/Substandard Order/Order to Comply-Building, Electrical, Plumbing, &/or Heating.</p> <p>____ 23. Smoke Detectors required by 91.1210-b L.A.M.C. missing/improperly installed/defective. ____</p> |
|--|--|

☐ Permits, Marked "COMMUNITY SAFETY", Required — Secure the Services of Licensed Contractors ☐ Permit Note required

INSPECTOR'S NAME		INSPECTOR'S SIGNATURE	
TELEPHONE NUMBER ()		OFFICE LOCATION	
		DATE	

For consultation regarding this order or if assistance is needed in securing a permit, the inspector may be personally contacted or reached by telephone on Monday through Friday from 7:30 A.M. to 8:00 A.M. and from 2:30 P.M. to 3:15 P.M.
or general information, please call the following offices between 7:30 A.M. to 5:00 P.M.

Downtown Office (213) 485-7091
Van Nuys Office (818) 989-8201
West L.A. Office (213) 312-8372
San Pedro Office (213) 548-7557

SURVEY DATE

E

F CITY OF LOS ANGELES
DEPARTMENT OF BUILDING AND SAFETYCONSERVATION BUREAU
COMMERCIAL
HTG/VENT/REF INSPECTIONCOUNCIL
DIST. NO.

OWNER:		PHONE:		JOB ADDRESS		FIRE DIST.:	
OWNER'S ADDRESS:				IN ADDITION NOTIFY:			TENANT: YES <input type="checkbox"/> NO <input type="checkbox"/>
CITY & STATE			ZIP CODE #		MAILING ADDRESS:		
LOT:	BLOCK:	TRACT:	ZONE:	CITY & STATE			ZIP CODE #
APPROVED USE:		OCCUPANCY:	PRESENT USE:	OCCUPANCY:	DESCRIPTION OF BUILDING: Sto-ries Type Size X	SIDING:	FRANCHISE YES <input type="checkbox"/> TAX BOARD NO <input type="checkbox"/>

PARA OBTENER TRADUCCION EN ESPANOL DE ESTA ORDEN, FAVOR DE LLAMAR AL (213) 485-7065 — (213) 485-7083 ENTRE LAS 7:30 A.M. A 10:00 A.M.

ORDER TO COMPLY — HEATING

THIS ORDER APPLIES TO THE PROPERTY DESCRIBED ABOVE

THE CONDITIONS REPRESENTED BY THE ITEMS CHECKED BELOW ARE VIOLATIONS OF THE LOS ANGELES MUNICIPAL CODE. YOU ARE THEREFORE ORDERED TO SECURE ANY REQUIRED PERMITS WITHIN _____ DAYS FROM THE EFFECTIVE DATE OF THIS ORDER AND, TO COMPLETE THE NECESSARY WORK TO ELIMINATE THESE CONDITIONS WITHIN _____ DAYS FROM THE EFFECTIVE DATE OF THIS ORDER.

EFFECTIVE
DATE**HEATING, VENTILATION AND REFRIGERATION**
(Section 95.0100 and 91.8101 (F) L.A.M.C.)**REMARKS**

- _____ 1. Unapproved unvented room heaters. Adequate approved vented type heating appliances must be installed. Sec. 95.0807-(A-C)
- _____ 2. Damaged wall heaters/floor furnace/furnace grills/controls. Sec. 95.0370
- _____ 3. Improperly installed comfort heating/air conditioning/unit heater/evaporative cooler. Sec. 95.01205, 95.0504
- _____ 4. Required clearance not provided around heating appliances/vent connectors and draft hoods. Sec. 95.0507-(B)
- _____ 5. Unapproved vent. Vent not properly attached to appliances and structure. Sec. 95.0905
- _____ 6. Damaged ducts serving garage ventilation/air conditioning/heating/grease hood/commercial clothes dryers. Sec. 95.2002, 95.0510
- _____ 7. Combustion air/makeup air/circulating air/ventilation system not provided. Sec. 95.0601, 95.0606
- _____ 8. Gas pressure test/air movement test, for grease hood/ventilation system are required. Sec. 94.1206-(2) 95.2003-(K)
- _____ 9. Refrigeration system not enclosed in a machinery room. All damaged or abandoned refrigeration/piping/equipment must be removed. Sec. 95.0370 95.0515
- _____ 10. Have all heating appliances/wall heaters/furnaces/boiler heating systems and vents serviced by a qualified contractor. Sec. 95.0110.
- _____ 11. This Order is supplemental to the Abate Order/Sub-standard Order/Order to Comply—Building, Electrical, Plumbing, &/or Heating.

READ WARNINGS ON BACK OF THIS FORM

- ☐ Permits, Marked "Conservation Bureau", Required — Secure the Services of Licensed Contractors
- ☐ Heating ☐ Ventilation ☐ Refrigeration ☐ Permit Not Required

The inspector whose name appears on this sheet is available in Room _____ of the Los Angeles City Hall, 200 North Spring Street, for consultation regarding this order or to assist you in securing a permit. He may be contacted between the hours of 7:30 and 9:00 A.M., Monday through Friday, or may be reached at telephone number 485-_____.

THIS IS TO INFORM YOU THAT THERE IS AN APPEAL PROCEDURE ESTABLISHED IN THIS CITY WHEREBY THE BOARD OF BUILDING AND SAFETY COMMISSIONERS HAS THE AUTHORITY TO HEAR AND DETERMINE REQUESTS FOR MODIFICATION OF REQUIREMENTS CONTAINED IN THIS ORDER.

INSPECTOR'S SIGNATURE:	DATE	SURVEY DATE	F	•					•
------------------------	------	-------------	----------	---	--	--	--	--	---

G**ORDER TO COMPLY
PLUMBING****CITY OF LOS ANGELES
DEPARTMENT OF BUILDING AND SAFETY
BUREAU OF COMMUNITY SAFETY**COUNCIL
DIST. NO.

B & S/CS-8 (R.4/88)

OWNER:		PHONE:		JOB ADDRESS:		FIRE DIST.:	
OWNER'S ADDRESS:				IN ADDITION NOTIFY:		TENANT YES <input type="checkbox"/> NO <input type="checkbox"/>	
CITY & STATE		ZIP CODE		MAILING ADDRESS:			
LOT:	BLOCK:	TRACT:	ZONE	CITY & STATE		ZIP CODE	
APPROVED USE:		OCCUPANCY:	PRESENT USE:	OCCUPANCY:	DESCRIPTION OF BUILDING: STO-RIES TYPE SIZE X	SIDING:	FRANCHISE TAX YES <input type="checkbox"/> BOARD NO <input type="checkbox"/>

PARA OBTENER TRADUCCION EN ESPANOL DE ESTA ORDEN, FAVOR DE LLAMAR AL (213) 485-7093 ENTRE LAS 7:30 A.M. A 5:00 P.M.

THIS ORDER APPLIES TO THE PROPERTY DESCRIBED ABOVE.
THE CONDITIONS REPRESENTED BY THE ITEMS CHECKED BELOW ARE VIOLATIONS OF THE LOS ANGELES MUNICIPAL CODE. YOU ARE THEREFORE ORDERED TO SECURE ANY REQUIRED PERMITS WITHIN ____ DAYS FROM THE EFFECTIVE DATE OF THIS ORDER AND TO COMPLETE THE NECESSARY WORK TO ELIMINATE THESE CONDITIONS WITHIN ____ DAYS FROM THE EFFECTIVE DATE OF THIS ORDER.

**READ WARNINGS &
APPEAL PROCEDURES
ON REVERSE**EFFECTIVE
DATE**PLUMBING VIOLATION(S) (Section 94.0105, 94.0601 and 91.8101 (F) L.A.M.C. and Uniform Plumbing Code (U.P.C.))**

- ____ 1. _____ fixture or appliance (defective / missing / unapproved / required / unsupported / remove / not accessible). 302, 901, 907 (U.P.C.)
- ____ 2. Fixture accessories _____ (defective / missing / unapproved). 904, 905, 906 (U.P.C.)
- ____ 3. Water heater (defective / missing / unapproved / required / unapproved location / clearance from combustibles / combustion air / not accessible). 301 through 323 (U.P.C.)
- ____ 4. Water heater accessories _____ (defective / missing / required / unapproved location / clearance required / not accessible). 301 through 323 (U.P.C.)
- ____ 5. Protection from excess pressure and / or temperature required for _____ (press relief valves / combination pressure and temperature relief valves / high temperature limiting device). 1007 (U.P.C.)
- ____ 6. Possible contamination or pollution of water supply at _____ due to (cross connection / back siphonage / defective or unapproved back-flow prevention device). 1002, 1003 (U.P.C.)
- ____ 7. Fire protection (sprinklers / dry standpipe / wet standpipe) fire hose-nozzle (defective / missing / unapproved / not accessible). 94.0701 (L.A.M.C.)
- ____ 8. Any plumbing deficiencies in portions of the building that were not accessible, shall also be corrected. 94.0102 (L.A.M.C.)
- ____ 9. Drainage piping serving _____ (defective / missing / unapproved / undersized / unsupported). 401, 409 (U.P.C.)
- ____ 10. Sanitary vent piping serving _____ (defective / missing / unapproved / undersized / unsupported). 501, 507 (U.P.C.)
- ____ 11. Traps serving _____ (defective / missing / unapproved / not accessible). 701 through 712 (U.P.C.)
- ____ 12. Gas piping serving _____ (defective / missing / unapproved / undersized/lacks shut-off / unprotected / unsupported). Provide pressure test. 1201, 1206 through 1213, 1218 (U.P.C.)

- ____ 13. Water piping serving _____ (defective / missing / unapproved / undersized / unprotected / unsupported). 1001, 1002, 1004, 1009 (U.P.C.)
- ____ 14. Open outlets (gas / water / drainage / vent) to be capped. 314, 1002, 1209 (U.P.C.)
- ____ 15. This Order is supplemental to the Abate Order / Substandard Order / Order to Comply - Building, Electrical, Plumbing, and/or Heating.

REMARKS☐ Permits, Marked "Community Safety" Required -
Secure the Services of Licensed Contractors

INSPECTOR'S NAME		INSPECTOR'S SIGNATURE	
TELEPHONE NUMBER	OFFICE LOCATION	DATE	

consultation regarding this order or if assistance is needed in securing a permit, the inspector may be personally contacted or reached by telephone on Monday through Friday from 7:30 A.M. to 8:00 A.M. and from 2:30 P.M. to 3:15 P.M.

For general information, please call the following offices between 7:30 A.M. to 5:00 P.M.

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Van Nuys Office (818) 989-8201
West L.A. Office (213) 312-8372
San Pedro Office (213) 548-7557

SURVEY DATE

G

H**ORDER TO COMPLY**

27006

CITY OF LOS ANGELES
DEPARTMENT OF BUILDING AND SAFETY
BUREAU OF COMMUNITY SAFETY

Page nine

B & S/CS-8A

OWNER:			PHONE:	JOB ADDRESS:			COUNCIL DIST. NO.	
OWNER'S ADDRESS:			IN ADDITION NOTIFY:			FIRE DIST.:	TENANT YES <input type="checkbox"/> NO <input type="checkbox"/>	
CITY & STATE			ZIP CODE			MAILING ADDRESS:		
LOT:	BLOCK:	TRACT:	ZONE:		CITY & STATE			ZIP CODE
APPROVED USE:		OCCUPANCY:	PRESENT USE:		DESCRIPTION OF BUILDING:		SIDING:	
					STORIES TYPE SIZE x		FRANCHISE TAX BOARD - YES <input type="checkbox"/> NO <input type="checkbox"/>	

PARA OBTENER TRADUCCION EN ESPANOL DE ESTA ORDEN, FAVOR DE LLAMAR AL (213) 485-7093 ENTRE LAS 7:30 A.M. A 4:30 P.M.

THIS ORDER APPLIES TO THE PROPERTY DESCRIBED ABOVE. THE CONDITIONS ARE VIOLATIONS OF THE LOS ANGELES MUNICIPAL CODE. YOU ARE THEREFORE ORDERED TO SECURE ANY REQUIRED PERMITS WITHIN _____ DAYS FROM THE EFFECTIVE DATES OF THIS ORDER AND TO COMPLETE THE NECESSARY WORK TO ELIMINATE THESE CONDITIONS WITHIN _____ DAYS FROM THE EFFECTIVE DATE OF THIS ORDER.

READ WARNINGS &
APPEAL PROCEDURES
ON REVERSE

EFFECTIVE
DATE

☐ PERMIT REQUIRED ☐ NO PERMIT REQUIRED ☐ PLANS REQUIRED ☐ PLANS NOT REQUIRED ☐ JOB VALUATION

INSPECTOR'S NAME (PRINT)		INSPECTOR'S SIGNATURE	
TELEPHONE NUMBER ()	OFFICE LOCATION	DATE	

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Van Nuys Office (818) 989-8201
West L.A. Office (213) 312-8372
San Pedro Office (213) 548-7557

SURVEY DATE

H

WHITE - APPLICANT WHITE - FILE YELLOW - FIELD

ATTACHMENT J

_____ (DATE)

_____ (Owner Name)

_____ (Owner Mailing Address)

_____ (City, State, Zip Code)

Dear _____ (Owner Name)

The Los Angeles Police Department (LAPD) recently formed a Narcotics Abatement Unit (NAU) that investigates properties on which narcotics and/or gang activity occurs. With a goal of neighborhood revitalization, the NAU solicits the cooperation of property owners to rid these properties of criminal nuisance.

Public records reveal you are the legal owner of a _____ (motel, ten-unit apartment building, liquor store, bar, etc.) at _____ (address). A review of LAPD investigations conducted during _____ (1990, 1991, the last six months, etc.) disclosed there were in excess of _____-related arrests made on the premises at _____. Additionally, numerous _____-related arrests were also made directly in front of this location.

The results of LAPD investigations conducted in _____ (1989, 1990, etc.) document a similar pattern of criminal activity in front of your _____ (business, property, motel, etc.). Our investigation also reveals you are in violation of numerous Building and Safety and Health Code sections. _____.

Narcotics Abatement Unit personnel have investigated these complaints and would like to meet with you and discuss suggestions which will assist you in eliminating these problems. A meeting has been scheduled for you and _____ (co-owner, manager, etc.) at _____ (TIME) on _____ (DATE) at 1645 Corinth Avenue, Room 207, in West Los Angeles.

_____(Owner's Name)

Page _____

3.1

During this meeting, LAPD officers as well as representatives from the Los Angeles City Attorney's Office, Building and Safety Department and the Los Angeles County Health Department will be present to discuss the narcotics problem and code violations that impact your property. The purpose of this meeting is to inform you of the assistance you can expect from the police and local regulatory agencies. We also want to solicit your ideas and insight as to what you as a _____ (business, property, motel, etc.) owner can do to help yourself.

Please confirm your attendance at this meeting by contacting Officer _____ or Officer _____ at (213) 312-5910. It is imperative that we work together to establish the kind of liaison and cooperation that will allow us to make this community (a better place for business and) a safer place to live. We look forward to meeting with you.

Very truly yours,

DARYL F. GATES
Chief of Police

RICHARD D. WAHLER, Captain
Commanding Officer
Asset Forfeiture and Support Section
Narcotics Group

ATTACHMENT K

**SUGGESTED IMPROVEMENTS FOR
PROBLEM NARCOTIC/DRUG LOCATIONS**

1. STOP ALL NARCOTIC/DRUG ACTIVITY ON THE PREMISES. _____
2. MAINTAIN _____ ON-SITE OR _____ RESIDENT MANAGER. MANAGER SHALL BE FLUENT IN ENGLISH AND SPANISH AND/OR ANY OTHER LANGUAGE WHICH IS SPOKEN AS A PRIMARY LANGUAGE BY ANY OF THE TENANTS. _____
3. SUPPLY MANAGER ON A MONTHLY BASIS WITH NAMES OF ALL TENANTS AND OCCUPANTS IN EACH APARTMENT OR DWELLING UNIT. _____
4. USE WRITTEN RENTAL AGREEMENTS AS SUGGESTED BY THE RENT STABILIZATION DIVISION OF THE COMMUNITY DEVELOPMENT DEPARTMENT. _____
5. RENTAL AGREEMENTS SHALL SPECIFY THAT THE FOLLOWING SHALL BE GROUNDS FOR EVICTION:
 - TENANT COMMITS ANY VIOLATION OF THE LAW REGARDING THE POSSESSION, USE, STORAGE OR SALE OF NARCOTICS/DRUGS ON OR ADJACENT TO THE PREMISES; _____
 - TENANT NEGLIGENTLY ALLOWS OR PERMITS HIS OR HER OCCUPANT, GUEST OR VISITOR TO COMMIT ANY VIOLATION OF THE LAW REGARDING THE POSSESSION, USE, STORAGE OR SALE OF NARCOTICS/DRUGS ON OR ADJACENT TO THE PREMISES; _____
 - TENANT COMMITS OR PERMITS TO EXIST A NUISANCE IN THE RENTAL UNIT OR THE COMMON AREAS OF THE COMPLEX; _____
 - TENANT USES OR PERMITS THE RENTAL UNIT TO BE USED FOR ANY ILLEGAL PURPOSE. _____
6. THE RENTAL AGREEMENT SHALL REQUIRE THAT THE TENANT LIST ANY PRIOR NARCOTIC/DRUG RELATED CONVICTIONS. _____
- 6A. EVICT ALL TENANTS ENGAGING IN DRUG-RELATED ACTIVITY ON OR ADJACENT TO THE PREMISES. _____
- 6B. THE RENTAL AGREEMENT SHALL SPECIFY THAT IF PERSONS NOT LISTED ON THE RENTAL AGREEMENT ARE LIVING IN THE APARTMENT THAT SHALL BE GROUNDS FOR EVICTION. _____
7. PERFORM A THOROUGH BACKGROUND CHECK OF TENANTS PRIOR TO RENTING. _____
8. BACKGROUND CHECK SHALL INCLUDE VERIFICATION OF EMPLOYMENT HISTORY AND RENTAL HISTORY FOR THE LAST FIVE YEARS. _____
9. REQUIRE PROSPECTIVE TENANTS TO PRODUCE VALID CALIFORNIA IDENTIFICATION (DRIVER'S LICENSE OR IDENTIFICATION CARD) AT TIME OF APPLYING FOR OCCUPANCY. MAINTAIN PHOTOCOPY OF SUCH IDENTIFICATION IN TENANT'S FILE. _____

SUGGESTED IMPROVEMENTS
PAGE TWO

10. REQUIRE PROSPECTIVE TENANTS TO PROVIDE CURRENT PAYCHECK STUBS SUBSTANTIATING CURRENT EMPLOYMENT; _____

OR

REQUIRE PROSPECTIVE TENANTS TO PROVIDE CURRENT DOCUMENTATION SUBSTANTIATING SOURCE OF INCOME (E.G., WELFARE CHECKS, UNEMPLOYMENT CHECKS, DISABILITY CHECKS, ETC.)

11. REQUIRE THAT TENANTS REPORT ANY CHANGE IN JOB STATUS TO THE MANAGER WITHIN FIVE (5) WORKING DAYS OF THE CHANGE. _____
12. FIRST AND LAST MONTHS RENT SHALL BE MADE BY CHECK TO ENCOURAGE PROPER DOCUMENTATION OF INCOME. WHENEVER POSSIBLE, RENTAL PAYMENTS SHALL BE MADE BY PERSONAL CHECK OR BANK CASHIER'S CHECK. DO NOT TAKE CASH PAYMENTS. _____
13. REQUIRE THAT UPON ENTERING AND EXITING THE PREMISES, ALL VISITORS MUST PRODUCE IDENTIFICATION TO EITHER THE MANAGER OR SECURITY OFFICER AND THEN SIGN, DATE AND TIME-STAMP A LOG BOOK LISTING THE DWELLING UNIT AND THE PERSON BEING VISITED. _____
14. RESTRICT PARKING. DO NOT ALLOW PARKED CARS BETWEEN THE BUILDINGS. REQUIRE THAT RESIDENTS PARK THEIR CARS ON THE STREET OR IN THE REAR PARKING LOT. _____
15. ENFORCE "NO PARKING" IN DRIVEWAYS. _____
16. POST IN VISIBLE AND CONSPICUOUS LOCATIONS IN AND AROUND THE PREMISES SIGNS INDICATING, "NO TRESPASSING, NO DRUGS, NO DRUG DEALERS, NO LOITERING, NO WEAPONS, NO DRINKING OF ALCOHOLIC BEVERAGES" AND "THE LOS ANGELES POLICE DEPARTMENT MAKES REGULAR AND FREQUENT PATROLS OF THESE PREMISES". THE LANDLORD, MANAGER AND SECURITY OFFICER SHALL VIGOROUSLY ENFORCE THESE ORDERS. _____
17. REMOVE ALL REFLECTIVE MATERIALS NOW ON THE WINDOWS AND PROHIBIT ITS FUTURE USE BY TENANTS. _____
18. ALL UTILITY BOXES, MAIL BOXES AND WATER HEATER ROOMS SHALL BE SECURED ACCORDING TO PROPER STANDARDS OF THE BUILDING AND SAFETY AND FIRE DEPARTMENTS TO PREVENT THE HIDING OF CONTRABAND AND WEAPONS. REPAIR MAILBOXES AND PROVIDE KEYS TO TENANTS ONLY. _____
19. INSTALL SECURITY GATES AT ALL ENTRANCES TO THE BUILDING AND ISSUE KEYS ONLY TO LAWFUL RESIDENTS AND TO THE POLICE. INSTRUCT RESIDENTS NOT TO ALLOW NON-RESIDENCE ACCESS TO THE KEYS AND TO ALWAYS KEEP DOORS LOCKED AFTER ENTERING OR EXITING THE BUILDING. _____

SUGGESTED IMPROVEMENTS
PAGE THREE

20. MAINTAIN DUPLICATES OF ALL KEYS OR OTHER SECURITY DEVICES FOR THE MANAGER AND SECURITY OFFICER. WHENEVER LOCKS ARE CHANGED, NEW DUPLICATES SHOULD BE DISTRIBUTED IMMEDIATELY TO THE MANAGER AND SECURITY OFFICER. ANY CHANGE IN TENANCY IN ANY UNIT SHALL RESULT IN NEW LOCKS BEING INSTALLED AND NEW KEYS BEING DISTRIBUTED AS ABOVE. _____
21. IF THE RENTAL PROPERTY HAS SIXTEEN (16) OR MORE DWELLING UNITS, INSTALL AN INTERCOM SYSTEM IN THE FRONT OF THE BUILDING SO THAT VISITORS MUST BUZZ THE DESIRED APARTMENT UNIT AND SPEAK INTO A MICROPHONE INSTALLED INTO THE WALL SO THAT PRIVATE CONVERSATIONS ARE IMPOSSIBLE. THE INTERCOM SHALL BE CONNECTED SO AS TO ALLOW BOTH THE ON-SITE MANAGER AND THE SECURITY OFFICER TO MONITOR ALL CONVERSATIONS. A SIGN SHALL BE POSTED STATING, "ALL CONVERSATIONS THROUGH THIS INTERCOM ARE BEING MONITORED BY THE BUILDING MANAGER AND BY A SECURITY OFFICER". _____
22. INSTALL EFFECTIVE HIGH INTENSITY LIGHTING THROUGHOUT THE INTERIOR AND EXTERIOR OF THE BUILDING AND IMMEDIATELY REPLACE ANY WORN OR DAMAGED LIGHTING. _____
23. ERECT FENCES AROUND THE PROPERTY TO PRECLUDE LOITERING IN THE BUILDING AND ITS PREMISES. _____
24. EMPLOY A STATE-LICENSED, UNIFORMED AND ARMED SECURITY OFFICER TO PATROL THE PREMISES AND IMMEDIATE SURROUNDING AREAS TWENTY-FOUR (24) HOURS A DAY, SEVEN DAYS A WEEK.
25. ENSURE FIRE EXTINGUISHERS ARE IN PROPER WORKING CONDITION. _____
26. ENSURE STAIRWAY LIGHTS ARE IN PROPERTY WORKING CONDITION. _____
27. REMOVE ABANDONED OR DISABLED VEHICLES ON PROPERTY. _____
28. REMOVE ALL DEBRIS, INCLUDING ABANDONED FURNITURE AND APPLIANCES ON AND AROUND THE PERIMETER OF THE PROPERTY. _____
29. REMOVE ALL GRAFFITI FROM EXTERIOR AND INTERIOR OF THE BUILDING AND APARTMENTS, INCLUDING STAIRWAYS, HALLS, PARKING AREAS, LAUNDRY ROOMS, ETC. _____
30. ENSURE PROPER MAINTENANCE OF INTERIOR AND EXTERIOR OF THE BUILDING AND THE SURROUNDING PREMISES, KEEPING ALL PROPERTY IN GOOD REPAIR. _____
31. KEEP ALL PERMITS VALID, CURRENT AND AVAILABLE FOR INSPECTION ON THE PREMISES THROUGH THE MANAGER OR SECURITY GUARD. _____
32. AFFIX OR PAINT APARTMENT ADDRESSES ON THE ROOF OF EACH APARTMENT BUILDING TO ENSURE THEIR VISIBILITY TO POLICE AIR PATROL. _____

SUGGESTED IMPROVEMENTS
PAGE FOUR

33. COMPLY WITH ALL ORDERS ISSUED BY THE HEALTH DEPARTMENT AND THE
DEPARTMENT OF BUILDING AND SAFETY.

WHILE THESE SUGGESTIONS ARE NEITHER EXHAUSTIVE NOR EXCLUSIVE OF OTHER
POSSIBLE ACTIONS, IT IS BELIEVED THAT IMPLEMENTATION OF THEM WILL
ASSIST YOU IN ELIMINATING THIS NUISANCE.

I HAVE RECEIVED A THREE PAGE LIST OF IMPROVEMENTS AND THESE
IMPROVEMENTS WILL BE IMPLEMENTED BY

COMPLIANCE DATE

SIGNATURE

DATE



JAMES K. HAHN
CITY ATTORNEY

Office of the City Attorney
Los Angeles, California

ATTACHMENT K

Page five EXECUTIVE OFFICE
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LOS ANGELES 90012
(213) 485-5408

CRIMINAL BRANCH
(213) 485-5470

CIVIL BRANCH
(213) 485-6370

TELECOPIER
(213) 680-3634

DATE

NAME
ADDRESS
CITY

Dear _____:

This letter is to memorialize the accord reached at our meeting on _____, concerning the narcotics-related problems and other illicit activity occurring on the property you manage at _____, also known as the _____ Motel. As discussed between yourself and representatives of the Los Angeles City Attorney's Office, L.A.P.D., the Department of Building and Safety, and the County Health Services Department, the attached rules of operation are recommendations for resolving the nuisance activity at the _____ Motel on _____.

While the attached rules of operation are neither exhaustive nor exclusive of other possible actions, it is believed that implementation of them will assist you in eliminating illegal nuisance activity on your property.

We are very appreciative of your recent efforts to renovate the _____ Motel and to implement procedures directed at eradicating narcotics-related activity on the premises.

If we can be of further assistance to you, please do not hesitate to contact us at 312-5910.

Sincerely,

JAMES K. HAHN, City Attorney

By

Mary Clare Molidor
Assistant City Attorney

MCM:rb



MOTEL

Rules of Operation

1. Stop all narcotics activities on the premises.
2. Require a California driver's license or California I.D. which includes a photograph and one other form of identification from all persons renting or occupying a motel room. If you suspect a customer of being a prostitute, require two types of identification containing a photograph. Xerox and retain a photocopy of each occupant's California driver's license or California I.D.
3. Require identification in the form of a California driver's license or California I.D. from all visitors entering any motel room or the common areas of the motel premises. Record this information (name and driver's license/California I.D. #) on the registration card and sign, date and time-stamp the entry.
4. Complete the registration card in full and make sure it is signed. All vehicle information should be included on the registration card. Comply fully with L.A.M.C. § 41.49:

"Every person who owns or operates a motel shall keep a register in which shall be entered:

(a) The name and address of each guest, and the name and address of each member of his party.

(b) In the event that such guest or party travels by means of motor vehicle, the register shall specify the make, type and license number of the motor vehicle and the year of registration. Said register shall at all times be open for inspection to all police officers."
5. Post a large sign, visible to all patrons, indicating that the motel management is required to request proper identification. The sign should indicate that prostitution and narcotics will not be allowed and that the Los Angeles Police Department makes frequent inspections.
6. Do not rent rooms for "short time" rates. This encourages prostitutes and their customers to utilize your business for criminal activity. All rooms should be rented no more than one time for each 24 hours period.
7. Do not rent motel rooms for more than 29 days.
8. Do not rent motel rooms to persons previously arrested on or adjacent to the motel premises for narcotics or prostitution violations.
9. Require potential occupants to list all prostitution and narcotics-related convictions.

10. Motel guest room agreement shall specify that the following shall be grounds for immediate termination of the room rented:
 - occupant commits any violation of the law regarding the possession, use, storage or sale of narcotics/drugs on or adjacent to the premises;
 - occupant negligently allows or permits his or her fellow occupant, guest or visitor to commit any violation of the law regarding the possession, use, storage or sale of narcotics/drugs on or adjacent to the premises;
 - occupant commits or permits to exist a nuisance in the motel room or the common areas of the complex;
 - occupant uses or permits the motel room to be used for any illegal purpose.
11. Do not allow alcoholic beverages to be consumed in public view or to the exterior of any room.
12. Evict all occupants engaging in narcotics, prostitution, or other illegal activities.
13. Post in visible and conspicuous locations in and around the premises signs indicating, "No trespassing, no prostitution, no drug dealing, no loitering, no weapons, no drinking of alcoholic beverages" and "The Los Angeles Police Department makes regular and frequent patrols of these premises." The motel owner or manager on site shall vigorously enforce these orders.
14. Maintain locks and keys for each room. All rooms should remain locked when not in use. A key deposit system should be set up to avoid keys being circulated among local prostitutes and drug dealers/users. The keys should be stamped "Do Not Duplicate".
15. The manager on site shall have duplicate room keys always available for emergency services personnel.
16. Ensure proper maintenance of interior and exterior of building.
17. Comply with all orders and regulations of the County Health Services Department, Building and Safety, City Clerks Office, and other applicable regulatory agencies.
18. Remove any and all graffiti from the premises.

19. Keep motel rooms and premises clean of trash and debris.
20. Repair rear gate and fence.
21. Maintain security gates and perimeter fencing, particularly in the front and rear of premises. Gates should allow exit in case of an emergency.
22. Install high intensity lighting throughout the interior and exterior of building, particularly in the parking lot and the front and rear areas. Immediately replace any burned-out, worn, or damaged lighting.
23. Employ a state licensed, uniformed and armed security guard to patrol the premises if the above motel operation rules do not eliminate the illegal activities on and adjacent to the motel premises.

ATTACHMENT L



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MEMORANDUM

TO: ALL PROPERTY OWNERS, LANDLORDS & PROPERTY MANAGERS

FROM: JAMES K. HAHN, CITY ATTORNEY

RE: SOME THINGS YOU SHOULD KNOW ABOUT GANGS & DRUGS

AS A PROPERTY OWNER, WHAT DO I NEED TO KNOW ABOUT GANGS AND DRUGS?

Sadly, due to the rapid growth of street gangs, combined with the spread of dangerous drugs such as crack cocaine, the concerns of landlords are no longer limited to collection of rent and payment of property taxes. Now, property owners and managers also have to be concerned with tenants and their guests who engage in dangerous and illegal activities such as narcotics use and trafficking. As a result of this activity, tenants and neighbors suffer a decrease in the quality of life, while the property owner risks civil liability and possible loss of revenue and even the property itself. Now, more than ever, it is incumbent upon all property owners to take corrective action to prevent and discourage illegal gang and drug activity, while doing all that is possible to remove persons who are known to be engaged in such illegal activity. Property owners who fail to live up to their responsibilities as owners are subject to possible abatement action by the Los Angeles City Attorney's Office. Of course, it goes without saying that a crime-free property also makes good business sense.

WHAT IS EXPECTED OF ME AS A PROPERTY OWNER?

The City of Los Angeles asks that property owners take reasonable steps to prevent and discourage and reduce illegal activity at their locations. Even when we in law enforcement arrest and prosecute drug dealers from your property, unless you, the property owner, take steps to create an environment that discourages gang and drug activity, other criminal elements will eventually find their way to your property and put you and others at risk.

WHAT ABOUT THE COST OF MAINTAINING A PROPERTY WHICH IS FREE FROM ILLEGAL GANG AND DRUG ACTIVITY?

As a homeowner myself, I am acutely aware of the financial demands placed upon responsible property owners in Southern California. Nevertheless, property owners and law enforcement officials nationwide agree that early prevention is far less costly than the price of reclaiming a building already overrun with illegal gang and drug activity. Fortunately, most of the suggestions included in this booklet cost little or nothing. Other suggested



improvements such as improved lighting, fences and intercom systems may call for an initial investment to purchase and upkeep the items, but they more than pay for themselves in the long run. If you have any doubts, simply calculate the amount of money lost from a single vacancy as a result of graffiti, gang or drug activity occurring at your property. Now calculate the number of vacancies you are presently experiencing, if any, and how much you are actually losing each month. If you are like most property owners in Los Angeles, whether you have full occupancy or not, you will quickly realize that the cost of such improvements is relatively small in comparison to the amount of money lost if you merely do nothing and suffer loss of income from excessive vacancies. *Discouraging and preventing illegal gang and drug activity makes good business sense. It's that simple!*

WHAT ELSE CAN I DO TO DISCOURAGE GANG AND DRUG ACTIVITY IN MY APARTMENT BUILDING?

The best cure is an ounce of prevention. By taking steps to prevent drug dealing and gang activity, you will be saving yourself time, money and considerable anxiety. Also, you will be avoiding any possibility that your building will be identified by law enforcement as a property location subject to abatement. Obviously, screening your tenants before you sign the lease is the key to good property management. There are many things that you, as a landlord, can do to learn whether or not the prospective tenant will eventually create a nuisance in your building and contribute to the drug and gang problem. In addition to obtaining photo identification in the form of a valid driver's license or identification card issued by the Department of Motor Vehicles, do you insist on references from previous landlords before signing the lease? Do you check up on those references? Do you belong to an apartment owners' association that provides screening services? Before renting, do you make it clear in writing that you will not tolerate illegal activity and that the prospective tenant will have to agree to certain conditions designed to discourage illegal activity? Contact your local apartment owners' association, the Rent Stabilization Division, and other property owners in your area for suggestions on the many things you can and should be doing to screen your tenants. At the very least, you are encouraged to consider the following when screening prospective tenants:

- ♦ *Prior to signing the lease, do a thorough background check, including verification of employment history and rental history for the last five years. Talk to previous landlords, maybe even visit the prior location. Require applicants to list any prior narcotic or drug related convictions.*
- ♦ *Prior to signing the lease, insist upon seeing and then make a copy of applicant's valid California identification (driver's license or ID card issued by the Department of Motor Vehicles).*
- ♦ *Prior to signing the lease, require current pay stubs, unemployment or disability checks, etc.*
- ♦ *Prior to signing the lease, make clear to the tenant verbally and in writing that only checks or money orders will be accepted for payment of rent, then enforce it!*
- ♦ *Prior to signing the lease, require tenants to agree to report any change in job status within five working days.*

IN ADDITION TO SCREENING, IS THERE ANYTHING ELSE THAT I CAN DO TO DISCOURAGE GANGS AND DRUGS AT MY RENTAL PROPERTY?

1) **Do you have an effective lease?** It goes without saying that every landlord should be using a written lease agreement. This is a must! But does your written lease also clearly state what is expected of both tenants and owners? Does it make clear that drug dealing and activity associated with drug dealing is cause for eviction? At the very least, your lease should specify that the following will be grounds for eviction:

- ♦ If tenant(s) commits any violation of the law regarding possession, use, storage or sale of narcotics or other controlled substances on or adjacent to the premises;

- ♦ If tenant permits his or her occupant, guest or visitor to commit any violation of the law regarding possession, use, storage or sale of narcotics or other controlled substances on or adjacent to the premises.

Do you review the lease with all prospective tenants before signing? Do you distribute written "house rules" which provide additional rules for living in your building? If so, you should obtain signatures from all tenants indicating that they have received and agree to comply with these "house rules". Check with your local apartment owners' association or contact the Division of Rent Stabilization for information about improving your lease to protect both you and your law abiding tenants. In addition, do you ever accept cash payment from tenants? Reliable tenants should be expected to pay by check or money order.

Importantly, if a prospective tenant has a limited understanding of the English language, then you should provide a written translation of the lease and any other documents in the applicant's native language and then orally review the documents to insure that the applicant fully understands the terms of the rental agreement. This is not only important to prevent and discourage criminal activity from occurring on your property but is critical if you later attempt an eviction based on a violation of the lease. (One of the most common complaints from judges when refusing to order an eviction is that the landlord is often unable to show that the tenant understood the lease. This is especially common when the tenant is either illiterate or English is not the tenant's native language.)

2) **Check your lighting!** Criminals obviously prefer to operate in dim or unlit areas. First, make a complete inspection of your property at night. Walk all around your property. Ask yourself these questions: Is your entire property on all sides adequately lit? Are more fixtures needed to cover all areas? Are all bulbs working? Are they of sufficient wattage to do the job? Even if your lights are vandalized, replacing a bulb is your cheapest and best insurance against unwanted criminal activity. Check your hallways, stairwells and laundry rooms also. Again, replace bulbs regularly.

3) **Check your shrubbery!** Amazingly, well trimmed and carefully placed shrubbery can reduce both illegal drug use and graffiti. Trim and plant shrubbery so that it does not provide hiding places for drugs and paraphernalia. Tree stumps, overgrown brush and high weeds offer excellent hiding places for drugs and should, therefore, be removed. On the other hand, a carefully placed vine or tree along a wall can often inhibit recurring graffiti!

4) **Check security around buildings!** Do you have a locked entrance with a policy that limits who is able to have a key? Are all locks in working order? Are laundry rooms locked when not in use? Be sure that all utility rooms

(closets, phone boxes, water heater rooms, etc.) are secured according to Building and Safety and Fire Department standards to prevent the hiding of drugs, weapons and other contraband. Consider an attractive but secure fence around the perimeter of your building with access limited to tenants and invited guests. An intercom system is also very effective. Consider discussing your property's security with your L.A.P.D. Senior Lead Officer or other security professional. *(The Senior Lead Officer is a police officer specially assigned to coordinate law enforcement efforts for one or more neighborhoods while working closely with citizens and community groups to address ongoing problems such as illegal gang and drug activity. If you are experiencing such criminal activity at your property, you are urged to contact your Senior Lead Officer and discuss these specific problems.)*

5) Check the interior of your apartments on a regular basis! The law requires you to maintain control of your premises and to actively prevent illegal activity. This means that you should be inspecting your units to insure that smoke alarms are in working order, pest infestation is not present, and that all fixtures are in working order. After reasonable written notice to tenants (at least 24 hours), you are entitled to inspect the interior of your units for the above reasons. If you are not able to gain access to any unit after a number of requests for entry, you should consult an attorney on the procedures to follow to safely and legally gain entry. Assuming your lease states it is the tenant's responsibility to provide access, you may consider eviction proceedings based on a violation of a term of the lease.

6) Is graffiti removed on a regular basis? Graffiti not only defaces property and results in lower property values, it tends to attract criminal elements and has even contributed to specific acts of violence between rival gangs. Graffiti must be removed as soon as it is discovered. If it returns, don't be discouraged. Remove it and continue to remove it until the offenders give up. Be sure your manager or some other person is authorized and equipped to remove the graffiti whenever it occurs, without special permission or arrangement.

7) Do you vigorously enforce trespass laws? You can assist law enforcement by helping to enforce trespass laws. First, be sure there are "No Trespassing" signs in the front and rear of your property. (Depending upon the severity of the problem, you should consider posting additional signs prohibiting loitering, drugs, alcoholic beverages, excessive noise, etc.) Secondly, contact the City Attorney's Gang Enforcement Unit or the Senior Lead Officer assigned to your area regarding a letter to L.A.P.D. authorizing officers to enforce trespass laws on your behalf. Thirdly, remember that police need to be able to quickly identify your building from the street, alleyways and rooftop. Accordingly, be sure the address of your building is clearly visible not only from the street but also from the rear (especially if it abuts an alley) and the roof. Contact your local police station or the City Attorney's Office regarding these and other ways to keep unwanted persons off your property.

8) Is your manager part of the problem or the solution? Possibly the most effective way to discourage illegal activity is to retain an effective manager. He/she is your eyes and ears when you're not there. A manager must be willing to take immediate corrective action, such as painting over graffiti, insuring that lighting is maintained, and keeping an eye out for suspicious activity. A manager must be willing to act as your liaison to tenants, visitors, police and other city officials. A manager must also be able to communicate with all your tenants, as well as the police and other government officials. If your apartment building, for instance, includes a large percentage of Spanish speaking occupants, can your manager effectively communicate with them in their native tongue? Consider these factors when seeking an effective manager for each particular property involved.

Many owners have found it useful to offer financial or other incentives to their managers who successfully discourage illegal gang and drug activity on or near the property location. There are a variety of ways, for example, to encourage your manager to maintain a graffiti-free building, including but not limited to financial rewards. A small reduction in rent for a building that remains graffiti-free can be a small price to pay for the improved quality of life for your present and prospective tenants and for the reduction in vacancies you are sure to enjoy. In other words, it makes good business sense!

Naturally, supply your manager with the names and other pertinent information regarding all tenants and occupants of the building. Always provide managers with emergency numbers for police, fire, gas company, etc. Be sure they are able to contact you at all times of the day and night. In addition, be sure your manager (and tenants) knows who to call for such things as removal of unwanted sofas and abandoned vehicles. If you or your manager don't know these important numbers, contact your City Council representative for more information. But don't wait until you when it's time to use these numbers. Get them now so you, your manager, and your tenants will be ready when they are needed, no matter what time of day or night.

9) Are your tenants part of the problem or part of the solution? In addition to your manager, your tenants are a critical part of any effort to keep your premises gang and drug free. Consider meeting with your tenants to develop strategies and policies to reduce crime and drug activity. Let them know how they can assist in identifying problem tenants as well as assisting each other in maintaining the premises so as to discourage illegal activity. It's also a good idea to distribute those emergency, trash and auto removal numbers to your tenants.

10) Do you have a problem with abandoned vehicles, or tenants working on cars parked on your property? Do you suspect that gang members and drug dealers are using illegally parked vehicles for drug transactions? Restrict parking, assign spaces when possible, and immediately tow any vehicles parked on sidewalks, in alleys, on lawns, or on pedestrian walkways. Also insist that your manager be given a list of the license plates of all vehicles owned or used by tenant and lawful occupants. Did you know that the rules for removing vehicles from your private property are different than the removal of vehicles on public streets and alleyways? Contact your local police department, Parking Enforcement or your local City Council member to learn how to remove abandoned vehicles.

(11) Do you have abandoned sofas, old refrigerators or other oversized trash items left in common areas of your property? Insist that the manager and all tenants be responsible for removal of debris, especially oversized items such as furniture and appliances. Learn the special Department of Sanitation phone number for removal of oversized items in your area, then distribute that number along with other emergency numbers to your manager and all tenants.

(12) Is there something that can be done about the use of public telephones for illegal drug sales? If you know of a public telephone which you believe is being used for illegal gang or drug activity, contact the property owner and/or the owner of the public telephone (remember that many public phones are now privately owned). Discuss removal of the telephone or installation of an "outgoing calls only" telephone. If the phone company or owner of the property where the phone is located fails to cooperate, contact your local police station or the City Attorney's Office to discuss other ways to address this problem.

(13) Are you in compliance with all relevant Building and Safety and Fire Codes?

Make sure all extinguishers are kept in proper working order. In addition to fines, you could be subject to civil liability in the event that persons are injured as a result of a fire where the extinguishers were found to be inoperative. Vandalism of safety equipment is not an excuse for failure to always maintain such equipment in proper working order. Make sure all smoke alarms are also operating correctly. Following reasonable notice to each of your tenants, thoroughly inspect each unit regularly. Take the opportunity to inspect the plumbing, appliances, and other fixtures which require maintenance or repair. Remember, regular inspections and routine maintenance of both the exteriors and interiors of rental properties not only will earn you the respect of your tenants but will be your best prevention against surprise repairs and possible violations of city building codes. Of course, if you observe anything that makes you suspect drug dealing or other illegal activity, contact the police immediately. (This is not meant to imply that you ought to search the personal property of your tenant. An inspection of a rental unit should be limited to that which is necessary to inspect and repair all fixtures and safety equipment.) Nevertheless, a surprising number of successful evictions for illegal drug activity were a result of a responsible landlord or manager accidentally discovering evidence during a routine inspection of the property. On the other hand, it is sometimes frightening to learn how many property owners and managers have not even seen the interiors of their rental units for months or years. Remember, inspecting the interior units of your property, following reasonable notice to the tenant, is not only your right, it is your responsibility as a property owner. You owe it to yourself and your tenants to insure that every tenant maintains their property in a safe and sanitary condition and in compliance with the terms of the lease agreement.

WHAT IS AN ABATEMENT?

An abatement is a civil action initiated by the City Attorney's Office against a property owner because the owner has caused or permitted a public nuisance to occur at his or her property. This public nuisance can include, but is not limited to, violations of the Building & Safety Code, Fire Code, Los Angeles Municipal Code, Health and Safety Code or Penal Code. Owners who fail to properly maintain their property in a safe and healthful condition are subject to abatement. In addition, properties where illegal gang and drug activity occur are subject to abatement.

WILL MY BUILDING BE SUBJECT TO CIVIL ABATEMENT JUST BECAUSE GANG AND DRUG ACTIVITY OCCURS ON MY PROPERTY?

No. Whether an abatement occurs against your property depends on you. You can avoid the possibility of an abatement by taking reasonable steps to discourage illegal gang and drug activity. The Los Angeles Police Department and the City Attorney's Office are prepared to suggest corrective action that will help alleviate a gang and drug problem. But, understand that it is not a legal excuse that other properties in the City of Los Angeles also suffer from gangs or drugs. Nor is it a legal excuse that the police have the responsibility to get rid of gangs and drugs. The laws in California clearly state that it is the responsibility of the property owner to take reasonable steps to discourage, reduce or eliminate illegal activity, including gangs and drugs. Naturally, the Los Angeles Police Department and the City Attorney's Office are anxious to provide the maximum amount of assistance possible to property owners to attain our mutual goal of reduced gang and drug activity.

EVICCTIONS

(IMPORTANT NOTE! The following provides only general information regarding the eviction process. You are strongly encouraged to contact an attorney experienced in unlawful detainers, especially those based on illegal activity, before proceeding with such evictions!)

IS IT POSSIBLE TO EVICT A TENANT IF THEY ARE DEALING DRUGS?

Yes. In fact, a tenant who deals drugs on your property could put you, as a property owner, at risk of facing a lawsuit from the City Attorney's Office for permitting a nuisance to be maintained at your property. This lawsuit, commonly called an abatement, could result in substantial penalties against the property owner and could even result in seizure of the property.

CAN I PROCESS THE EVICTION MYSELF?

If you are attempting to evict a tenant based on illegal activity, it is wise to consult an attorney. Although many apartment owners have successfully processed evictions based on non-payment of rent and other violations of the Rent Stabilization Ordinance, an eviction based on the conduct of the tenant (i.e. violation of nuisance sections, drug dealing, gang activity, etc.) may involve the gathering of complicated documentation to prove illegal conduct, special rules of evidence, and familiarity with the criminal justice system.

HOW DO I EVICT SOMEONE FOR DRUG POSSESSION OR DEALING?

There are two provisions in the Rent Stabilization Ordinance that might form the basis for an eviction as a result of drug dealing by a tenant. The first simply states that a tenant may be evicted if the landlord can prove to the court that the tenant is, in fact, engaged in drug dealing. To do this, you must provide evidence to a judge that your tenant is either using or dealing drugs on your property or permitting others to do the same. Mere suspicions by you or your tenants will not be enough.

The second provision of the Rent Stabilization Ordinance permits evictions if the tenant is creating a "nuisance". The law describes conduct which constitutes a nuisance, including excessive noise, pedestrian traffic and other conduct which is consistent with a tenant who deals drugs out of an apartment. Again, mere suspicions are not enough to support an eviction. The court will require proof that the tenant is engaging in so-called "nuisance" activity. Oftentimes, this proof is in the form of observations made by your tenants, manager or yourself.

As with all evictions involving criminal activity, you are strongly urged to consult an attorney experienced in unlawful detainers, especially those based on criminal activity or conduct which is defined as a nuisance in the Rent Stabilization Ordinance. Relevant portions of the Rent Stabilization Ordinance which prohibit drug dealing and nuisance activity are included at the end of this manual.

ARE THERE ANY OTHER WAYS TO REMOVE A TENANT INVOLVED IN CRIMINAL ACTIVITY?

Yes. In addition to evictions based on the drug dealing and nuisance provisions of the Rent Stabilization Ordinance, there are a variety of

alternative ways to successfully deal with a tenant involved in criminal activity. To learn more, you should contact your local apartment or property owners' association (eg. The Greater Los Angeles Apartment Owners' Association), consult an attorney experienced in landlord-tenant law, and meet with the L.A.P.D. Senior Lead Officer assigned to the area where your property is located.

IF I DECIDE TO EVICT BASED ON DRUG DEALING, HOW DO I ACTUALLY GO ABOUT PROVING DRUG DEALING (OR POSSESSION) IN UNLAWFUL DETAINER COURT?

There are at least two possible ways of proving this, although your attorney may be able to provide others:

1) One way, and probably the most convincing, is to provide the unlawful detainer court with a copy of the court file which shows the tenant was convicted of a drug related offense while on your property. It is important that the court file establishes that the defendant was actually convicted of dealing or using drugs while at the property. A mere conviction for drug dealing elsewhere will usually not justify an eviction. (See below for information on how to obtain a court file showing such a conviction.)

2) The other way is to have someone testify in unlawful detainer court that they observed the tenant dealing drugs while on your property. In many instances, a manager, tenant or neighbor may be able to provide sufficient information to the court to justify an eviction by the court. Clearly, they are your best source of information about what violations of the Rent Stabilization Ordinance may be occurring at your property. *This procedure, however, calls for considerable legal expertise and you are strongly urged to consult an attorney before attempting an eviction based on drug dealing which involves testimony from a police officer or other witness.*

HOW, THEN, DO I ACTUALLY "PROVE" TO A JUDGE THAT A TENANT IS REALLY BREAKING THE LAW OR VIOLATING A PROVISION OF THE LEASE AGREEMENT?

As stated above, the best way to prove drug dealing at your property is to provide the unlawful detainer judge with a "certified copy" of the criminal conviction and any other material necessary to prove that it was your tenant who was convicted of drug dealing while at your property. Keep in mind that the unlawful detainer court will not locate the criminal court file showing that your tenant was convicted of drug dealing. It is your responsibility to locate and produce a "certified copy" of the appropriate documents from the court file. You are urged to check with the Clerk's Office of the Criminal Courts to determine if there has been a conviction before attempting an eviction based on drug dealing. The procedure for checking the status of a criminal court case and locating the court file is described below.

If there has not been a conviction for drug dealing, then another possible way of proving drug dealing (or nuisance activity) is by locating witnesses such as tenants and managers who can testify in court that they have observed illegal activity. Obviously, they are your best source of information for what goes on at your rental property. They are, likewise, the best source for proving to a judge that your tenant deserves to be evicted based because of drug dealing or nuisance activity.

IS THERE ANYTHING THAT MY TENANTS OR MANAGER CAN DO IN ADVANCE?

Yes. A manager or tenant should maintain a report or "log" of what suspicious or illegal activity is observed from day to day. The log should always include the time and date of whatever is observed, the specific location, along with a brief but detailed description of the activity observed. A log of events that occur in and around the property should be started by you, your

manager and any concerned tenants as soon as a problem is identified. This log of events helps witnesses recall events in the courtroom and also can be invaluable in helping the judge decide if the tenant should, in fact, be evicted.

Nevertheless, while evictions based on non-payment of rent and other provisions of the Rent Stabilization Ordinance are often successfully prepared by property owners without the assistance of the police or an attorney, evictions based on *drug dealing or nuisance activity* can be complicated and may require special expertise. Unless you have experience in this area, you are strongly urged to seek the advice of an attorney experienced in these types of evictions. Your local apartment owners' association may be able to assist you in locating such an experienced attorney.

WHAT IF MY MANAGER AND TENANTS ARE UNABLE TO PROVIDE INFORMATION TO THE JUDGE IN UNLAWFUL DETAINER COURT?

If you believe that a tenant is engaged in drug dealing or nuisance activity at your rental property and neither your manager or tenants are able to provide information about such activity, then you should determine whether the police have arrested your tenant and the status of the criminal case.

HOW DO I DETERMINE IF THE POLICE HAVE ARRESTED MY TENANT OR IF THERE IS ANY OTHER INFORMATION I CAN USE TO PROVE DRUG DEALING IN EVICTION COURT?

If you believe that the police have arrested your tenant for drug dealing while on your property, then you should locate the court file, as described below, identify the police officer(s) who initiated the arrest, and meet and discuss their potential usefulness in an eviction action against your drug dealing tenant. Try to learn the details of the arrest and the status of the case. Has there been a conviction for drug dealing? Is the case still pending? Who is the prosecuting attorney? Is there a likelihood that the defendant will soon plead guilty or be convicted in trial? (If so, you may be able to use that conviction in unlawful detainer court.) In many cases, the officer will know that a conviction or plea of guilty is likely in the near future and that it may be prudent for you, as a property owner, to wait until you can provide the unlawful detainer judge with proof of a criminal conviction. (You are urged, however, to consult an attorney familiar with this area of the law since these types of court cases are usually complicated and involve special rules of evidence with which only an attorney is knowledgeable. An attorney may also be able to identify additional evidence which will bring about a successful eviction.)

WHAT ABOUT SIMPLY OBTAINING A COPY OF THE ARREST REPORT AND SHOWING IT TO THE UNLAWFUL DETAINER JUDGE? ISN'T THAT ENOUGH TO PROVE DRUG DEALING?

Unfortunately, the police report is often inadmissible in court to prove a criminal act, and may also be inadmissible in unlawful detainer court to justify a conviction. In addition, a police report is a confidential document which is normally not available from the police or prosecutor. Even though you may be the owner or manager of the property where the arrest took place, confidentiality laws of the State of California may prevent you from obtaining a copy of the report from L.A.P.D. Interestingly, however, once a police report becomes part of a court file, that is, once a tenant is charged with a crime by the City or District Attorney, the police report then becomes public record and is available for review. Then, it becomes a matter of learning how to locate the criminal court file in order to review the police report.

HOWEVER, keep in mind that even if you locate and receive a copy of the arrest report, you may still be prevented from using the report in unlawful detainer court. Instead, the arrest report is most useful as a key to learning the details of the arrest and which police officers and other witnesses are necessary to convince a judge that the tenant did, in fact, deal drugs while on your property. Even though the court may not allow you to introduce the arrest report as evidence, you may want to locate the police report in the criminal court file to determine what police officers and civilians may be useful in an unlawful detainer action. (Again, evictions based on criminal activity can be confusing and involve complex aspects of both criminal and civil law. Thus, you are urged to seek the advice of an experienced attorney. Notwithstanding the complexities of these cases, you can evict a tenant based on criminal activity!)

WHAT IF THERE HAS BEEN A COURT CONVICTION FOR DRUG DEALING?

If there has been a conviction for drug dealing in court, ask the police officer if he or she knows the case number. This will make it much easier for you to locate the file. If not, then you must still locate and obtain a "certified copy" of the court file including those documents which prove that the defendant was convicted of drug dealing from your property. (See page ___ for information on how to locate and copy a court file.)

WHAT IF THE POLICE DEPARTMENT IS UNABLE TO GIVE ME SPECIFIC INFORMATION ABOUT MY TENANT'S ARREST?

The court file, which is public information, will usually contain all the information that you or your attorney will need to determine if there is sufficient evidence to prove Rent Stabilization Ordinance violations such as drug dealing or nuisance activity. Although the police report may or may not be admissible as evidence, it should contain the name of the police officer who arrested your tenant and the police division where he was assigned at the time of the arrest. If a review of the report suggests that the police officer observed conduct which is in violation of the Rent Stabilization Ordinance, then you should consider contacting the arresting officer to discuss the case and determine if the officer can be useful in an eviction proceeding.

HOW DO I LOCATE AND REVIEW THE COURT FILE?

If you believe your tenant was recently charged with committing a crime such as drug dealing on your property, you can find the court file by visiting the nearest courthouse which hears criminal cases. In most cases, the court file will include a police arrest report which should provide most of the information you or your attorney will need to determine if the drug arrest will help in the eviction process. (A list of all courthouses within the City of Los Angeles is attached, with their respective addresses, phone numbers and hours of operation.)

However, before visiting the courthouse, you are urged to first contact your local police division and discuss the arrest with the arresting or investigating officers. Oftentimes, the arresting officer can save you time by providing detailed information about the status of the case in the court system. Remember, however, that the police may not be able to provide you with this information because of certain legal restrictions. In those situations, you will have to obtain the necessary information concerning the drug arrest by visiting the appropriate court and reviewing the court file.

Lastly, be patient! You may discover, for example, that the court file you wish to review is not located at the nearest courthouse because of some procedural technicality. Or it may be temporarily unavailable because it is being used for some court action elsewhere. The court clerk will advise you in the event a file is temporarily unavailable.

WHAT ABOUT EVICTIONS BASED ON "NUISANCE ACTIVITY"?

If you can provide evidence to the judge that your tenant is engaging in conduct described in Section 151.09 of the Rent Stabilization Ordinance, then you may be able to evict the tenant for creating a nuisance. This provision permits evictions when a tenant is engaging in certain types of conduct which create a nuisance to others. This conduct involves, but is not limited to excessive pedestrian traffic, excessive noise, and other offensive conduct. You should carefully review the entire ordinance (as well as consult an attorney) before attempting an eviction based on nuisance activity.

Nevertheless, the key to a successful eviction based on "nuisance activity" is being able to persuade a judge that the tenant is, in fact, engaging in the illegal activity described in the Rent Stabilization Ordinance. One of the best ways to begin gathering this type of evidence is for the owner, manager and tenants to document the illegal activity of the tenant in a "log" like the one described on pages 8 and 9, above. Being as specific as possible, each person should maintain a log of all the noise, pedestrian traffic, and other conduct, always noting the date and time. This log or diary of the tenant's illegal activity can be invaluable in persuading a court that the tenant is creating a nuisance and should be evicted.

Since this is usually more complicated than evictions based on non-payment of rent and other provisions of the Rent Stabilization Ordinance, you are strongly urged to consult an attorney experienced in this area of the law. Nevertheless, keep in mind that this provision of the law has been successfully used against persons engaged in criminal activity in apartments and other rental property covered by the Rent Stabilization Ordinance. This provision of the law was enacted because the City of Los Angeles will not tolerate drug dealing. The law is there to help you, the property owner, to rid your building of this type of unacceptable and illegal conduct and to provide a safe environment for you and your tenants. Used properly and with the assistance of an attorney, it provides another valuable weapon in our fight to reduce illegal gang and drug activity in Los Angeles.

WHAT DO I NEED TO BRING WITH ME WHEN VISITING THE COURTHOUSE?

In all cases, you will need to bring:

- 1) a self-addressed, stamped envelope;
- 2) a blank check (which will eventually be made out to either "L.A. Municipal Court" or "L.A. Superior Court");
- 3) personal information about your tenant (eg. full name, date of birth, driver's license number, physical description, etc.) and
- 4) the date and any other details regarding the arrest of your tenant while on your property, if known.

If you have the case number, then the task of locating the court file is greatly simplified. (The Senior Lead Officer for your area, or the arresting officer, may be able to supply you with the criminal court case number.) You need to simply visit the courthouse where the case was heard and ask to see the file. See below on obtaining a certified copy of the file.

If you don't have the case number, you must know the full name of the tenant who you believe to be drug dealing. In addition, it is very useful to have the 1) date of birth of the person arrested, 2) the crime charged by the prosecutor (eg. violation of Health & Safety Code 11352--unlawful sales of illegal narcotics), and the date of arrest. If you have no date of an arrest or birth date then you must search the court files by name only. Since it is very possible that other persons with names similar to your tenant's may have been arrested and charged in Los Angeles, you should carefully review the court file to see if there is any information contained in the police reports which would help to prove that your tenant is, in fact, the person listed in the court file. Oftentimes, the police report will include a physical description of the person accused of a crime. Compare this information with what you know about your tenant to help determine if this particular court file involves your tenant and can be useful in unlawful detainer court. (Again, an attorney familiar with unlawful detainers based on criminal activity will be able to advise and assist you in obtaining the appropriate evidence for a successful eviction. You are strongly encouraged to seek the advice of a competent attorney before proceeding to court.)

By developing a working relationship with the police officers assigned to your area, much of this information will be more readily accessible. An effective and informed manager of your property will, likewise, make it his or her responsibility to know and cooperate with the police officers (especially the Senior Lead Officer) assigned to the property location.

WHAT IF I HAVE DON'T HAVE A CASE NUMBER...ONLY THE NAME, DATE OF BIRTH AND ARREST DATE?

Simply visit the nearest criminal court from your property (not your own place of business or residence) and locate the Court Clerk's Office. Approach the window or counter labeled "criminal", if there is one. Some Clerk's Offices have window service, others just a single counter. Read the signs when entering the Clerk's Office. Give the clerk the basic information and ask the clerk to check to see if there is either a pending or completed case involving this defendant in the court files. Unless you have a case number, the clerk may require you to wait several hours or days for the information, since this type of request can be very time consuming. (There are companies that specialize in "court services" and can obtain this information for you for a fee.) Attorneys commonly use these services to obtain court files and documents in order to save time waiting on lines.

WHAT DO I DO ONCE THE COURT LOCATES A FILE?

If there is a pending case or recently completed case matching the description you gave, then ask if it is possible to review the file in the Clerk's Office to determine if the file has the necessary information. Be sure the file involves your tenant, and not someone with a similar name. Also, you will need to check to see that all the documentation is there which will satisfy an unlawful detainer judge. Again, only an attorney or person familiar with criminal law will be able to properly determine what is needed from the file. Remember, however, that if you are loaned a court file to review, DO NOT REMOVE THE FILE FROM THE CLERK'S OFFICE. In addition, never tamper with or remove any documents or items from a court file. Such conduct may be punishable as a felony. Instead, simply note on scrap paper which documents you wish to have duplicated and certified, then return the file with this information to the clerk at the counter. (Be sure not to make any notations or other changes to the court file!)

WHAT IF THE FILE APPEARS TO HAVE ALL THE NECESSARY INFORMATION?

If you determine that the court file is helpful, request a "certified copy" of the arrest reports and the docket sheet showing a conviction and sentence. The Clerk will normally instruct you to leave the amount of the check blank but with a notation that the "amount shall not exceed \$.00." Consult the Clerk for more specific information about how to properly complete the check. As of August, 1990, the cost per page is \$.57/page plus a one time fee of \$1.75 for certification for the entire document. (Prices are subject to change.) The information you requested will be mailed to you on a first come first served basis to the address you give the clerk. When you receive the documents, check to insure that they include a stamp from the Clerk's Office indicating that the documents are "true and correct copies" of the original, or something to that effect.

Depending upon the circumstances of your case, these certified copies of the court file could be extremely useful in persuading the judge that the tenant has been engaged in illegal drug or gang activity or other lease violations and should be evicted. (Note that if you prefer to wait in the Clerk's office for the documents to be duplicated, it could take several hours before the certified copies can be completed. Therefore, you are urged to simply tell the Clerk what you wish copied, give the Clerk a properly completed check, and wait for the information in the mail.)

Remember, before coming to the courthouse, bring the following:

- 1) a self-addressed, stamped envelope;
- 2) a check made payable to "L.A. Municipal Court" or "Superior Court";
- 3) the tenant's full name (and any aliases used by tenant), date of birth, and any other personal information you may have (eg. physical description, driver's license number, etc.); and
- 4) any and all details of the arrest, if known, especially the date of the arrest and/or any future court dates. (Remember, the Senior Lead Officer or Community Relations Officer of your local police division can supply you with this information.)

WHAT DO I DO WITH THE INFORMATION IN THE REPORT?

If the file includes a conviction for drug dealing on your property, then you may be able to offer the certified copy of the documents to the judge in unlawful detainer court. Again, only an attorney or trained individual will know what other information may be required to prove that the tenant is dealing drugs on your property so as to justify an eviction. Nevertheless, a certified copy of a conviction for drug dealing on your property is frequently useful.

In addition, the information in the report may also describe conduct which is illegal "nuisance activity" as per Section 151.09 of the Rent Stabilization Ordinance. In fact, even if the report fails to adequately document a criminal act such as drug dealing, it may still document the type of conduct which is prohibited under the Rent Stabilization Ordinance's "nuisance prohibition" section (L.A. Municipal Code Section 151.09)

WHAT IF THE POLICE HAVE NOT TAKEN ANY ACTION AGAINST THE TENANT?

If you believe that drug dealing is occurring on your property, contact the local L.A.P.D. division and inform them of the details which make you suspicious of drug dealing. If possible, learn the name of and meet with the Senior Lead Officer who is assigned to your area. Meet to discuss the problem and determine the best way to catch the suspected drug dealer so that the

information can be used in court. At the same time, inform the officer of your desire to discourage other gang and drug activity and learn more about what you can do to accomplish this. REMEMBER, it is your responsibility to take necessary steps to prevent and discourage gang and drug activity in your building. By working closely with the Los Angeles Police Department, the Rent Stabilization Division, your local City Council representative, and the Los Angeles City Attorney's Office...YOU CAN MAKE A DIFFERENCE!!!

WHAT ELSE CAN I DO AS A PROPERTY OWNER TO DISCOURAGE AND PREVENT DRUG AND GANG ACTIVITY?

The war against drugs and gangs in Los Angeles cannot and will not be won by government alone. Only when law abiding citizens join together with government and the many community based and private organizations dedicated to improving Los Angeles will we finally restore our fair city to the model of urban living for which it has been famous throughout the world.

Join an association of property owners who can provide you with valuable information and referrals to help you to be a better, more effective, and profitable owner. Consider forming a "tenant watch" which brings together management and tenants in a mutual effort against drugs and gangs. Contact the L.A.P.D. Senior Lead Officer assigned to your area to discuss specific problems and solutions involving criminal activity. They are there to assist you but can only do so if you keep them informed.

The Gang Enforcement Section of the City Attorney's Office specializes in the prosecution of gang members and drug users, investigation and implementation of building abatements based on illegal gang activity, and is also available to discuss your individual needs in regard to the gang and drug problem in Los Angeles. In addition, the City Attorney Abatement Unit investigates and implements abatements based upon illegal drug activity and works closely with the Gang Enforcement Section in dealing with Los Angeles' gang and drug problem. The Rent Stabilization Division of the City of Los Angeles provides a vast amount of information and assistance to property owners, much of it involving gang and drug activity. Your local City Council representative has valuable information about what Los Angeles is doing to fight gangs and drugs and what other resources are available to you. Lastly, L.A.P.D. provides a variety of resources and strategies for successfully dealing with gang and drug problems in Los Angeles.

Many of these strategies include close cooperation between the property owner and manager, the Senior Lead Officer assigned to a particular area of a police division, the local City Council aide, and any other city agency that can have a positive impact on a particular gang or drug problem. You are urged to contact and introduce yourself to the Senior Lead Officer assigned to where your property is located. Contact the local police division to find out the name and phone number of that officer. Consider meeting the officer at your property at a mutually convenient time when you can both identify and discuss the various problems experienced at the property, if any, and what can be done about it. If there are no significant problems at this time, then it is equally important that you meet with the Senior Lead Officer to determine what steps should be taken to insure that a problem does not surface in the future.

Only through the cooperation and coordination of government and community-based efforts will we, the law abiding citizens and business community of Los Angeles, be able to successfully reduce gang violence and drug dealing in our community. As the City Attorney for the City of Los Angeles, I understand the special demands placed upon you, the property owner or manager. I also recognize how that cooperation with law enforcement is absolutely critical if we are to be successful in reducing gang violence and drug dealing in Los Angeles. As property owners and managers, you have both the ability and responsibility to

assist in preventing and discouraging illegal gang and drug activity. Moreover, the prevention and elimination of illegal gang and drug activity at your property not only is mandated by law, it also happens to *make good business sense!* Accordingly, my office stands ready to work with you, the Los Angeles Police Department, the Rent Stabilization Division, and your local City Council member in our mutual effort to truly improve life in Los Angeles for all law abiding citizens and reclaim the proud heritage of Los Angeles as "the place" to live, work and play.

ATTACHMENT M

LEASE

1. Parties and Dwelling Unit: The parties to this Agreement are _____ referred to as the Landlord, and _____ referred to as the Tenant. The Landlord leases to the Tenant unit number _____ located at _____.
2. Length of Time (term): The initial term of this Agreement shall begin on _____ and end on _____. After the initial term ends, the Agreement will continue for successive terms of one month each unless terminated.
3. Rent: The monthly rent shall be \$ _____. If the starting date is other than the first day of the month, then Lessee, on _____ 199__ shall pay \$ _____ rent for _____ months and _____ days. Thereafter, Lessee shall pay the full monthly rental on the first day of each month, in advance.
4. Charges for Late Payments and Returned Checks: If the Tenant does not pay the full amount of the rent shown in paragraph 3 by the end of the 5th day of the month, the Landlord may collect a fee of \$ _____ on the 6th day of the month. The Landlord may not terminate this Agreement for failure to pay late charges, but may terminate this Agreement for non-payment of the rent, as explained in paragraph 23. The Landlord may collect a fee of \$ _____ on the second or any additional time a check is not honored for payment (bounces). The charges discussed in this paragraph are in addition to the regular monthly rent payable by the Tenant.
5. Condition of Dwelling Unit: By signing this Agreement, the Tenant acknowledges that the unit is safe, clean and in good condition. The Tenant agrees that all appliances and equipment in the unit are in good working order, except as described on the Unit Inspection Report which is Attachment No. 2 to this Agreement. The Tenant also agrees that the Landlord has made no promises to decorate, alter, repair or improve the unit, except as listed on the Unit Inspection Report.
6. Charges for Utilities and Services: The following charts describe how the cost of utilities and services related to occupancy of the unit will be paid. The Tenant agrees that these charts accurately describe the utilities and services paid by the Landlord and those paid by the Tenant.
7. Security Deposits: The Tenant has deposited \$ _____ with the Landlord for the period the Tenant occupies the unit. After the Tenant has moved from the unit, the Landlord will determine whether the tenant is eligible for a refund of any or all the security deposit. The amount of the refund will be determined in accordance with the following conditions and procedures.

- a. The Tenant will be eligible for a refund of the security deposit only if the Tenant provided the Landlord with the 30-day written notice of intent to move required by paragraph _____, unless the Tenant was unable to give the notice for reasons beyond his/her control.
 - b. After the Tenant has moved from the unit, the Landlord will inspect the unit and complete another Unit Inspection Report. The Landlord will permit the Tenant to participate in the inspection, if the Tenant so requests.
 - c. The Landlord will refund to the Tenant the amount of the security deposit less any amount needed to pay cost of:
 - (1) unpaid rent;
 - (2) damages that are not due to normal wear and tear and are not listed on the Unit Inspection Report;
 - (3) charges for late payment of rent and returned checks, as described in paragraph 5; and
 - (4) charges for unreturned keys, as described in paragraph 9.
 - d. The Landlord agrees to refund the amount computed in paragraph 8c within 14 days after the Tenant has permanently moved out of the unit, returned possession of the unit to the Landlord and given his/her new address to the Landlord. If the Tenant disagrees with the Landlord concerning the amounts deducted and asks to meet with the Landlord, the Landlord agrees to meet with the Tenant and informally discuss the disputed charges.
 - e. If the unit is rented by more than one person, the Tenants agree that they will work out the details of dividing any refund among themselves. The Landlord may pay the refund to any Tenant identified in Paragraph 1 of this Agreement.
 - f. The Tenant understands that the Landlord will not count the Security Deposit towards the last month's rent or towards repair charges owed by the Tenant in accordance with paragraph 11.
8. Keys and Locks: The Tenant agrees not to install additional or different locks or gates on any doors or windows of the unit without written permission of the Landlord. If the Landlord approves the Tenant's request to install such locks, the Tenant agrees to provide the landlord with a key for each lock. When this Agreement ends, the Tenant agrees to return all keys to the dwelling unit to the Landlord. The Landlord may charge the Tenant \$10 for each key not returned.

9. Maintenance:

a. The Landlord agrees to:

- (1) regularly clean all common areas of the project;
- (2) maintain the common areas and facilities in a safe condition;
- (3) arrange for collection and removal of trash and garbage;
- (4) maintain all equipment and appliances in safe and working order;
- (5) make necessary repairs with reasonable promptness;
- (6) maintain exterior lighting in good working order;
- (7) provide extermination services, as necessary; and
- (8) maintain grounds and shrubs.

b. The Tenant agrees to:

- (1) keep the unit clean;
- (2) use all appliances, fixtures and equipment in a safe manner and only for the purposes for which they are intended;
- (3) not litter the grounds or common areas of the project;
- (4) not to destroy, deface, damage or remove any part of the unit, common areas, or project grounds;
- (5) give the Landlord prompt notice of any defects in the plumbing, fixtures, appliances, heating and cooling equipment or any other part of the unit or related facilities;
- (6) remove garbage and other waste from the unit in a clean and safe manner; and
- (7) use the premises for legal purposes only. Selling drugs, allowing others to sell drugs or any other illegal use will result in eviction.

10. Damages: Whenever damage is caused by carelessness, misuse, or neglect on the part of the Tenant, his/her family or visitors, the Tenant agrees to pay:

- a. the cost of all repairs and do so within 30 days after receipt of the Landlord's demand for the repair charges; and
- b. rent for the period the unit is damaged whether or not the unit is habitable.

11. Restrictions on Alterations: The Tenant agrees not to do any of the following without first obtaining the Landlord's permission:

- a. change or remove any part of the appliances, fixtures or equipment in the unit;
- b. paint or install wallpaper or contact paper in the unit;
- c. attach awnings or window guards in the unit;

- d. attach or place any fixtures, signs or fences on the building(s), the common areas, or the project grounds;
 - e. attach any shelves, screen doors, or other permanent improvements in the unit;
 - f. install washing machines, dryers, fans, heaters or air conditioners in the unit; or
 - g. place any aerials, antennas or other electrical connections on the unit.
12. General Restrictions: The Tenant must live in the unit and the unit must be the Tenant's only place of residence. The Tenant shall use the premises only as a private dwelling for himself/herself and the individuals listed in the Agreement. The Tenant agrees to permit other individuals to reside in the unit only after obtaining the prior written approval of the Landlord. The Tenant agrees not to:
- a. sublet or assign the unit, or any part of the unit;
 - b. use the unit for unlawful purposes;
 - c. engage in or permit unlawful activities in the unit, in the common areas or on the project grounds; including the sale or use of illegal drugs;
 - d. have pets or animals of any kind in the unit without the prior written permission of the Landlord; or
 - e. make or permit noises or acts that will disturb the rights or comfort of neighbors. The Tenant agrees to keep the volume of any radio, phonograph, television or musical instrument at a level which will not disturb the neighbors.
13. Rules: The Tenant agrees to obey the House Rules which are attached to this Agreement. The Tenant agrees to obey rules established after the effective date of this Agreement if:
- a. the rules are reasonably related to the safety, care and cleanliness of the building and the safety, comfort and convenience of the Tenants; and
 - b. the Tenant receives written notice of the proposed rule at least 30 days before the rule is enforced.
14. Access by Landlord: The Landlord agrees to enter the unit only during reasonable hours, to provide reasonable advance notice of his/her intent to enter the unit, and to enter the unit only after receiving the Tenant's consent to do so, except when emergency situations make such notice impossible or except under paragraph (c) below.

- a. The Tenant agrees to permit the Landlord, his/her agents or other persons, when authorized by the landlord, to enter the unit for the purpose of making reasonable repairs and periodic inspections.
- b. After the Tenant has given a notice of intent to move, the Tenant agrees to permit the Landlord to show the unit to prospective tenants during reasonable hours.
- c. If the Tenant moves before this Agreement ends, the Landlord may enter the unit to decorate, remodel, alter or otherwise prepare the unit for reoccupancy.

15. Discrimination Prohibited: The Landlord agrees not to discriminate based upon race, color, religion, creed, national origin, sex, age, handicap, membership in a class, such as unmarried mothers or recipients of public assistance, or because there are children in the family.

16. Termination of Tenancy:

- a. To terminate this Agreement, the Tenant must give the Landlord 30 days written notice before moving from the unit. If the Tenant does not give the full 30 day notice, the Tenant shall be liable for rent up to the end of the 30 days for which notice was required or to the date the unit is re-rented, whichever date comes first.
- b. Any termination of this Agreement by the Landlord must be carried out in accordance with State and local law, and the terms of this Agreement. The Landlord may terminate this Agreement only for:
 - o the Tenant's material noncompliance with the terms of this Agreement; or
 - o the Tenant's material failure to carry out obligations under any State Landlord and Tenant Act.

Material noncompliance includes, but is not limited to, nonpayment of rent beyond any grace period available under State law; failure to reimburse the Landlord within 30 days for repairs made under paragraph 11 of this Agreement; repeated late payment of rent; permitting unauthorized persons to live in the unit; serious or repeated damage to the unit or common areas; creation of physical hazards, serious or repeated interference with the rights and quiet enjoyment of other tenants, using the unit for illegal purposes, including the selling of drugs.

- c. If the Landlord proposes to terminate this Agreement, the Landlord agrees to give the Tenant written notice of the proposed termination.

All termination notices must:

- o specify the date this Agreement will be terminated; and
- o state the grounds for termination with enough detail for the Tenant to prepare a defense.

17. Hazards: The Tenant shall not undertake, or permit his/her guests to undertake, any hazardous acts or do anything that will increase the project's insurance premiums. If the unit is damaged by fire, wind, or rain to the extent the unit cannot be lived in and the damage is not caused or made worse by the Tenant, the Tenant will be responsible for rent only up to the date of the destruction. Additional rent will not accrue until the unit has been repaired to the livable condition.
18. Contents of this Agreement: This Agreement and its Attachments make up the entire agreement between the Tenant and the Landlord regarding the unit. If any Court declares a particular provision of this Agreement to be invalid or illegal, all other terms of this Agreement will remain in effect and both the Landlord and the Tenant will continue to be bound by them.
19. Signatures:

Tenant by:	Date Signed	Landlord by:	Date Signed
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

ATTACHMENT N

SUSPICIOUS ACTIVITY RECORD

- 1) DATE: 2) TIME:
- 3) LOCATION WHERE ACTIVITY TOOK PLACE:
- 4) WAS ACTIVITY ON THE STREET, SIDEWALK OR PRIVATE PROPERTY?
- 5) DESCRIBE THE ACTIVITY YOU SAW:
- 6) NAME(S) AND/OR ADDRESS(ES) OF THE PERSON(S) YOU SAW (IF KNOWN):
- 7) DESCRIBE THE PERSON(S) YOU SAW: (CIRCLE THE ONE THAT APPLIES)
- (A) MALE/FEMALE (B) WHITE/BLACK/HISPANIC/OTHER
- (C) HEIGHT: (D) WEIGHT: (E) EYES:
- (F) OTHER CHARACTERISTICS:
- 8) DESCRIBE THEIR CLOTHING:
- 9) DESCRIBE VEHICLES:
- MAKE: MODEL: COLOR: LICENSE:
- 10) LOCATION WHERE DRUGS ARE STORED:

YOUR NAME:

YOUR ADDRESS:

YOUR TELEPHONE NUMBER:

RETURN THIS FORM TO:

FALCON NARCOTICS ABATEMENT UNIT
1645 CORINTH AVENUE, ROOM 207
LOS ANGELES, CA 90025
OR CALL
(213) 312-5910 WITH INFORMATION

REPORTE DE ACTIVIDADES SOSPECHOSAS

- 1) FECHA:
- 2) TIEMPO:
- 3) LOCALIDAD DE LA ACTIVIDAD:
- 4) QUE LE LLAMO LA ATENCION A LA ACTIVIDAD:
- 5) DESCRIBE LA ACTIVIDAD QUE VISTO:
- 6) NOMBRES Y DOMICILIOS DE LAS PERSONAS QUE VISTO:
- 7) DESCRIBE LA PERSONA(S) QUE VISTO:
(A) MASCULINO/FEMENINO (B) BLANCO/NEGRO/HISPANO/OTRO
(C) ALTURA: (D) PESO: (E) OJOS:
(F) OTRO CARACTERISTICOS:
- 8) DESCRIBE LAS ROPAS:
- 9) DESCRIBE EL VEHICULO:
MARCA: MODELO: COLOR: LICENCIA:
- 10) LOCALIDAD DE LOS NARCOTICOS:

SU NOMBRE:

DOMICILIO:

TELEPHONO:

DE VUELVA ESATA FORMA A:

FALCON NARCOTICS ABATEMENT UNIT
1645 CORINTH AVENUE, ROOM 207
LOS ANGELES, CA 90025
O LLAME
(213) 312-5910 CON INFORMACION

ATTACHMENT O



**BUYERS AND DEALERS
BEWARE
YOUR LICENSE PLATE
NUMBERS ARE BEING
REPORTED TO THE
POLICE**

CITY OF LOS ANGELES

ATTACHMENT P

OPERATION C.A.R.S. (Citizens Against Rock Sales)

LUCHA CONTRA COCAINA

Your Name
(Su Nombre)

Address
(Domicilio)

Daytime Phone #
(Telefono durante el dia)

Location of Activity
(Lugar donde ocurrió)

Date & Time of Activity
(¿En que fecha y hora ocurrió?)

Describe Activity
(Describe lo que vió)

Make and Model of Vehicle
(Marca y Modelo del Vehiculo)

Year
(Año)

License #
(# de Placas)

State
(Estado)

Color/Distinguishing Feature(s) of Vehicle
(Color/Le notó al carro algo diferente)

Number of Occupants
(Numero de ocupantes)

Driver:
(Chofer:)

Sex
(Sexo)

Race
(Raza)

Height
(Estatura)

Weight
(Peso)

Hair color
(Cabello)

Passenger:
(Pasajero:)

Sex
(Sexo)

Race
(Raza)

Height
(Estatura)

Weight
(Peso)

Hair color
(Cabello)

**** DO NOT APPROACH DRIVER.

**** MAIL THIS IMMEDIATELY TO POLICE STATION

**** INFORMATION RELATING TO YOUR IDENTITY IS CONFIDENTIAL

**** NO SE ACERQUE AL CHOFER.

**** ENVIE ESTA INFORMACION INMEDIATAMENTE, POR CORREO, A LA POLICIA

**** LA INFORMACION CONCERNIENTE A SU IDENTIDAD SERA CONFIDENTIAL

Operation C.A.R.S. is a cooperative effort of the City of Los Angeles,
Councilwoman Joy Picus and the neighbors of Lanark Park.



NO POSTAGE
NECESSARY
IF MAILED
IN THE
UNITED STATES

BUSINESS REPLY MAIL

FIRST CLASS MAIL

PERMIT NO. 46544

LOS ANGELES, CA 90054

POSTAGE WILL BE PAID BY ADDRESSEE

**Commanding Officer
West Valley LAPD
PO Box 54856
Los Angeles CA 90099-5385**



ATTACHMENT Q

LOS ANGELES POLICE DEPARTMENT



DARYL F. GATES
Chief of Police

P. O. Box 30158
Los Angeles, Calif. 90030
Telephone:

Ref#:

TOM BRADLEY
Mayor

Date

Dear _____:

The West Valley Area of the Los Angeles Police Department is involved in an operation to eliminate the use and sales of narcotics in the Lanark Park area. Part of that operation involves the participation of concerned residents who have volunteered to monitor the activities of individuals who buy and sell drugs in that area. These residents gather information which is then relayed to the police for additional investigation. If our investigation determines that these individuals are involved in the purchase or sales of narcotics, they will be prosecuted.

On _____ at _____, your vehicle, a _____, was observed at _____ in the Lanark Park area. This location is frequented by narcotics dealers and buyers, and has also been the scene of numerous street robberies.

If you have any information which could assist us in our war on drugs, please contact me at telephone number _____.

Very truly yours,

DARYL F. GATES
Chief of Police

_____, Captain
Commanding Officer
West Valley Area



ATTACHMENT R

AUTHORIZATION RE: TRESPASS

Los Angeles Police Department

Dates of Authorization*

_____ Division

_____ to _____

I am the lawful owner/owner's agent/person in lawful possession of the private property located at _____. I hereby request and authorize the Los Angeles Police Department to enforce all applicable trespass laws on my behalf and in my absence, in regard to the above property. I further request that on my behalf, the Los Angeles Police Department request all persons who are not lawful residents, or the invited guests of a lawful resident to immediately leave the property or be arrested pursuant to Penal Code Section 602(n). The following signs have been posted on the property:

. **

In addition, I or my authorized agent will cooperate fully in the prosecution of anyone who is arrested for a violation of any local or state law, including trespassing and vandalism. The phone number where I can be reached during normal business hours is () _____. The name of the manager is _____, Phone number: () _____, Address: _____.

Very truly yours,

(print name)

Date _____

- 1.* A single request for officer assistance may not exceed 30 days, and applies only if there is a fire hazard or the owner, owner's agent or person in lawful possession is absent from the premises.
- 2* A single request for officer assistance may be made for a period not to exceed 6 months when the property is closed to the public and is posted as being closed.
- 3** A typical sign would state "NO TRESPASSING. THIS PROPERTY IS CLOSED TO THE PUBLIC. P.C. 602(n)."

ATTACHMENT S

Name and Address of Court:

SMALL CLAIMS CASE NO.

**— NOTICE TO DEFENDANT —
YOU ARE BEING SUED BY PLAINTIFF**

To protect your rights, you must appear in this court on the trial date shown in the table below. You may lose the case if you do not appear. The court may award the plaintiff the amount of the claim and the costs. Your wages, money, and property may be taken without further warning from the court.

**— AVISO AL DEMANDADO —
A USTED LO ESTAN DEMANDANDO**

Para proteger sus derechos, usted debe presentarse ante esta corte en la fecha del juicio indicada en el cuadro que aparece a continuación. Si no se presenta, puede perder el caso. La corte puede decidir en favor del demandante por la cantidad del reclamo y los costos. A usted le pueden quitar su salario, su dinero, y otras cosas de su propiedad, sin aviso adicional por parte de esta corte.

PLAINTIFF/DEMANDANTE (Name and address of each):

DEFENDANT/DEMANDADO (Name and address of each):

<div style="border-bottom: 1px solid black; height: 10px; margin-bottom: 5px;"></div> <div style="border-bottom: 1px solid black; height: 10px; margin-bottom: 5px;"></div> <div style="border-bottom: 1px solid black; height: 10px;"></div>	<div style="border-bottom: 1px solid black; height: 10px; margin-bottom: 5px;"></div> <div style="border-bottom: 1px solid black; height: 10px; margin-bottom: 5px;"></div> <div style="border-bottom: 1px solid black; height: 10px;"></div>	<div style="border-bottom: 1px solid black; height: 10px; margin-bottom: 5px;"></div> <div style="border-bottom: 1px solid black; height: 10px; margin-bottom: 5px;"></div> <div style="border-bottom: 1px solid black; height: 10px;"></div>	<div style="border-bottom: 1px solid black; height: 10px; margin-bottom: 5px;"></div> <div style="border-bottom: 1px solid black; height: 10px; margin-bottom: 5px;"></div> <div style="border-bottom: 1px solid black; height: 10px;"></div>
---	---	---	---

☐ See attached sheet for additional plaintiffs and defendants.

PLAINTIFF'S CLAIM

1. Defendant owes me the sum of \$ _____, not including court costs, because *(describe claim and date)*:
2. I have asked defendant to pay this money, but it has not been paid.
3. This court is the proper court for the trial because ☐ *(In the box at the left, insert one of the letters from the list marked "Venue Table" on the back of this sheet. If you select D, E, or F, specify additional facts in this space.)*
4. I have not filed more than one other small claims action anywhere in California during this calendar year in which the amount demanded is more than \$2,500.
5. ☐ I have filed more than 12 claims in this court, including this claim, during the previous 12 calendar months.
6. I understand that
 - a. I may talk to an attorney about this claim, but I cannot be represented by an attorney at the trial in the small claims court.
 - b. I must appear at the time and place of trial and bring all witnesses, books, receipts, and other papers or things to prove my case.
 - c. I have no right of appeal on my claim, but I may appeal a claim filed by the defendant in this case.
 - d. If I cannot afford to pay the fees for filing or service by a sheriff, marshal, or constable, I may ask that the fees be waived.
7. I have received and read the information sheet explaining some important rights of plaintiffs in the small claims court.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date:

(TYPE OR PRINT NAME)

(SIGNATURE OF PLAINTIFF)

ORDER TO DEFENDANT

You must appear in this court on the trial date and at the time LAST SHOWN IN THE BOX BELOW if you do not agree with the plaintiff's claim. Bring all witnesses, books, receipts, and other papers or things with you to support your case.

TRIAL DATE	DATE	TIME	PLACE	COURT USE
<div style="border: 1px solid black; padding: 5px; display: inline-block;"> FECHA DEL JUICIO </div>	1.			
	2.			
	3.			
	4.			

Filed on (date):

Clerk, by _____, Deputy

— You have a right to a small claims advisor free of charge. Read the information sheet on the reverse. —

PLAINTIFF'S
STATEMENT TO
CLERK

IN THE SMALL CLAIMS DIVISION

JUDICIAL DISTRICT

COUNTY OF LOS ANGELES STATE OF CALIFORNIA

CASE NUMBER

Address:

1. I have received and read the form entitled, "Information to Plaintiff."
2. Please read carefully the instructions appearing below before filling out this form.
 - a. If you are suing one or more individuals, give full name of each.
 - b. If you are suing a business owned by an individual, give the name of the owner and the name of the business he owns.
 - c. If you are suing a partnership, give the names of the partners and the name of the partnership.
 - d. If you are suing a corporation, give **EXACT CORPORATE NAME**.
 - e. If your claim arises out of a vehicle accident, the **DRIVER** of the other vehicle should be named, and the **REGISTERED OWNER** of the other vehicle should also be named.
 - f. If your claim involves a minor (under 18 years of age), you must show both the name of the minor and appointed guardian or parent.

3. This court is the proper court for trial because ☐ (In the box, insert one of the letters from the list marked "Venue Table" on back of this sheet.)
If you selected D, E, or F, specify additional facts: _____

4. State your name and residence address, and the name and address of any other person joining with you in this action. If this claim arises from a business transaction, give the name and address of your business, and complete reverse side, if applicable.

Name _____

a. Address _____ Phone No. () _____
(street address) (city & zip code)

Name _____

b. Address _____ Phone No. () _____
(street address) (city & zip code)

5. State the name and address of each person or business firm you are suing:

Name _____

a. Address _____
(street address) (city or locality & zip)

Name _____

b. Address _____
(street address) (city or locality & zip)

Name _____

c. Address _____
(street address) (city or locality & zip)

6. State the amount you are claiming. \$ _____ . Date obligation incurred _____

7. Describe briefly the nature of your claim: _____

8. Have you made an oral or written demand on the defendant for payment? Yes _____ No _____

9. Give address where obligation was entered into or was to be performed: _____
(street address or intersection) (city & zip code)

10. **FOR VEHICLE ACCIDENT ONLY:**

a. Date on which accident occurred: _____ , 19 _____ .

b. Location of accident: _____

c. If you are claiming damages to a vehicle, were you on the date of the accident the registered owner of that vehicle? Yes _____ No _____

d. At the time of hearing present estimates or repair bills. _____

PLAINTIFF'S STATEMENT TO CLERK/FICTITIOUS BUSINESS NAME DECLARATION

(Signature)

VENUE TABLE

(The plaintiff must file the claim in the proper court and geographical area. This rule is called venue. The box on this page describes possible reasons for filing the claim in this court.)

If you are the plaintiff, insert the proper letter from the list below in item 3 on the reverse side of this sheet and specify additional facts for D, E, or F.

This court is the proper court for the trial of this case because

- | | |
|--|---|
| <p>A. a defendant lives in this judicial district or a defendant corporation or unincorporated association has its principal place of business in this judicial district.</p> <p>B. a person was injured or personal property was damaged in this judicial district.</p> <p>C. a defendant signed or entered into a contract in this judicial district, a defendant lived in this judicial district when the contract was entered into, a contract or obligation was to be performed in this judicial district, or, if the</p> | <p>defendant was a corporation, the contract was breached in this judicial district.</p> <p>D. the claim is on a retail installment account or contract subject to Civil Code section 1812.10. (Specify facts on the reverse side of this sheet.)</p> <p>E. the claim is on a vehicle finance sale subject to Civil Code section 2984.4. (Specify facts on the reverse side of this sheet.)</p> <p>F. other. (Specify facts on the reverse side of this sheet.)</p> |
|--|---|

FICTITIOUS BUSINESS NAME DECLARATION

-INSTRUCTIONS-

- A. If you regularly do business in California for profit under a fictitious business name, you must execute, file, and publish a fictitious business name statement. This is sometimes called a "dba" which stands for "doing business as." This requirement applies if you are doing business as an individual, a partnership, a corporation, or an association. The requirement does not apply to nonprofit corporations and associations or certain real estate investment trusts. You must file the fictitious business name statement with the clerk of the county where you have your principal place of business, or in Sacramento County you have no place of business within the state.
- B. If you do business under a fictitious business name and you also wish to file an action in the small claims court, you must declare under penalty of perjury that you have complied with the fictitious business name laws by filling out the form below.
- C. If you have not complied with the fictitious business name laws, the court may dismiss your claim. You may be able to refile your claim when you have fulfilled these requirements.

- I wish to file a claim in the small claims court for a business doing business under the fictitious name of (specify name and address of business):
- The business is doing business as

<input type="checkbox"/> an individual	<input type="checkbox"/> an association
<input type="checkbox"/> a partnership	<input type="checkbox"/> other (specify):
<input type="checkbox"/> a corporation	
- The business has complied with the fictitious business name laws by executing, filing, and publishing a fictitious business name statement. The statement expires on (date):

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date:

.....
(TYPE OR PRINT NAME)

(SIGNATURE OF DECLARANT)

EXCERPT FROM SUPERIOR COURT
JUDGMENT IN FAVOR OF PLAINTIFFS
WHO FILED GENERAL NUISANCE SUITS
IN SMALL CLAIMS COURT.

THE COURT: Having heard the evidence in this case, the court does find that during the period in question -- that is, from April 1, 1989, until December 1, 1989 -- the defendants did own the property at , which was a 40-unit apartment building consisting of 14 one-bedroom, 8 bachelor, and 17 single apartments;

That at the time in question, there were 150 to 200 tenants living in the building; that at all times during that period of time, there were no more than two dumpsters for the use of the 150 to 200 tenants for their garbage and that during this period of time, the garbage facilities were grossly inadequate, resulting in trash and garbage spilling out over the dumpsters onto the driveway, into the walkways, on the streets and the sidewalks around the building.

This garbage included all manner of refuse, including rotten food, used disposable diapers, used sanitary napkins and Tampons; also included large pieces of furniture.

The court also finds that garbage was thrown from the yard and roof onto the property next door, that is, at

1 and .

2 The court also finds that during this period of
3 time, there was excessive noise from the occupants of the
4 property at during the night and late into the evening,
5 and this loud noise could be heard by those residing at
6 and . The noise was particularly bad on weekends.

7 The court also finds that during this period of
8 time, there was a continual presence of from 4 to 40 members
9 of the Friends gang directly in front of and and
10 across the street; that the members of this gang could be
11 identified by distinctive clothing. They could be identified
12 by distinctive hair styles and use of the letters FRS as their
13 logo or gang sign.

14 The members of this gang would paint graffiti in
15 various parts of the neighborhood and in the building, outside
16 of the building, at across the street, all and up down
17 the street.

18 Members of the Friends gang were seen to
19 congregate in front of . They seemed to commit various
20 criminal acts along and then return to and retreat into
21 . They walked in and out of ; they stood in the
22 doorway of . They came onto the property immediate south,
23 that is, at and .

24 Members of the gang walked up to and harassed
25 people who were walking up and down the street as they passed.

26 There were fights that broke out in front of ,
27 and these fights spilled out onto the street. Neighbors were
28 awakened by the sound of gunshots and other kinds of noise

1 during the period in question.

2 Police were present on a regular basis in front of
3 , based on the evidence that was presented. The police
4 went into on numerous occasions to investigate major
5 crimes, as testified to by the officers who testified. They
6 made arrests on the premises.

7 Gang members were seen to go into the building, to
8 run into the building. Gang members have testified that they
9 ran into the building to escape from the police.

10 Tenants of the building, as well as Officer
11 de Pasquale, have testified that there was gang graffiti,
12 Friends graffiti, inside on the walls of the building.

13 I do not necessarily conclude that there were any
14 gang members who did reside within the building, but gang
15 members certainly identified themselves to police officers as
16 residing in the building, including one , who
17 identified himself as residing in the building.

18 He was identified by Officer de Pasquale as being
19 one of the major participants of the Friends gang. Other
20 members -- specifically Shorty, Chino, Flaca -- were actually
21 arrested out of the building, and they said they lived there.

22 Officer de Pasquale spoke with tenants who he
23 understood to be parents of gang members, and I'm not
24 necessarily concluding that there were any gang members who
25 actually lived in the building.

26 While there was -- while there was gang activity
27 at as well, it was never considered the gang headquarters
28 for the Friends gang.

1 The court finds that the members of the gang used
2 as a refuge and as a sanctuary to -- as a place to escape
3 to during this period in question.

4 And the court finds that the defendants knew or
5 should have known of that condition and the circumstances with
6 respect to the condition of garbage and excessive garbage, the
7 condition of excess noise and the condition of the presence of
8 gang activity in and around the building.

9 The court finds that the defendants were negligent
10 in the maintenance of the building and that there was
11 inadequate garbage and trash facilities. The evidence
12 presented today was that approximately five cubic feet were
13 collected twice a week. That's 10 cubic feet a week for this
14 large number of tenants.

15 I note from the list of rentals that there was
16 approximately \$14,500 a month in rent being collected and \$158
17 was being spent for garbage collection.

18 From the size of the containers -- that is, two
19 containers of that size -- and that number of people, it is
20 clear to me that there was inadequate trash facilities for the
21 size of that building.

22 There was insufficient personnel at the premises
23 to effectively manage the building, and that whether or not
24 gang members were actually tenants of the building, there was
25 inadequate maintenance and security measures in the building.

26 That the front door that was locked or unlocked at
27 various times so that anyone could enter that building half of
28 that time -- it may be that a bigger lock was needed on that

1 door or a more secure door was needed on that property if it
2 was being used in that manner for gang members to use as a
3 sanctuary.

4 As the owners, the defendants have the
5 responsibility to -- they have the duty to avoid exposing
6 persons to unreasonable risk of harm, which was foreseeable in
7 their exercise of reasonable care, and the court finds that
8 the condition created a nuisance and that it created an
9 offensive and indecent presence on the property; that it
10 created an obstruction to the free use of the property,
11 interfering with the enjoyment of the property by its
12 neighbors.

13 And the court does find that the nuisance created
14 that caused certain plaintiffs in this case to suffer
15 unreasonable noise, unreasonable and ununsanitary sites and
16 smells, caused them to be fearful and suffer from indignation
17 and damages as follows.

ATTACHMENT T

1 IRA REINER
2 DISTRICT ATTORNEY
3 Criminal Courts Building
4 Room 18000
5 210 West Temple Street
6 Los Angeles, California 90012
7 (213) 974-3904

8 JAMES HAHN
9 LOS ANGELES CITY ATTORNEY
10 1600 City Hall East
11 Los Angeles, California 90012
12 (213) 485-0798

13
14 IN RE: THE MATTER OF
15
16 VENICE SHORELINE CRIPS

17 NOTICE OF DETERMINATION
18 THAT VENICE SHORELINE CRIPS
19 GANG IS A CRIMINAL STREET
20 GANG WITHIN THE MEANING OF
21 PENAL CODE SECTION 186.22

22 TO: MEMBERS OF THE VENICE SHORELINE CRIPS GANG AND _____
23 _____
24

25 YOU ARE HEREBY NOTIFIED that the VENICE SHORELINE CRIPS GANG is a
26 criminal street gang engaging in a pattern of criminal street gang activity within the meaning of
Penal Code Section 186.22. The gang has demonstrated this pattern by participating in the
commission, attempted commission or solicitation of two or more crimes involving the offenses
of 1) Assault with a deadly weapon, 2) Robbery, 3) Homicide or manslaughter, 4) Sale or
possession for sale of narcotics and controlled substances, 5) Shooting into an inhabited dwelling
or vehicle, 6) Arson, and 7) Witness intimidation with one or more of the offenses occurring
after September 24, 1988 and the last of those offenses within three years after a prior offense.

YOU ARE FOR THIS REASON FURTHER NOTIFIED THAT ACTIVE
PARTICIPATION IN A CRIMINAL STREET GANG COULD SUBJECT YOU TO
IMPRISONMENT IN THE STATE PRISON FOR A PERIOD OF UP TO THREE YEARS
PURSUANT TO THE STREET TERRORISM ENFORCEMENT ACT OF 1988.

DATED: APRIL 17, 1989



JAMES HAHN
City Attorney of
Los Angeles

James Hahn



IRA REINER
District Attorney of
Los Angeles

Ira Reiner

1 IRA REINER
2 PROCURADOR DEL CONDADO DE LOS ANGELES
3 Edificio de la Corte Criminal
4 Despacho 18000
5 210 West Temple Street
6 Los Angeles, California 90012
7 (213) 974-3904

8 JAMES HAHN
9 PROCURADOR DE LA CIUDAD DE LOS ANGELES
10 1600 City Hall East
11 Los Angeles, California 90012
12 (213) 485-0798

13 ASUNTO: LA CUESTION
14 DE LA PANDILLA VENICE
15 SHORELINE CRIPS

16 AVISO DETERMINANTE DE QUE
17 LA PANDILLA VENICE SHORE-
18 LINE CRIPS ES UNA PANDILLA DE
19 DELINCUENCIA CALLEJERA DE
20 ACUERDO AL ARTICULO 186.22
21 CODIGO PENAL

22 PARA: LOS MIEMBROS DE LA PANDILLA VENICE SHORELINE CRIPS Y

23 POR MEDIO DE LA PRESENTE SE NOTIFICA que la PANDILLA VENICE
24 SHORELINE CRIPS es una pandilla de delincuencia callejera que se dedica a un patrón de
25 actividades criminales pandilleriles calleras de acuerdo al artículo 186.22 del código penal.
26 Esta pandilla ha demostrado ser peligrosa por su participación al cometer, intentar cometer ó
solicitar dos ó más crímenes implicando los delitos de: 1) agresión con arma mortífera, 2) asalto,
3) homicidio u homicidio casual, 4) venta ó posesión con propósitos de venta de substancias
controladas, 5) disparar hácia una vivienda habitada ó un automóvil, 6) incendio intencional,
y 7) intimidar a testigos, sucediendo uno ó más de estos delitos después del 24 de Septiembre
de 1988 y el último de estos delitos dentro de los tres años siguientes a un delito anterior.

POR ESTE MOTIVO SE NOTIFICA ADEMAS QUE EL PARTICIPAR ACTIVA-
MENTE EN UNA PANDILLA DE DELINCUENCIA CALLEJERA PODRIA RESULTAR
EN EL ENCARCELAMIENTO DE LA PENITENCIARIA DEL ESTADO POR UN PERIODO
DE HASTA TRES ANOS DE ACUERDO AL ACTO DE EJECUCION EN CONTRA DEL
TERRORISMO CALLEJERO DE 1988.

FECHA: ABRIL 17, 1989



JAMES HAHN
Procurador de la Ciudad
de Los Angeles

James Hahn



IRA REINER
Procurador del Condado
de Los Angeles

Ira Reiner

_____	_____
DATE	TIME
I do hereby acknowledge receipt of the notification that the _____ is a criminal street gang NAME OF GANG within the meaning of Penal Code 186.22.	

SIGNATURE OF RECIPIENT	

PRINT NAME OF RECIPIENT & ID #	
I have personally served a copy of this notification upon the person of the recipient.	

NAME & SERIAL NUMBER OF NOTIFYING OFFICER	
Additional Comments: _____	

ATTACHMENT U



JAMES K. HAHN
CITY ATTORNEY

Office of the City Attorney

Los Angeles, California

EXECUTIVE OFFICE
1800 CITY HALL EAST
LOS ANGELES 90012
(213) 485-5408

CRIMINAL BRANCH
(213) 485-5470

CIVIL BRANCH
(213) 485-6370

TELECOPIER:
(213) 680-3634

NOTICE TO ABATE PUBLIC NUISANCE AND OF INTENT TO SEEK A PRELIMINARY AND PERMANENT INJUNCTION IN LIEU OF VOLUNTARY ABATEMENT

TO: *THE HARBOR CITY CRIPS*, aka HCC, aka HARBOR CITY CRIPS GANG, aka HCCG, aka NEIGHBORHOOD GANGSTER CRIPS, aka NGC, aka NHGC, aka NEIGHBORHOOD POSSE, aka NHP, aka WESTSIDE CRIPS, aka WC, aka WESTSIDE HARBOR CITY CRIPS 252ND, aka WHCC 252, aka HARBOR CITY NEIGHBORHOOD GANGSTERS 256TH, AN UNINCORPORATED ASSOCIATION AND STREET GANG AS DEFINED IN CODE SECTION 186.22 OF THE CALIFORNIA PENAL CODE, AND ALL OF ITS MEMBERS, ASSOCIATES, AGENTS AND ALL OTHER PERSONS ACTING UNDER, IN CONCERT WITH, FOR THE BENEFIT OF, AT THE DIRECTION OF, OR IN ASSOCIATION WITH THEM; AND

THE HARBOR CITY BOYS, aka HCB, aka HARBOR CITY PEE WEES, aka TINYS, aka TINY LOCO'S, aka LOCO'S, aka VARRIO HARBOR CITY, aka VHC, aka LOS PEQUENOS LOCO'S, aka HCR PL'S, aka VHCR, AN UNINCORPORATED ASSOCIATION AND STREET GANG AS DEFINED IN CODE SECTION 186.22 OF THE CALIFORNIA PENAL CODE, AND ALL OF ITS MEMBERS, ASSOCIATES, AGENTS AND ALL OTHER PERSONS ACTING UNDER, IN CONCERT WITH, FOR THE BENEFIT OF, AT THE DIRECTION OF, OR IN ASSOCIATION WITH THEM:

THE PEOPLE OF THE STATE OF CALIFORNIA, BY AND THROUGH JAMES K. HAHN, CITY ATTORNEY FOR THE CITY OF LOS ANGELES, HEREBY PUT YOU ON NOTICE THAT:

You are creating, maintaining and encouraging, and permitting others to create and maintain, a public nuisance in that you are engaging in and encouraging, and permitting others to engage in, continuing, repeated and ongoing acts of:

- a. murder;
- b. open and conspicuous narcotics trafficking;
- c. open and conspicuous narcotics possession and use;
- d. open and conspicuous consumption of alcoholic beverages in public by adults and minors;
- e. assaults;
- f. use and possession of dangerous weapons and ammunition;
- g. vandalism to public and private property including, but not limited to, graffiti;
- h. blocking the free flow of vehicular traffic and emergency vehicles by approaching passing vehicles and engaging passengers in conversation;
- i. congregating at locations including, but not limited to, the intersections of 254th and Marigold, 252nd and Marigold, 256th and Marigold, and Normont Terrace parking lot located at 254th and Petroleum, in the City of Los Angeles, with the intent to attract persons who seek to purchase narcotics and other contraband, and attract persons from rival street gangs who intend to commit acts of violence;
- j. wearing clothing and jewelry bearing clearly visible insignia which identifies the wearer as a member or associate of the

above respondent unincorporated associations or street gangs so as to encourage and induce members of rival street gangs to commit acts of violence;

k. wearing clothing and jewelry bearing clearly visible insignia such as dollar (\$) signs which identifies the wearer as a narcotics peddler;

l. possessing paging devices (beepers), portable and cellular telephones at or in the vicinity of narcotic sales locations described in paragraph i. (above) so as to facilitate the trafficking of narcotics by respondent street gangs;

m. yelling of words and phrases in public which identify the speaker as a member or associate of respondent street gangs so as to intimidate law abiding citizens and encourage and induce members of rival streets gangs to commit acts of violence;

n. blocking and obstructing sidewalks and pedestrian thoroughfares so as to intimidate and annoy citizens;

o. causing and encouraging private and commercial vehicles and taxicabs to travel to and from narcotic sales locations described in paragraph i. (above) so as to facilitate the purchase, sale and transportation of narcotics.

THE ABOVE DESCRIBED ACTIVITIES ARE A PUBLIC NUISANCE, ARE OFFENSIVE TO THE SENSES, ARE INJURIOUS TO HEALTH, AND ARE INDECENT, SO AS TO INTERFERE WITH THE COMFORTABLE ENJOYMENT OF LIFE AND PROPERTY BY AN ENTIRE NEIGHBORHOOD AND A CONSIDERABLE NUMBER OF PERSONS IN THE COMMUNITY.

THEREFORE,

You are hereby commanded to halt, discontinue and abate the creation and maintenance of the public nuisance described above.

In the event that you should fail to abate said public nuisance, notice is hereby given that the People of the State of California, by and through James K. Hahn, City Attorney of the City of Los Angeles, will seek a preliminary and permanent injunction prohibiting the continuance of said nuisance.

THE VIOLATION OF AN INJUNCTION CAN BE PUNISHED BY CRIMINAL PROSECUTION AND CIVIL CONTEMPT
RESULTING IN JAIL, FINES, OR BOTH!


JAMES K. HAHN
City Attorney

ATTACHMENT V

TARGET LOCATION DATA SHEET

GRATS HOT SPOT LOCATION: _____

DATE: _____ GRATS HOT SPOT #: _____ BUREAU HOT SPOT #: _____

NAU TEAM: _____ ILO: _____

TARGET SECTOR LOCATION: _____

SOURCES OF INFORMATION: (SLO-FES-U/C-CZN COMP-ETC.)

SOURCE: _____ LOCATION: _____ RD: _____

NOTES: _____ ABATEMENT: _____

SOURCE: _____ LOCATION: _____ RD: _____

NOTES: _____ ABATEMENT: _____

SOURCE: _____ LOCATION: _____ RD: _____

NOTES: _____ ABATEMENT: _____

SOURCE: _____ LOCATION: _____ RD: _____

NOTES: _____ ABATEMENT: _____

SOURCE: _____ LOCATION: _____ RD: _____

NOTES: _____ ABATEMENT: _____

FALCON SURVEILLANCE:

LOCATION AND OBSERVATION: _____

ADDITIONAL LOCATIONS IDENTIFIED: _____

REMARKS: _____

ARRESTS BY FALCON PERSONNEL:

ARRESTEE: _____ VIOLATION: _____ EVIDENCE: _____

ARRESTEE: _____ VIOLATION: _____ EVIDENCE: _____

ARRESTEE: _____ VIOLATION: _____ EVIDENCE: _____

ARRESTEE: _____ VIOLATION: _____ EVIDENCE: _____

ARRESTEE: _____ VIOLATION: _____ EVIDENCE: _____

TARGET LOCATION WORKSHEET

NAU CONTROL # _____

LOC NAME: _____ LOC ADD: _____

DATE INV OPENED: _____ GRATS HOT SPOT LOC: _____

GRATS HOT SPOT #: _____ AREA: _____ RD: _____ I/O SUM: Y / N

OWNER INVOLVEMENT: Y / N COUNCILMATIC REQ: Y / N DIV REQ: Y / N

PROP OWNER 1: _____ ADDRESS: _____ PHONE: _____

PROP OWNER 2: _____ ADDRESS: _____ PHONE: _____

BUS OWNER: _____ ADDRESS: _____ PHONE: _____

MGR: _____ ADDRESS: _____ PHONE: _____

LTR SENT: _____ RETURN REQ RECD: _____ SIGNED: Y / N

OTH CORRESP SENT: _____

CORRESP RECD: _____ SIGNED: Y / N

NIN CHECK: Y / N DATE: _____ OFCR NOTIFIED: _____ OTHER INVS: _____

STILL PHOTO BEFORE: Y / N AFTER: Y / N VIDEO: _____

OFCR DEC: Y / N CITZ DEC: Y / N COUNCILMATIC DECS: Y / N

AD VICE INV: Y / N I/O: _____ SER #: _____

SPECIAL ENFORCEMENT INV: Y / N PERSON CONTACTED: _____ DATE: _____

HOUSING TASK FORCE INV: Y / N PERSON CONTACTED: _____ DATE: _____

PACMIS RUN: Y / N # GRATS COMPLAINTS _____ # GRATS ARRESTS _____

ARR RPTS/DOCKETS: _____ WARRANT SUMMARY: _____

HEARING DATE: _____ TIME: _____ LOC: _____

HEARING OFFICER: _____ COMPLIANCE DATE: _____

ON-SITE NAU ARRESTS: _____ SEIZURES: _____

PROP TITLE: Y / N TRACT MAP: Y / N LEASE INFO: Y / N TITLE RPT: Y / N

TAX INFO: Y / N CORP: Y / N SEC OF STATE RPT: Y / N

SURV DATES: _____

S/W SVC: Y / N S/W DATE: _____ S/W 15.07: Y / N

POLICE COMM. PERMITS: Y / N ABC LIC: Y / N

BUILDING & SAFETY INSPEC: _____ ORDERS/NARR: _____

HEALTH INSP: _____ ORDERS/NARR: _____

ADDITIONAL AGENCIES INVOLVED: _____ RPTS: _____

SUSPICIOUS ACT FORM: Y / N CARS/POSTCARDS: Y / N

REMARKS: _____

F.A.L.C.O.N.
Narcotic Abatement Referral Form

COMPLAINING PARTY:

Name: _____ Address: _____
Phone #: (Home) _____
(Work) _____

Relationship to suspect location: _____
(e.g., neighbor, tenant, etc.)

Organization/Govt. Agency: _____
(e.g., City Council, Fire Dept., Bldg. & Safety, LAPD, neighborhood watch,
merchants association, etc.)

COMPLAINED OF LOCATION/PARTY

Address: _____ LAPD Div.: _____

Major Cross Streets: _____ Name of Building: _____

Location Description:

____ Single Family Residence _____ Apt. Bldg.: _____ units _____ Owner-Occupi.
____ Motel/Hotel _____ Bar/Restaurant _____
____ Other: _____

Owner (if known): _____
Address: _____ Phone #: _____

Manager (if known): _____
Address: _____ Phone #: _____

Suspect: _____ Phone #: _____
Address: _____

Type of Activity: _____ Narcotics _____ Vice Activity _____ Gen'l Nuisance
____ Gang Activity: _____ Other: _____
(Name of Gang) (Including Code Violations)

Description of illegal/drug activity (who, what, where, when and how):

Suspect(s): _____

Vehicle(s) Description: _____

PRIOR CONTACTS

Prior action taken by complaining party: _____

Response by owner/manager (include names, dates & resulting action): _____

LAPD contacts: _____
Name/Division _____ Phone # _____ Date(s) _____

City Council contacts: _____
Name/District _____ Phone # _____ Date(s) _____

Other govt'l agency contacts: _____
Name/Agency _____ Phone # _____ Date(s) _____

Above information taken by: _____
Name _____ Phone # _____
Agency _____ Date _____

TO BE COMPLETED BY FALCON STAFF

GRATS HOTSPOT: _____ :# _____
YES _____ NO _____

Action taken & results: _____

PACMIS review & results: _____

Retained by FALCON and submitted to:
____ West Bureau Team _____ Valley Bureau Team
____ So. Bureau Team _____ Central Bureau Team
Date Submitted: _____

Referrals for further action:
____ LAPD: Area Captain _____
____ SLO _____

____ City Attorney: _____ Special Enforcement: DCA _____
____ Gang Section: DCA _____
____ Housing: DCA _____

____ Other: _____ Date referred: _____

Final Disposition: _____

This section completed by FALCON staff member: _____
Date: _____

INVESTIGATING OFFICERS REPORT

DATE: _____ GRATS HOT SPOT #: _____ BUREAU HOT SPOT #: _____

ADDRESS/LOCATION: _____

DATE: _____ TIME: _____ PHOTO: _____ VIDEO: _____

TEAM #: _____ NAME: _____

NAU FORM #006 (12/19/90)

OFFICE OF THE LOS ANGELES CITY ATTORNEY
CRIMINAL LAW BRANCH
F.A.L.C.O.N.

PROPERTY OWNER HEARING

DATE: _____ TIME: _____ TO _____

LOCATION OF MEETING: _____

PROPERTY ADDRESS: _____ HOTSPOT #: _____

BUREAU: _____ L.A.P.D. DIV: _____ C.A. BRANCH: _____

APPEARANCES:

PROPERTY OWNER(S): _____ PH #: _____

_____ PH #: _____

PROPERTY MGR. (S): _____ PH #: _____

_____ PH #: _____

ATTORNEY: _____ PH #: _____

OTHER: _____ PH #: _____

PROSECUTOR: _____

LAPD OFFICERS: _____

TEAM #: _____

BUILDING & SAFETY: _____

COUNTY HEALTH DEPT: _____

OTHER: _____

VIOLATION(S): _____

SUBJECT MATTER: _____

___ OVERVIEW OF FALCON/INTRODUCTION BY _____
___ I/O SUMMARY REVIEWED BY _____
___ ARRESTS FOR NARCOTICS REVIEWED BY _____
___ BUILDING AND SAFETY CODE VIOLATIONS ORDERS ISSUED: _____
___ HEALTH DEPT. CODE VIOLATIONS ORDERS ISSUED: _____
___ VIDEOTAPES SHOWN: DESCRIBE: _____ (DATES): _____
___ PHOTOS: DESCRIBE: _____ (DATES): _____
___ CRIMINAL SANCTIONS DISCUSSED
___ CIVIL SANCTIONS DISCUSSED
___ REVIEW OF SUGGESTED IMPROVEMENTS
___ WEEKLY PROGRESS REPORTS REQUESTED
___ WRITTEN MATERIALS GIVEN TO OWNER/MANAGER:
___ PROPERTY OWNER HAND-OUT
___ MODEL LEASE
___ RENT STABILIZATION LANDLORD-TENANT BOOKLET
___ SIGNED LIST OF IMPROVEMENTS
___ HEARING NOTES ATTACHED

ADDITIONAL COMMENTS: _____

___ FOLLOW-UP SCHEDULED: _____

___ COMPLIANCE DATE(S): _____



JAMES K. HAHN
CITY ATTORNEY

Office of the City Attorney
Los Angeles, California

ATTACHMENT V
Page six

EXECUTIVE OFFICE
1800 CITY HALL EAST
LOS ANGELES 90012
(213) 485-5408

CRIMINAL BRANCH
(213) 485-5470

CIVIL BRANCH
(213) 485-6370

TELECOPIER:
(213) 680-3634

DATE

NAME
ADDRESS
CITY

Dear _____:

This letter is to memorialize the accord reached at our meeting on _____, concerning the narcotics-related problems and other illicit activity occurring on your property at _____, also known as the _____ Motel. As discussed between yourself and representatives of the Los Angeles City Attorney's Office, L.A.P.D., the Department of Building and Safety, and the County Health Services Department, the attached rules of operation are recommendations for resolving the nuisance activity at the _____ Motel on _____.

While the attached rules of operation are neither exhaustive nor exclusive of other possible actions, it is believed that implementation of them will assist you in eliminating illegal nuisance activity on your property.

We are very appreciative of your recent efforts to renovate the _____ Motel and to implement procedures directed at eradicating narcotics-related activity on the premises.

If we can be of further assistance to you, please do not hesitate to contact us at 312-5910.

Sincerely,

JAMES K. HAHN, City Attorney

By
Mary Clare Molidor
Assistant City Attorney

MCM:rb



JAMES K. HAHN
CITY ATTORNEY

Office of the City Attorney
Los Angeles, California

ATTACHMENT V
Page seven

EXECUTIVE OFFICE
1800 CITY HALL EAST
LOS ANGELES 90012
(213) 485-5408

CRIMINAL BRANCH
(213) 485-5470

CIVIL BRANCH
(213) 485-6370

TELECOPIER:
(213) 680-3634

DATE

NAME
ADDRESS
CITY

Dear _____:

This letter is to memorialize the accord reached at our meeting on _____, concerning the narcotic-related problems and other illicit activity occurring on your property at _____, also known as _____. As discussed between yourself and representatives of the Los Angeles City Attorney's office, L.A.P.D., the Department of Building and Safety, and the County Health Services Department, the attached rules of operation are recommendations for resolving the nuisance activity at _____.

While the attached rules of operation are neither exhaustive nor exclusive of other possible actions, it is believed that implementation of them will assist you in eliminating illegal nuisance activity on your property.

We are very appreciative of your recent efforts to renovate _____ and to implement procedures directed at eradicating narcotics-related activity on the premises.

If we can be of further assistance to you, please do not hesitate to contact us at 312-5910.

Sincerely,

JAMES K. HAHN, City Attorney

By
Mary Clare Molitor
Assistant City Attorney Police

MCM:rb

PROPERTY OWNER FACT SHEET

LOCATION:

OWNER:

ADDRESS:

TEL: (H)
(B)

MANAGER:

PHONE:

OTHER PROPERTY OWNED:

DRIVER'S LICENSE:

VEHICLES OWNED:

SOCIAL SECURITY NO.:

ARREST RECORD: (Y) (N)
CII NO.:

ATTORNEY:

ADDRESS:

TEL NO.:

NOTES:

NARCOTICS ABATEMENT TRAINING MANUAL

LA.P.D. • CITY ATTORNEY • BUILDING & SAFETY • HEALTH SERVICES

143135

part 2

U.S. Department of Justice
National Institute of Justice

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(Los Angeles) FALCON

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Los Angeles

FALCON

Focused Attack Linking Community Organizations & Neighborhoods

FALCON

NARCOTICS ABATEMENT TRAINING MANUAL



SECTION TWO

PLEADINGS MANUAL

PLEADINGS MANUAL
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BIBLIOGRAPHY

This bibliography is a general guide to secondary source material. It should not be considered a definitive list of available sources for litigating narcotics abatement cases.

Weil & Brown, California Practice Guide - Civil Procedure before Trial. (1990)

Hogan, Modern California Discovery, (4th Ed. (1988)

Continuing Education of the Bar, Injunctions, Why, When, How (1989)

Continuing Education of the Bar, California Civil Procedure before Trial (3d Ed. 1990).

Witkin, California Procedure, (3d Ed. 1985)

47 Cal. Jur. 3d § 73-90

38 Cal. Jur. 3d § 16-19; 97-106.

I. INTRODUCTION

This portion of the manual is designed to assist prosecutors and other government attorneys who wish to explore remedies other than traditional criminal sanctions to stem drug dealing in their communities. It deals primarily with narcotics abatement actions and contains the following: (1) An outline which sets out the case law and statutory procedures that apply to narcotics abatements; (2) Sample pleadings.

The outline contains basic procedures, such as filing the complaint and motions necessary to obtain an injunction, various discovery mechanisms, and other pre-trial matters such as default and summary judgment. General information is provided regarding trial-setting and trial. Sample pleadings, including discovery requests and some representative motions, are included in the Appendices Section. The pleadings are drafted in conformance with Los Angeles County Superior Court rules.

Hopefully, this information will assist and encourage more prosecutors to pursue narcotics abatement actions.

This manual expresses the views of the Los Angeles City Attorney's Office and is not intended to confer any rights, privileges or benefits on any person or entity. It is recommended that attorneys who wish to pursue the remedies outlined in this manual consult the source material in order to supplement the information provided herein.

II. OUTLINE OF PROCEDURE FOR NARCOTICS ABATEMENT

A. Background

1. The Uniform Controlled Substances Act was enacted in 1972 as Chapter 6 of the Health and Safety Code. Article 3 of the Act, Sections 11570 et. seq., deals with narcotics abatement.
2. Since the sections dealing with narcotics abatement were patterned after the Red Light Abatement Act (Penal Code Sections 11225 et. seq.), cases interpreting the Red Light Abatement Act are equally applicable to narcotics abatement.

B. Nature of the Action

1. The abatement action is a civil in rem and in personam proceeding. Since injunctive relief is its primary focus, the action is in equity; however, the statute provides for civil penalties as well.
2. It has a quasi-criminal aspect, in that violations of the injunction are punishable by not less than six months in jail, as well as a fine of not less than \$500 and not more than \$10,000.

C. Evidence

1. In order to constitute a nuisance, the activity must be habitual and ongoing. People ex rel. Hicks v. Sarong Gals (1972) 27 Cal.App.3d 46, 50; People v. Burch (1920) 46 Cal.App. 391, 394.
2. Citizen complaints may fill in gaps in evidence created

by a small number of arrests. An abatement will not lie where the evidence consists only of individuals who appear to be under the influence; however, this situation may indicate circumstantially, that a location is being used to sell controlled substances, e.g., if individuals who appear normal habitually enter a given location and emerge under the influence.

3. An abatement will not lie when the activity is occurring only on public property. However, a common sense interpretation of the statute would include those instances where drugs are being sold on public property and the subject location is being used as an escape route or as a place to store the drugs.

D. Defenses

1. The only viable defense to a nuisance action is that the nuisance was abated before the action was filed. The burden is on the defense to demonstrate that the nuisance has been abated. People ex rel. Hicks v. Sarong Gals (1974) 42 Cal.App.3d 556, 562; People v. Goddard (1920) 47 Cal.App. 730, 734; People v. Macy (1919) 42 Cal.App. 479, 483; People v. Dillman (1918) 37 Cal.App. 415, 419-420. Otherwise, the presumption is that "a thing continues to exist as long as is usual with things of that nature." Cal. Civ. Code § 3547.

E. Some Preliminary Rules

1. Abatements are actions under the Code of Civil Procedure. Code Civ. Proc. § 21.

2. The rules of civil procedure apply because Code of Civil Procedure Section 34 provides that:

The provisions of this code relating to the commencement and prosecution of, and the practice, procedure, and enforcement of judgments and decrees in, actions and proceedings in trial courts, shall apply to all such courts, except where special provision is made for particular courts, or where a general provision is not applicable by reason of jurisdictional limitations.

3. Narcotics abatements take precedence over all other actions except criminal proceedings, election contests, injunctions and forfeiture actions for vehicles. Health & Saf. Code § 11575.
4. Fast Track has been extended. Assembly Bill, AB 3820, which passed on August 31, 1990 allows counties to voluntarily adopt delay reduction programs. Gov. Code §§ 68614 and 68618. The Bill provides sanctions for non-compliance with the rules. Government Code Section 68609(d) sets minimum time periods for different stages of litigation and applies to all cases filed after January 1, 1991. See also Gov. Code § 68616.
5. In the Los Angeles judicial district, the presiding judge has decided that abatement actions are exempt from fast track.

F. Filing the Action

1. The District Attorney, City Attorney or City Prosecutor may bring an action to abate the nuisance. Health & Saf. Code §§ 11571; 11571.5.
2. If filed by the City Attorney or City Prosecutor, the complaint must be verified. Health & Saf. Code § 11572; Code Civ. Proc. § 446.
3. Although Article 3 does not mention the filing of a lis pendens, it is highly advisable to file one. Code Civ. Proc. § 409(a).

The lis pendens should contain:

- (a) Names of the parties;
- (b) Type or object of the action;
- (c) Description of the property.

The lis pendens must be mailed by registered or certified mail to all known adverse parties, or owners listed in county records. Code Civ. Proc. § 409.(c)

Lis pendens must be acknowledged. Civ. Code. § 1181. List all adverse parties in the caption, so that the County Recorder is able to index the lis pendens completely.

G. Drafting the Complaint

1. Include all involved parties. If there are any tenants or property managers who are involved in creating the nuisance, they should be named as well as the owners.

2. Code of Civil Procedure Section 379 provides for joinder of parties whenever:
 - (a) any right to relief...in respect of or arising out of the same transaction, occurrence or series of transactions or occurrences and if any question of law or fact common to all these persons will arise in the action or
 - (b) If a claim, right, or interest adverse to them in the property or controversy ...is asserted against them.
3. Code of Civil Procedure Section 427.10 provides that a plaintiff who alleges a cause of action against one or more defendants may unite with such cause any other causes which he has...against any such defendants.
4. The Complaint must contain:
 - (a) The basis of the court's jurisdiction;
 - (b) Legal description of the property;
 - (c) Allegation of facts that make the property subject to abatement;
(Code Civ. Proc. § 425.10);
 - (d) Allegation that property is subject to abatement;
 - (e) A demand for judgment and relief; and
 - (f) Verification if filed by a party other than the District Attorney.

H. INJUNCTION

1. Temporary Restraining Order (TRO)

- (a) Under Health and Safety Code Section 11573, a judge must issue a temporary order of injunction to abate and prevent the nuisance if its existence is shown either by verified complaint or affidavit.
- (b) At this time the court can issue protective orders for nondisclosure of witnesses who have been previously threatened by any defendant. Health & Saf. Code § 11573.5.
- (c) For cases filed in Los Angeles Superior Court, the TRO and the Order to Show Cause re: Preliminary Injunction (OSC) should be prepared separately. The restraining language should be stated twice.
- (d) A conformed copy of the complaint must be made available to the Department where the TRO is being sought. Local Rule 302.^{1/}
- (e) Evidence is restricted to affidavit or declarations only. Code Civ. Proc. § 527; Cal. Rules of Court, rule 323.

^{1/}Where reference is made to Local Rules, see L.A. County Rules of Court, Law and Discovery Policy Manual.

- (f) Declarations must contain admissible evidence and cannot be based on information and belief. Code Civ. Proc. § 2015.5.
- (g) In any application for a TRO, full disclosure must be made of all prior applications for similar relief. Failure to do so can result in contempt proceedings. Code Civ. Proc. § 1008(b)(c).
- (h) If granted, the court will issue an Order to Show Cause (OSC), to be heard within 15 or 20 days.
If a TRO is denied, the court may still set the matter for an OSC to relieve the moving party of the necessity of filing a duplicative motion. Local Rule 305.
- (i) The time limits for the hearing on the OSC may be extended without the defendant's consent only if (1) the defendant serves his affidavit less than two days before the hearing, (2) while the court has the OSC under submission or (3) if the court grants the injunction, but has not signed the actual paperwork. Cal. Rules of Court, rule 359.
If the defendant wants a continuance, it may

be granted if he agrees to have the TRO remain in effect. (usually only one is granted).

- (j) An undertaking is not required of governmental agencies. Code Civ. Proc. § 529(b)(4). However, this conflicts with Health and Safety Code Section 11574 which states that on granting the temporary writ an undertaking shall be required. An argument can be made, that since Health and Safety Code Section 11571 permits private parties to bring abatement actions as well, the requirement of an undertaking applies only to those parties.
- (k) The TRO goes into effect when it is served, along with the OSC, complaint, and all supporting papers, on the defendant at least two days before the hearing. However, most courts set a schedule of personal service at least 12 days prior to the hearing, opposition papers filed and personally served at least 6 days before, and reply papers filed and served two days before the hearing. Local Rule 310.
- (l) Unless the defendant, or counsel accepts service of the TRO and attendant papers,

proof of service must be filed directly in the department hearing the OSC, no later than 4:30 P.M. of the third court day before the hearing. Failure to do so will result in an automatic dissolution of the TRO. Local Rule 311.

2. Preliminary Injunction

- (a) As stated earlier, injunctive relief must be granted, upon an adequate showing. Health & Saf. Code § 11573.
- (b) The application for a preliminary injunction should include a proposed order, or else it must be filed within one day after the granting of the injunction, unless otherwise ordered. Cal. Rules of Court, rule 359.
- (c) A preliminary injunction may be obtained either by noticed motion or an OSC. The OSC is always used when a TRO is sought. Local Rule 313.
- (d) Notice must be given either by OSC or notice of motion. Code Civ. Proc. § 527. These must be served no later than two days before the hearing; however, the court may specify an earlier time. A noticed motion must be given to the defendants or opposing counsel at least 15 days prior to the hearing. Code Civ. Proc. § 1005; Cal. Rules of Court, rule 317.
- (e) An insufficiently pleaded complaint can

lead to the denial of a TRO or preliminary injunction, even if no demurrer is filed.

Demurrers that are filed before the hearing on the preliminary injunction will be heard before the injunction is issued. Local Rule 314.

- (f) In addition to the OSC, or notice of motion, moving papers should include, the complaint, declarations and points and authorities. Code Civ. Proc. § 527.
- (g) Continuances may be granted over the objection of the defendant if (1) the defendant serves his reply papers late and/or (2) defendant is entitled to at least one continuance of the hearing, provided he agrees to have the TRO remain in effect. Continuances may be by stipulation and a request for order must be filed in the appropriate department, by 4:30 P.M. three days prior to the hearing. Local Rule 315.
- (h) Evidence is restricted to affidavits or declarations (Cal. Rules of Court, rule 323), however, oral testimony is discretionary with the court. A request to present oral testimony must be filed three days before the hearing on the OSC. The request must contain a written statement setting out the nature and extent of the evidence proposed to be introduced and a reasonable time

estimate for the hearing. Service must be accomplished in a manner to assure delivery on the defendant no later than two days before the hearing. Cal. Rules of Court, rule 323; Local Rule 316.

- (i) Declarations must be based upon admissible evidence. The source of declarant's knowledge must be evident from the content of the declaration. Local Rule 317.
- (j) The burden of proof is on the moving party. Although the moving papers have already been filed, the attorney for the Plaintiff must move to have the court receive into evidence, the complaint, declarations and any other exhibits. Depositions should be read into evidence and oral testimony taken, if permitted. The presentation of evidence should be followed by argument.
- (k) If the injunction is granted, People should argue that an undertaking is not required under Code of Civil Procedure Section 529(b)(4). The court's order must be presented within one day after the application is granted unless otherwise ordered. Cal. Rules of Court, rule 359.
The order remains in effect until final judgment on the merits.
- (l) The order must be filed with the court

clerk and notice given to each party bound by personally serving each with a copy in the same manner as service of summons. If counsel is present, notice may be given without personal service.

3. Modification

Generally, a motion to modify (Code Civil. Proc. § 532) or dissolve an injunction is made by the defendant, if the injunction has issued without notice or if it is too broad. Although not mentioned in Code of Civil Procedure Section 532, the motion must be accompanied by notice and a memorandum of points and authorities. Code Civ. Proc. § 1005.

In addition, the court has inherent power to modify or dissolve the injunction, either on its own motion, or based upon a motion by either party whenever required by justice or fairness, a change in significant facts or a change in the applicable law. Union Interchange Inc. v. Savage (1959) 52 Cal.2d 601, 604; Sontag Chain Stores Co. v Sup. Ct. (1941) 18 Cal.2d 92, 94.

4. Contempt

(a) Sections that apply

"Indirect" contempts, i.e. conduct which takes place out of the presence of the judge, can be brought before the court, either by way of (1) a warrant of attachment or (2) an order to show cause. Code Civ. Proc. § 1212. Regardless of the mechanism utilized, an affidavit must accompany the application. The affidavit must contain

facts showing: (1) the making of the order; (2) that the defendant knew of the order; (3) the defendant had the ability of comply with the order; and (4) the defendant willfully failed to comply with the order. Contempt in narcotics abatement proceedings is actionable either under Code of Civil Procedure Section 1218 or Health and Safety Code Section 11580. "Civil" contempt carries a penalty of \$1000 and/or 5 days in the county jail. Contempt under Health & Safety Code Section 11580 is punishable by a fine of not less than \$500, and not more than \$10,000 and/or by imprisonment in the county jail for not less than one month and not more than six months. The application must specify the section under which plaintiff has elected to proceed. The election was made necessary by the recent decision of Mitchell v Superior Court (1990) 49 Cal.3d 1230 in which the California Supreme Court held that in a contempt proceeding under the Red Light Abatement Act, the defendant was entitled to a jury trial. The rationale for the imposition of this right was the fact that the punishment for contempt under the Red Light Abatement Law closely paralleled the penalty for a misdemeanor. It seems fairly clear that a jury trial would be required in a contempt proceeding under the narcotics abatement law as well.

Another manner in which contempt can be handled is by way of a criminal filing under Penal Code Section 166.4. This section makes the "willful disobedience of any process or order lawfully issued by any court" a misdemeanor.

An applicant for civil contempt must comply with California Rule of Court 379, which requires the applicant to notify the defendant or his attorney within a reasonable time before the date set that an order will be sought. An affidavit or declaration to that effect should accompany the application. In the alternative, the reason for the inability to contact the opposing party or the reason why notice should not be given should be stated in the affidavit or declaration.

A body attachment will be issued only if the defendant has received notice of the OSC and fails to appear. After the OSC is issued, it must be personally served on the defendant. Local Rule 331.

(b) Trial for Contempt

In contempt proceedings, under Code of Civil Procedure Section 1218 and Health & Safety Code Section 11580, defendant is entitled to (1) remain silent (2) confront and cross-examine witnesses and (3) proof beyond a reasonable doubt. In re Coleman (1974) 12 Cal.3d 568, 572.

The moving party must present witnesses unless the defendant stipulates in writing that the declarations are acceptable as the plaintiff's case in chief.

Frequently, the declarations or affidavits are accepted and the right to cross-examine is reserved.

In a contempt proceeding brought under Health & Safety Section 11580, defendant is entitled to a jury trial. There is no difference between a criminal trial and this proceeding.

(c) Punishment for Contempt

(1) Health & Safety Code Section 11580

The maximum punishment is a minimum of one month and maximum of six months in the county jail and/or a minimum fine of \$500 and a maximum of \$10,000.

(2) Code of Civil Procedure Section 1218 and 1219

Code of Civil Procedure Section 1218 provides a maximum fine of \$1000 and/or imprisonment for a maximum of five days. Code of Civil Procedure Section 1219 provides, however, that when the contempt consists of an omission to perform an act which is in the power of the defendant to perform, he may be imprisoned till the act is performed.

(3) Penal Code Section 166.4

This is a misdemeanor charge which must be brought by the City Attorney or District Attorney in Municipal Court. The maximum penalty is six months imprisonment and/or a fine of \$1,000.

In most instances, the defendant will respond and some agreement will be reached as to the terms of the injunction. Furthermore, the remedy which the People will be seeking will most often be a permanent injunction. In that case, when the case does come to trial, the People will simply seek to have the preliminary injunction become permanent. In the alternative, an offer to compromise can be made up to 10 days before trial and the case settled pursuant to Code of Civil Procedure Section 998. The case can also be settled pursuant to Code of Civil Procedure Section 664.6 which provides that if the parties stipulate orally or in writing, for settlement of the case, the court may upon motion, enter judgment according to the terms of the settlement. However, in the event that the defendant is not receptive to an agreement and is confrontational throughout, it may become necessary to conduct discovery and prepare the case for trial or other disposition.

III. DISCOVERY

A. INTRODUCTION

The rationale for civil discovery lies in its two-fold objective - to foster settlements and to eliminate the sporting theory of litigation - namely, surprise at trial. It also provides the dual benefit of narrowing the issues and preserving the memory of witnesses.

Civil discovery in California was substantially revised by the Civil Discovery Act of 1986. It established six methods of extracting information, only one of which, the deposition, can be used against a non-party. The remaining five are interrogatories, inspections, medical examinations, admission requests and exchange of expert trial witness information.

In using the mail to serve or respond, it should be noted that Code of Civil Procedure Section 1013(a) provides that service by mail extends the time to do any act or make a response by five days if the document is served by mail in California, ten days for places outside California and twenty days for locations outside the United States.

B. LIMITS ON DISCOVERY

1. Relevance A party may obtain information that is "relevant to the subject matter involved in the pending action or to the determination of any motion made in the action." Relevance is not, however,

limited to admissible evidence, it includes matter that "appears reasonably calculated to lead to the discovery of admissible evidence." Code Civ. Proc. § 2017(a).

2. Privilege Code of Civil Procedure Section 2017(a) states that "any party may obtain discovery regarding any matter, not privileged..." While there are several evidentiary privileges, the one most likely to arise is the 5th Amendment privilege against self-incrimination.

There are two rights that emanate from the 5th Amendment. One is the right not to be called as a witness and not to testify. This is embodied in Evidence Code Section 930 and is applicable only in criminal cases. However, it may apply in contempt proceedings, in that these are quasi-criminal in nature, and all other rights accorded to criminal defendants apply.

The second privilege is contained in Evidence Code Section 940 which provides that "a person has a privilege to refuse to disclose any matter that may tend to incriminate him." This privilege extends to both civil and criminal proceedings and applies at the discovery stage as well. Warford v. Madeiros (1984) 160 Cal.App.3d 1035, 1042. However, in both criminal and civil cases, the privilege applies only to testimonial information. It does not include the providing of handwriting or voice exemplars. Cramer v. Tyars (1979) 23 Cal.3d 131, 139; People v. Ellis (1966)

65 Cal 2d 529, 534. Evidence Code Section 404 places the burden on the person claiming the privilege to show that the question might tend to incriminate him. However, the burden is a minimal one and California courts have applied differing standards in deciding how much credence should be given to a claim of privilege asserted in response to a seemingly innocuous inquiry. In Makoy v. Hogan (1964) 378 U.S. 1, 30, the Court held that the defendant did not have to explain how an innocent appearing question could incriminate him. However, in Warford v. Madeiros (1984) 160 Cal.App.3d 1035, 1044, the court held that the trial court could inquire into the reasonableness of a claim of self-incrimination. The privilege against self-incrimination is a personal right and does not apply to a corporation, which is a creature created by state law. Hale v. Henkel (1906) 201 U.S. 42. Likewise, the privilege does not extend to documents in the possession of corporate officers, even if the production of the documents would tend to incriminate the officers. Wilson v United States (1911) 221 U.S. 361. A partnership, that has a recognized existence apart from the individuals involved in its existence is also unable to claim the privilege. Bellis v. United States (1974) 417 U.S. 85, 90.

Under federal law, a claim of privilege entitles the opposing party to obtain a jury instruction to the effect that the jury may draw an adverse inference from the assertion of the privilege. Baxter v Palmigiano (1976) 425 U.S. 308, 318. In California, however, Evidence Code Section 913 states that "in civil as well as criminal cases, inferences may be drawn only from the evidence in the case, not from the claim of privilege." However, the defendant may not later testify about matters regarding which he has asserted the privilege. A&M Records Inc. v Heilman (1977) 75 Cal.App.3d 554, 566.

The information sought may still be obtained by granting immunity when the prosecutor is willing to confer the grant of immunity. People v. Superior Court (Kaufman) (1974) 12 Cal.3d 421, 428-29. Even when the prosecutor is not a party to a civil action, a civil litigant can move the court to grant the immunity, provided there is no objection from the prosecuting authorities. Daly v. Superior Court (1977) 19 Cal.3d 132.

3. Work Product

There is a constant tension between the general policy underlying civil discovery and the necessity for the attorney to conduct his trial preparation without having his adversary looking over his shoulder.

California law has struggled to accommodate these competing interests.

Absolute protection is provided to "any writing that reflects an attorney's impressions, conclusions, opinions, or legal research or theories..." Code Civ. Proc. § 2018(c).

This includes the expected testimony of trial witnesses, with the exception of experts. Long Beach v Superior Court (1976) 64 Cal.App.3d 65, 80. A qualified immunity is granted to general work product where "denial of discovery will unfairly prejudice the party seeking discovery in preparing that party's claim or defense, or will result in an injustice." Code Civ. Proc. § 2018(b). This includes the "identity and location of persons having knowledge of any discoverable matter." Code Civ. Proc. § 2017(a). Statements of the adverse party are discoverable, Holme v. Superior Court (1954) 42 Cal.2d 500 and in some circumstances, statements of independent witnesses, Greyhound Corp. v Superior Court (1961) 56 Cal.2d 355, 397-98.

The testimony of experts retained at the behest of the attorney is protected by the attorney-client privilege, with some exceptions. An engineer's examination of a sidewalk was not exempt from disclosure, Grand Lake Drive In, Inc. v. Superior Court (1960) 179 Cal.App.2d,

122, neither was an appraiser's opinion as to the value of real estate, People ex rel. Dept. of Pub. Works v. Donovan (1962) 57 Cal.2d 346.

The courts in these cases stressed the fact that the examinations made were of premises that were open to public view, as opposed to other types of examination, e.g., a medical examination. However, later that year, the California Supreme Court focused on whether the information the expert had obtained had been gleaned from the client. Oceanside Union School District v. Superior Court (1962) 58 Cal.2d 180, 188.

Once a trial date has been set, the anticipated testimony of an expert witness is no longer insulated from discovery. Code of Civil Procedure Section 2034(a) provides that the demand for exchange of information must be made "no later than 10 days after a trial date has been set, or 70 days before that trial date, whichever is closer to the trial date."

4. Protective Orders are available in any of the six methods of discovery, where there is a potential for abuse. These are mentioned after each of the sections discussing that method.

C. DEPOSITIONS

While the law provides for both oral and written depositions, the most popular method is the oral deposition. By far the most superior of all the discovery procedures, it

is also the most expensive. It has the advantage of allowing face-to-face examination of the deponent and makes discovery from a non-party witness possible. Furthermore, it can be used to obtain documents from the deponent. However, the cost will approximate \$3.50 to \$4.50 a page, plus witness and mileage fees. It is also difficult to control the length of the deposition since all parties may examine the deponent.

1. Timing

Code of Civil Procedure Section 2025(b) provides that:

- (a) The defendant may serve a deposition notice at any time after that defendant has been served or has appeared in the action, whichever occurs first.
- (b) The Plaintiff may serve a deposition notice 20 days after the service of the summons on, or appearance by, any defendant

2. Location

(a) Natural Persons

Depositions of natural persons must be taken at a place that is either within 75 miles of the deponent's residence, or within the county where the action is pending and within 150 miles of the deponent's residence. Code Civ. Proc. § 2025(e)(1).

(b) Organizations

Depositions of organizations that are parties may be taken either within 75 miles of the organization's principal executive or business office in California, or within the county where the action is pending and within 150 miles of that office. Organizations that are not parties may be deposed within 75 miles of the organization's principal executive or business office in California, unless the organization stipulates to a more distant place. Code Civ. Proc. §2025(e)(2).

(c) Depositions at distant places

A party may move the court to order a deposition at a place other than those designated in Code of Civil Procedure Sections 2025(e)(1) and (2).

3. Notice

(a) Service

A party to the action, or an officer, director, managing agent, or employee of a party may be served with a deposition notice. Code Civ. Proc. §§ 2025(h)(1); 2025(c).

A non-party defendant must be served with a deposition subpoena under Code of Civil Procedure Section 2020.

The notice must be served on all parties who have appeared in the action. Code Civ. Proc. § 2025(c).

(b) Contents

The party wishing to take the deposition must specify the following items in the deposition notice.

- (1) The address where the deposition is to take place;
- (2) The date when it will occur;
- (3) The name of the person whose deposition will be taken, or "a general description sufficient to identify the person or the particular class or group to which the person belongs";
- (4) A list of all the parties or their attorneys who have been served with the notice. Code Civ. Proc. §§ 2025(c); 2025(d).
- (5) If documents are being requested, they must be identified. Code Civ. Proc. § 2025(d)(4).
- (6) If the deposition is to be taped, either by audio-tape or videotape, then the deposition notice must so state.
- (7) If depositions are being requested of corporations, partnerships or governmental agencies, the deposition notice must state the area of inquiry as well. Code Civ. Proc. § 2025(d).

4. Protective Orders

A deponent may seek a protective order if the "burden, expense or intrusiveness of that discovery clearly outweighs the likelihood that the information sought will lead to the discovery of admissible evidence". Code Civ. Proc. § 2017(c). The factors the court can consider in limiting discovery include the following:

- (a) The discovery is unreasonably cumulative or duplicative, or obtainable from another more convenient, less burdensome or less expensive source.
- (b) The method of discovery is unduly burdensome or expensive. Code Civ. Proc. § 2019(b).

5. Conduct of Deposition

(a) Inquiry

Areas of inquiry should include ownership information, income and expenses associated with the operation of the property, past experience with managers and tenants and knowledge of the complained of activity.

(b) Objections

(1) Relevance and Admissibility

A party may object to questions on the grounds of relevance - however, the party objecting should be aware that the scope of discovery is broader than the admissibility of evidence at trial.

After an objection has been lodged, the better procedure is to answer the objectionable question, unless it is put in bad faith or in "such a manner as unreasonably to annoy, embarrass or oppress". Ralston Purina Co v McFarland (1977 CA 4th NC) 550 F.2d 967, 973-74.

(2) Privilege or Work Product

An objection to this line of questioning must be asserted when the question is asked, since failure to object operates as a waiver. Code Civ. Proc. § 2025 (m)(1).

(3) Form of the Question

Objections may be made to questions that are objectionable under the Evidence Code. Code Civ. Proc. § 2025(m)(1). If the objection is not made at the time of the inquiry, the objection will be deemed waived. Code Civ. Proc. § 2025(m)(2).

6. Motion to Compel

The party seeking discovery has two options if a deponent fails to answer. He may either adjourn the deposition and seek a court order to compel an answer, (Code Civ. Proc. § 2025(o)) or continue the deposition and at a later time bring a motion to compel a

response. Code Civ. Proc. § 2025(m)(4). The motion must be made no later than 60 days after the completion of the record of the deposition. Code Civ. Proc. § 2025(o).

7. Sanctions

The court may award sanctions against an unsuccessful party if the motion to compel is made or opposed without substantial justification. Code Civ. Proc. § 2025(o).

Abuse of the discovery process may be sanctioned by:

(a) Monetary sanctions. Code Civ. Proc.

§ 2023(b)(1).

(b) Issue Sanction - certain facts may be deemed established. Code Civ. Proc.

§ 2023(b)(2).

(c) Evidence sanction - certain evidence may be inadmissible. Code Civ. Proc.

§ 2023(3).

(d) Terminating Sanction - pleadings may be struck, and the action may be dismissed or a default judgment entered. Code Civ.

Proc. § 2023(4).

(e) Contempt of Court. Code Civ. Proc.

§ 2023(5).

8. Deposition Costs

The prevailing party may recover all necessary deposition costs. Code Civ. Proc. § 1033.5(a)(3).

D.I. INTERROGATORIES

This method of discovery has the advantage of:

- (a) Being inexpensive,
- (b) Giving the answering party time to research and answer,
- (c) To discover information that is a precursor to depositions,
- (d) Ask questions that would not be admissible in a deposition.

It has the disadvantage of:

- (a) Not allowing face to face questioning,
- (b) It is available only against parties,
- (c) Answers are most often boiler plate and prepared by the responding party's attorney,
- (d) There is a presumptive limit on questions.

1. Timing

- (a) The plaintiff may serve interrogatories 10 days after the service of summons on or appearance by that party, whichever occurs first. Code Civ. Proc. § 2030(b).
- (b) This limitation does not apply to defendants who may serve interrogatories at any time. Code Civ. Proc. § 2030(b).
- (c) The responding party has 30 days to answer (Code Civ. Proc. § 2030(b)) and all discovery must be completed 30 days before the date initially set for trial. Code Civ. Proc. § 2024(a).

2. Service

Must be made on the party to whom the interrogatories are directed and to all other parties who have appeared, unless service on other parties would be unduly burdensome and expensive, and the court has so ruled. Code Civ. Proc. § 2030(d).

3. Format of Interrogatories

(a) Code of Civil Procedure Section 2030(c)(1) imposes a limit of 35 on specially prepared interrogatories.

A party may exceed the limit of 35 if a supporting declaration is attached, justifying the additional number, on the basis of complexity of the action, expense of depositions, or expedience. Code Civ. Proc. § 2030(c)(2).

(b) The responding party may seek a protective order from the additional interrogatories, at which time the propounding party has the burden of justifying them. Code Civ. Proc. § 2030(c)(2).

Each set of interrogatories must be numbered consecutively, cannot contain sub-parts or be phrased as a compound, conjunctive or disjunctive question. Code Civ. Proc. §§ 2030(4); 2030(5).

4. Contention Interrogatories

Code of Civil Procedure Section 2030(6) specifically allows a party to question the factual basis on

which a contention is based. In anticipation of an assertion of the work product privilege, Section 2030(6) provides that a party may not refuse to answer such a question because it "would be based on information obtained in anticipation of litigation or in preparation for trial."

5. Continuing Interrogatories

A party may not impose on the responding party an obligation to constantly update the information provided. Code of Civil Procedure Section 2030(c)(7) specifically prohibits questions that attempt to impose this obligation.

6. Supplemental Interrogatories

In recognition of the elimination of the "continuing" interrogatory and the numerical limitation, a party may serve supplemental interrogatories "twice prior to the initial trial date." Following the initial trial date, one more set may be propounded. Code Civ. Proc. § 2030 (c)(8). In addition, the court may allow additional inquiry upon a showing of "good cause."

7. Protective Orders

The court for "good cause shown" may issue an order to protect a party from "unwarranted annoyance, embarrassment, or oppression, or undue burden and expense."

The order may provide, among other relief, that the number of interrogatories is unwarranted, the time to

respond may be extended, that response be made only on certain terms and conditions and that answers may be sealed. Code Civ. Proc. § 2030(e).

D II. RESPONSE TO INTERROGATORIES

1. Format of Response

- (a) The response must comply with the format requirement of Code of Civil Procedure Section 2030(f).
- (b) Each interrogatory must be responded to separately, either with an "answer", a writing or an objection. Id.
- (c) The party must sign the response under oath unless the response contains only objections, in which case the attorney may sign. If the response contains both objections and answers, both the attorney and the party answering must sign. Code Civ. Proc. § 2030(g).

2. Timing

The response must be served within 30 days after service of the interrogatories. All other parties must be served unless relieved by a court order. Code Civ. Proc. § 2030(h). The time to respond may be extended by the parties, however the agreement must be confirmed in writing. Code Civ. Proc. § 2030(i).

3. Answers

Section 2030(1) attempts to anticipate abuse of the discovery process by specifying that answers must be complete and straightforward. Furthermore, if the party does not have the information requested, a "reasonable and good faith effort to obtain the information" must be made, except when the information is equally available to the other party. Id.

4. Option to Produce Records

Where a response to an interrogatory would require the responding party to summarize or otherwise compile the information requested and the burden or expense would be substantially similar for both parties, the responding party may refer to Section 2030(f)(2), specify the record and afford the propounding party access to the documents.

5. Objections

Even if a party finds an interrogatory objectionable, a response must be completed. Interrogatories that are objectionable in part, must be answered in part. The objection must specify the grounds upon which it is based. Code Civ. Proc. § 2030(f)(3). Objections may be based upon the form of the question, as well as upon other recognized grounds such as privilege and work product.

6. Motion to Compel

A response that contains incomplete answers, or where objections are generally stated is subject to a motion

to compel. Notice of the motion must be given no later than 45 days after the response has been served. Code Civ. Proc. Section 2019(e). A meet and confer session is mandatory before the motion can be filed.

7. Sanctions

Failure to respond in a timely fashion to a set of interrogatories can lead to waiver of any objections to the inquiries. The option of allowing access to records becomes unavailable upon such a failure. Code Civ. Proc. § 2030(k).

The delinquent party can obtain relief from these sanctions by filing a response and convincing the court that the failure to respond was the result of "mistake, inadvertence, or excusable neglect." Id.

The court must impose a monetary sanction under Code of Civil Procedure Section 2023 upon a party or attorney who unsuccessfully makes or opposes a motion to compel, unless such action was taken with substantial justification. Upon a further failure to comply, the court may impose issue, evidence and termination sanctions under Section 2023.

8. Amending Answers

A party may amend an answer to an interrogatory at any time, however at trial the propounding party may use the initial answer.

The propounding party may also move for an order making the initial answer binding if it has been prejudiced by

the incorrect or incomplete response. Code Civ. Proc. § 2030(m).

Sanctions may be imposed in accordance with Code of Civil Procedure Section 2023 for unsuccessfully filing a motion to deem binding initial answers. Code Civ. Proc. § 2030(m).

9. Use at Trial

The propounding party may use the answers at trial only against the responding party, even if the responding party has, will or is available to testify. Code Civ. Proc. § 2030(n).

E.I. DEMANDS FOR INSPECTION OF DOCUMENTS, THINGS AND PLACES

An inspection demand is a useful tool to obtain documents and inspections of items and places. While production of documents can also be obtained through a deposition notice, this method can only be used once. Furthermore, only inspection and copying of the items is available under the deposition procedure, whereas under Code of Civil Procedure Section 2031(a)(2), "sampling" and "testing" of the items is available. However, this method can only be used to obtain discovery from a party to the action.

1. Timing and Notice

A defendant may make a demand at any time.

A plaintiff may make it 10 days after the service of a summons, or appearance by the party on whom the demand

is made, whichever occurs first. Code Civ. Proc. § 2031(b). An exception to the 10 day requirement may be obtained by motion. Id.

The format of the demand must comply with Code of Civil Procedure Section 2031(c).

The date on which the inspection is to take place cannot be sooner than 30 days after the service of the demand. Code Civ. Proc § 2031(c)(2). The demand must specify a reasonable place for making the inspection. Code Civ. Proc. § 2031(c)(3).

The demand must be served on every party who has appeared in the action. Code Civ. Proc. § 2031(d).

2. What can be Inspected

(a) Documents that are in the possession, custody or control of the other party may be inspected and copied. Code Civ. Proc. § 2031(a)(1).

(b) Tangible things that are in the possession, custody or control of a party may be inspected, photographed, tested or sampled. Code Civ. Proc. § 2031(a)(2).

(c) Land or other property that is in the possession, custody or control of a party may be entered and inspected to measure, survey, photograph, test, or sample the land itself, or any object on the land. Code Civ. Proc. § 2031(a)(3).

- (d) Items that are under the control of a party, even if not in its possession, e.g., in the possession of an insurance carrier, must be produced. Clark v. Superior Court (1960) 177 Cal.App.2d 577, 579.
- (e) Code of Civil Procedure Section 2016(d) states that a "document" is a "writing" as defined by the Evidence Code. Evidence Code Section 250 includes within its definition of "writing" "every other means of recording upon any tangible thing any form of communication or representation, including letters, words, pictures, sounds, or symbols or combinations thereof." It would seem that this language is broad enough to encompass computerized information.

3. Protective Orders

Code of Civil Procedure Section 2031(e) allows the court to make any order required to protect a party from "unwarranted annoyance, embarrassment, or oppression, or undue burden and expense." The relief available includes changing the place of production, producing part of the records, setting terms and conditions upon the release and denying discovery altogether.

Unsuccessful motions or oppositions result in monetary sanctions unless made with substantial justification.

Id.

D II. RESPONSE TO INSPECTION DEMAND

1. Format of Response

- (a) A written response must be made to an inspection demand. It must specify whether the item will be produced, that it cannot be produced or that it is objectionable. Code Civ. Proc. § 2031(f).
- (b) If the item is no longer available, the response must specify whether it was ever in the custody or control of the respondent, what became of it and who has possession of it. Code Civ. Proc. § 2031(f)(2). Similarly, objections must specify the bases for non-production. Code Civ. Proc. § 2031(f)(3).

2. Sanctions

Failure to respond in a timely fashion results in a waiver of any objections to the demand.

However, by subsequently filing a response, the party may obtain relief if the failure to respond was due to "mistake, inadvertence, or excusable neglect." Code Civ. Proc. § 2031(k).

3. Motion to Compel a Response

The party demanding production may move for an order compelling a response. Unsuccessful motions or opposition result in monetary sanctions unless the action was taken with substantial justification. Further failure to comply can result in the imposition of an issue sanction, an evidence sanction, a

terminating sanction and monetary sanctions. Code Civ. Proc. § 2023(b).

A motion to compel may also be filed if the response is incomplete or the objections are meritless. Code Civ. Proc. § 2031(e).

The motion must be noticed within 45 days of the service of the response and an informal meeting to resolve differences is mandatory before the motion is filed. Id.

Motions without merit are sanctioned as set out under Code of Civil Procedure § 2023(b).

F. Discovery from a non-party

This is controlled generally by Code of Civil Procedure Section 2020. Under this section a party may demand that records accompany a deposition or the deposition subpoena may be used to compel non-parties to produce documents and things for inspection and copying.

1. Timing and Service

The deposition subpoena that seeks records only must be served on all parties. Code Civ. Proc.

§ 2025(c). The production date of the documents must be set no sooner than 20 days after the issuance of the subpoena and there must be at least 15 days between the service of the subpoena and production of the records. Code Civ. Proc. § 2025(b)(2).

If the subpoena seeks personal records of a consumer, the consumer must be served with a notice under Code of Civil Procedure Section 1985.3(e). (Code Civ. Proc. § 2025(c).)

2. Production

The documents must be copied by a professional photocopier (Code Civ. Proc. Section 2020(d)(3)); however, under Evidence Code Section 1560, the party requesting discovery can direct the witness to make the records available under reasonable conditions during normal business hours.

3. Protective Orders

A non-party may seek protection from "unwarranted annoyance, embarrassment, or oppression, or undue burden and expense." Code Civ. Proc. § 2025(i).

G. Requests for Admissions

Code of Civil Procedure Section 2033(a) authorizes a party to ask "by a written request that any other party admit the genuineness of specified documents, or the truth of specified matters of fact, opinion relative to fact, or application of law to fact."

This particular discovery method is aimed at reducing the number of issues that are in contention in a particular action, thereby eliminating the burden of proof on the party seeking the admissions.

1. Timing

- (a) Requests for admission (Requests) can be served by the plaintiff, 10 days after a defendant has been served or has made an appearance in the action. Code Civ. Proc. § 2033(b).
- (b) Defendants can serve Requests at any time. The Requests must be served on all parties who have appeared in the action. Id.

2. Format

- (a) The format for the Requests must comply with Code Civ. Proc. §§ 2033(c)(4) and 2033(c)(5).
- (b) Requests cannot be combined with any other discovery method (Code Civ. Proc. § 2035(c)(7)) and the number may not exceed 35 unless accompanied by a declaration. Code Civ. Proc. § 2033(c)(1).
- (c) This limit does not apply to Requests where the genuineness of documents is in question. However, where admissions are being sought for documents, a copy of the document must be attached. Code Civ. Proc. § 2033(c)(6).

3. Protective Orders

Protective orders are available to protect a party from "unwarranted annoyance, embarrassment, oppression, or undue burden or expense". Code Civ. Proc. § 2033(e). An informal meeting must be held

before a motion may be filed and a declaration setting out the results must be attached. Id.

FII. RESPONSE TO REQUEST FOR ADMISSIONS

1. Format of Response

- (a) A written (Response) must be served within 30 days after the service of the Requests and a copy served on all other parties who have appeared. Code Civ. Proc. § 2033(h). The time might be extended by the parties, a fact which must be confirmed in writing. Code Civ. Proc. § 2033(i).
- (b) The Response must comply with the requirements of Sections 2033(f)(1) and (2).
- (c) It must be signed under oath by the party unless it contains only objections. Any Response that contains an objection must be signed by the attorney as well. Code Civ. Proc. § 2033(g).

2. Failure to Respond

Failure to respond in a timely fashion results in a waiver of any objection. However, the court may grant relief in cases where the failure was due to "mistake, inadvertence or neglect," and the delinquent party has already responded. Code Civ. Proc. § 2033(k).

3. Motion to Compel

A motion to compel a further response must be filed within 45 days of the service of the Response.

Monetary sanctions may be imposed for making or opposing a motion without "substantial justification."

A failure to obey a court order may result in the Requests being deemed admitted. Code Civ. Proc.

§ 2033(1).

4. Withdrawal or amendment of Admissions

A court may allow a party to withdraw or amend admissions if the omission was the result of "mistake, inadvertence, or excusable neglect and that the party who obtained the admission will not be substantially prejudiced . . ." Code Civ. Proc. § 2033(m).

5. Effect of Admission

Any matter admitted in response to a request for admissions is conclusively established against the party making the admission. Code Civ. Proc. § 2033(n).

6. Sanctions for Failure to Admit

If a party fails to admit, and the requesting party subsequently proves the genuineness of a document or the truth of a matter, the refusing party may be liable for expenses and attorney's fees. Code Civ. Proc. § 2033(o).

H. EXPERT WITNESS DISCLOSURE

Once a trial date has been set, Code of Civil Procedure Section 2034 requires that both parties exchange information concerning each other's expert witnesses.

The amount of information that is to be disclosed is dependent upon whether the expert is a party, an employee of a party or specifically retained to express an opinion for the litigation. In any of the above situations, a summary of the anticipated testimony must be attached, including any reports or writings upon which the opinion is based. Code Civ. Proc. § 2034(a)(2).

1. Timing

- (a) A demand for expert witness disclosure may be made 10 days after setting of the trial date, or 70 days before that trial date, whichever is later. Code Civ. Proc. § 2034(b).
- (b) The date for exchange of information must be 50 days before the initial trial date or 20 days after service of the demand, whichever is closer to the trial date. Code Civ. Proc. § 2034(c).

2. Format

The form of the demand must conform with Code of Civil Procedure Section 2034(c), and should specify the date when the exchange is to take place.

Service must be effected on all parties who have made an appearance in the action (Code Civ. Proc. § 2034(a)) and is binding on all parties.

3. Protective Orders

Section 2034(e) authorizes the court to issue orders to protect a party against "unwarranted annoyance, embarrassment, oppression or undue burden and expense."

It also sets out the circumstances in which the orders may be issued and allows the court to set special terms and conditions, including setting limits on the number of retained experts. Unsuccessful motions and oppositions are sanctionable unless made with "substantial justification."

4. Supplemental Exchange

A party who decides to supplement one's expert witness list may do so only during the 20 day period after the date on which the original exchange took place and only under certain specified conditions. Code Civ. Proc. § 2034(h).

5. Depositions of listed experts

Once a party has designated a person as an expert, that individual's deposition may be taken. Code Civ. Proc. § 2034(i). A deposition subpoena is not required, however, there are certain travel restrictions that apply.

The deposition fee for specially retained experts, with some exceptions, is paid by the party noticing the deposition. The fee must either accompany the deposition notice or may be paid at the commencement of the deposition. Code Civ. Proc. § 2034(i)(2).

6. Amending Expert Witness Information and Late Submission

Expert witness information can be amended only by motion. Code Civ. Proc. § 2034(k). An informal

meeting must be held before the filing of the motion to try to resolve differences about the amendment. The court will condition the granting of the motion upon the moving party making the expert immediately available for a deposition.

Costs and litigation expenses may be awarded and sanctions imposed if the motion is made or opposed without substantial justification.

Code of Civil Procedure Section 2034(k) authorizes a court to allow a party to submit a late designation of experts if failure to do so was due to "mistake, inadvertence or neglect."

The granting of the motion may be conditioned as discussed above and sanctions may be imposed for meritless motions or oppositions. Id.

7. Testimony of Undesignated Experts

An undesignated expert may still be called as a witness if he has been designated by another party. Code Civ. Proc. § 2034(m). He may also be called as a rebuttal witness to challenge the truth or falsity of a fact on which an expert's opinion is based. Id.

An expert whose testimony has not been disclosed in response to a demand will not be allowed to testify. His testimony will also be excluded if the expert was not designated, the required reports and writings were not provided, or the expert was not made available for a deposition. Code Civ. Proc. § 2034(j).

IV. DEFAULT

A. Introduction

A default judgment may be entered against a defendant under Code of Civil Procedure Section 585 if he has failed to respond within the time specified in the summons in one of the following ways:

1. Answer
2. Demurrer
3. Motion to Strike
4. Motion to transfer, pursuant to Code of Civil Procedure Section 396(b)
5. Notice of motion to quash service of summons
6. Stay or dismiss the action.
7. Section 586 contains additional grounds for a default judgment, which are based upon the defendant's failure to respond (to answer, to demur or to move to strike) after a defense motion such as a demurrer, motion to strike, or writ, motion to dismiss, motion to quash service of summons, motion to transfer has been denied.

B. Request for Entry of Default

In order to request a default judgment, the following documents must be filed:

1. An affidavit stating that a copy of the

application has been mailed to the defendant. If the defendant is represented by an attorney, a copy of the application should be mailed to him as well and the application should so state. The date the application was mailed must be specified. If the defendant's whereabouts are unknown, the affidavit should so state. Code Civ. Proc. §§ 587; 585.1.

2. Request for Entry of Default.
3. Proof of service of summons.
4. Affidavits or declarations (if permitted by the court in lieu of oral testimony).
5. Narrative statement of facts.
6. Request for dismissal as to all unserved defendants, (including Does).
7. Proposed judgment.

V. SUMMARY JUDGMENT

A. Introduction

A motion for summary judgment may be filed if a party contends that the action has no merit or that there is no defense thereto. Code Civ. Proc. § 437c(a). It may combine, as an alternative, a motion for summary adjudication of issues. However, a 1991 amendment to Section 437c makes summary adjudication appropriate only if one or more causes of action is without merit or there is no defense thereto, or there is no merit to an affirmative defense. Code Civ. Proc. § 437c(f).

B. Filing the motion

(a) Timing

The motion may be made after 60 days have elapsed since the appearance of the party against whom the motion is directed.

It must be heard no later than 30 days before the date of trial, unless the court for good cause rules otherwise. Code Civ. Proc. § 437(a).

(b) Notice

Notice of the motion must be served on all parties at least 28 days prior to the date set for the hearing. If served by mail, the 28 days is extended by 5 if mailed to an address in California, 10 for addresses outside California and 20 days if outside the United

States. Code of Civil Procedure Sections 1005 and 1013(a) which extend time do not apply. Id.

(c) Contents

1. The motion must be supported by affidavits, declarations, admissions, answers to interrogatories, depositions and matters of which judicial notice may be taken.
2. Declarations must conform to Section 2015.5 of the Code of Civil Procedure and must be based upon personal knowledge. They must also set forth the facts with particularity. If the declaration is by an expert, an appropriate foundation for his expertise must be contained in the declaration. Local Rule 204(1).
3. Unless both parties stipulate in writing that copies are accurate and complete, a certified signed copy of any transcript must be filed with the clerk of the department where the motion is to be heard. Local Rule 205.
4. Copies of all documentation should be authenticated and filed. Originals should be available for the date of the hearing. Rule 206.
5. A separate statement of undisputed facts must be filed with the moving papers. Code Civ. Proc. § 437c(b). Each of the material undisputed facts must be followed by a reference to the supporting evidence. Id.

(d) Burden of Proof

The burden of proof is on the moving party. In light of the drastic nature of the remedy, the affidavits of the moving party are strictly constructed and those of the opposing party liberally construed. Arnold v Hibernia Saving and Loan Soc. (1944) 23 Cal.2d 741.

The motion shall be granted if all the papers submitted show that there is no triable issue as to any material fact. Summary judgment may be denied where the only proof of a material fact is an affidavit or declaration made by a sole witness.

C. Opposition

Any opposition to a summary judgment motion must be served and filed not less than 14 days preceeding the date of the hearing and any reply to the opposition must be served and filed not less than 5 days before the date of the hearing.

The opposition must conform to the requirements set out above and must include a separate statement which responds to each of the material facts contended by the moving party to be undisputed. The statement must refer to the evidence that supports the party's contention.

Any objections to the evidence in the papers of the motion must be stated in writing or the objecting party

must arrange for a reporter to be present. Cal. Rules of Court, rule 343.

The objection must state the page and line number of the document to which objection is made and state the grounds of the objection with specificity. Written objections must be filed no later than 3 court days preceding the hearing. Cal. Rules of Court, rule 345.

(f) Continuance

If the court is satisfied that facts essential to justify opposition exist which cannot be presented at the time of the hearing, the court may order a continuance to allow the requesting party to obtain the evidence. Code Civ. Proc. § 437c(h).

(g) Sanctions

If the court determines that the affidavits have been presented in bad faith or for purposes of delay, the court may, after notice and hearing award reasonable expenses to the opposing party. Code Civ. Proc. § 437c(i).

VI. SETTLEMENT

A. Statutory offer to Compromise

An offer to compromise may be made under Code of Civil Procedure Section 998(a) up to 10 days prior to trial. If the offer is not accepted within 30 days, it is automatically withdrawn. If made by mail, it is presumably extended to 35 days under Code of Civil Procedure Section 1013.

B. Penalties for Failure to Accept

If a plaintiff refuses a defendant's offer to compromise and then obtains a judgment for less than the offer, plaintiff

- (1) cannot recover court costs incurred after the offer,
- (2) must pay defendant's costs incurred after the refusal and
- (3) the court may order plaintiff to pay all of the defendant's costs, including reasonable experts' fees.

If a defendant turns down a Plaintiff's offer and the plaintiff recovers more than the offer at trial, the plaintiff is entitled to

- (1) costs and fees under Code of Civil Procedure Section 1032 and
- (2) the court may order the defendant to pay reasonable fees for the plaintiff's expert witnesses.

Note that Code of Civil Procedure Section 998(f) specifically provides that police officers are deemed "expert witnesses."

However, awards of fees and costs are only made when the offer is made in "good faith". Wear v. Calderon (1981) 121 Cal.App.3d 818.

C. Entry of Judgment

Any settlement agreed to by the parties may be entered by the court, upon motion, pursuant to Code of Civil Procedure Section 664.6.

D. Costs

A governmental agency may recover costs, including the costs of investigation, discovery and reasonable attorneys' fees when it prevails in a narcotics abatement action. Civ. Code § 3496(c).

VII. TRIAL SETTING

A. Introduction

The procedures that are utilized in setting a case for trial will depend upon whether the case is subject to the Trial Court Delay Reduction Act. Govt. Code §§ 68600-68619, (hereinafter referred to as Fast Track). At the present time, in Los Angeles County, narcotics abatement cases are exempted from Fast Track. However, it is advisable to check periodically to ensure that this policy remains in effect.

B. At-Issue Memorandum

1. An At-Issue Memorandum must be filed (Judicial Council Form 41) in order to place the case on the civil active list. In filling out the At-Issue, note that an abatement action is exempt from judicial arbitration under Rule 1600.5(a) of the Judicial Arbitration Rules, since the action contains a prayer for equitable relief.
2. Note also that the case is entitled to preference under Health and Safety Code Section 11575.
3. Narcotics abatement trials cannot be estimated as "short cause matters," i.e., where trial is estimated to last no more than 5 hours.
4. There is no right to a jury trial. People v. McCaddon (1920) 48 Cal.App. 790; People ex rel. Sorensen v. Randolph (1979) 99 Cal.App.3d 183.
5. Any party that disagrees with the contents of an

at-issue memorandum, may file a counter memorandum within 10 days after the service of the At-Issue. California Rules of Court, rule 209(c).

6. Note that by local rule, all discovery must be completed not later than 140 days after the filing for the At-Issue.

C. Pretrial Conference

California Rule of Court 212 deals with pretrial conferences. They are permissible in long cause matters if

- (1) permitted by local rules,
- (2) requested by all parties or
- (3) ordered by the court.

Los Angeles Superior Court rules do not provide for pretrial conferences.

D. Trial Setting Conference

1. A trial setting conference is scheduled when it appears that a courtroom might be available within 30-90 days after the conference date. California Rules of Court, rule 218. The clerk of the court must notify each party at least 60 days in advance of the date and time of the conference. California Rule of Court, rule 217(b).
2. At the conference, the court will determine if the case is ready for trial and will assign a trial date and a date for the Mandatory Settlement Conference (MSC). The attorney attending should have full knowledge of the status of the case and be ready to discuss:

- (a) status of Doe Defendants,
- (b) identity of the attorney trying the case,
- (c) whether bifurcation is necessary,
- (d) status of discovery and a
- (e) firm trial date.

E. Mandatory Settlement Conference (MSC)

1. An MSC must be held in all long cause matters.
California Rules of court, rule 212. It must be scheduled within 3 weeks before the trial date. In the Central district in Los Angeles County, an MSC will be held with one of a panel of settlement judges.
2. At least 5 days before trial, a written statement must be served on adverse parties and the court. The statement should contain:
 - (a) a concise statement of facts and disputed factual and legal contentions,
 - (b) citations of legal authority,
 - (c) list of damages. California Rules of Court, rule 222(d); L. A. County Sup. Ct. Civil Trials Manual, § 7.
3. At the MSC, the judge will
 - (a) confer with counsel and the parties, if necessary,
 - (b) evaluate the case and offer an opinion as to the probable outcome,
 - (c) cause any settlement to be placed on the record.

F. Informal Chambers Conference

Los Angeles County Superior Court Rules provide for an informal chambers conference to discuss practical issues such as time problems, exhibits, motions in limine, etc., L.A. County Sup. Ct. Civil Trials Manual, § 13.

VIII. TRIAL

A. Preparation - Witnesses.

1. Maintain contact with witnesses.
2. Preserve evidence by contacting LAPD or court clerk.
(or obtain stipulation).
3. Following filing of the at-issue memorandum, determine availability of witnesses.
4. Interview officers and criminalist.

B. Experts

1. Demand for exchange of expert witnesses must be made 70 days before trial date or 10 days after trial date, whichever is later.
2. Date of exchange must be 50 days before trial or 20 days after the demand is served, whichever is later.
3. Include Expert witness declaration if required by Code of Civil Procedure Section 2034.

C. Subpoenas

1. Reasonable time for service of subpoena is 10 days.
Code Civ. Proc. § 1987(a).
2. Subpoena duces tecums must be served at least 10 days before the date of production. Code Civ. Proc. § 1980.
Note that SDTs for consumer records must be issued 15 days before the date for production and served at least 10 days before the date for production. Code Civ. Proc. § 1985.3; Govt. Code § 7470 et. seq.

D. Pre-Trial

1. Submit trial brief.
2. Obtain stipulations from defense counsel, if possible.
3. File motions in limine.
4. Exchange list of exhibits with defense counsel in master calendar court. (Judicial Counsel Form)
5. Make documents available to counsel for inspection and copying.
6. Present all exhibits to the clerk for marking, prior to calling the first witness.

E. Using Discovery at Trial

At trial, the originals of depositions, interrogatories and admissions may be offered against a party. See Code of Civ. Proc. §§ 2025(s); 2030(j); 2033(j).

1 JAMES K. HAHN, City Attorney
2 _____, Deputy City Attorney
3 1645 Corinth Avenue, Room 207
4 Los Angeles, California 90025
5 Telephone: (213) 312-5910

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8 Attorneys for Plaintiff and
9 Real Party In Interest

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SUPERIOR COURT OF CALIFORNIA

COUNTY OF LOS ANGELES, _____ DISTRICT

THE PEOPLE OF THE STATE OF CALIFORNIA,)	
)	CASE NO.
Plaintiff,)	
)	COMPLAINT FOR
THE CITY OF LOS ANGELES,)	INJUNCTION AND
a municipal corporation,)	ABATEMENT
)	
Plaintiff and Real)	
Party In Interest,)	
)	
vs.)	
)	
)	
_____, and)	
DOES 1 through 50, Inclusive,)	
)	
Defendants.)	

19 PLAINTIFF, THE PEOPLE OF THE STATE OF CALIFORNIA as
20 Plaintiff, and the City of Los Angeles, a municipal corporation,
21 as Plaintiff and Real Party in Interest, by and through James K.
22 Hahn, City attorney for the City of Los Angeles, allege that as
23 their First Cause of Action:

24
25 1.

26 This action is brought and prosecuted for the purpose of
27 enjoining, abating and preventing a nuisance as defined in
28

1 Chapter 10, Article 3, beginning with Section 11570 of the
2 California Health and Safety Code and commonly known as the
3 Controlled Substances Abatement Act, which exists on and in those
4 premises located at _____, City of Los Angeles,
5 County of Los Angeles, State of California, and legally described
6 as _____, in the Office of the County
7 of Recorder of said County.

8 2.

9 At all times mentioned in the pleadings, plaintiff and real
10 party in interest, the City of Los Angeles was and now is a
11 municipal corporation and chartered city organized and existing
12 under the laws of the state of California.

13
14 3.

15 The true names and capacities of defendants sued herein as
16 Does 1 through 50, inclusive, are unknown to plaintiff, who
17 therefore sues said defendants by such fictitious names. When
18 the true names and capacities of said defendants have been
19 ascertained, plaintiff will ask leave of the court to amend this
20 complaint and to insert in lieu of such fictitious names the true
21 names and capacities of said fictitiously named defendants.

22
23 4.

24 The defendants _____ and Does 1 through
25 5, inclusive, are the owners and lessors of the real property
26 described in Paragraph 1 herein and at all times mentioned herein
27 have acted in such capacity.

1
2 5.

3 The premises in question were used, have been used from an
4 exact date unknown but at least since _____, and are
5 presently being used for the purposes of unlawfully selling,
6 serving, storing, keeping, manufacturing , or giving away
7 controlled substances.
8

9 6.

10 The defendants, as owners and lessors of the premises, are
11 presently, and have been from an exact date unknown but at least
12 since _____, maintaining and permitting use of such
13 ground, building and premises for the purposes of unlawfully
14 selling, serving, storing, keeping, manufacturing or giving away
15 controlled substances, constituting a nuisance thereon and
16 therein.
17

18 7.

19 The defendants, and each of them, as lessees of the
20 premises, are presently, and have been from an exact date unknown
21 but at least since _____, maintaining, permitting, and/or
22 abiding and abetting the use of such ground, building and
23 premises for the purposes of unlawfully selling, serving,
24 storing, keeping, manufacturing, or giving away controlled
25 substances, constituting a nuisance thereon and therein.
26

27 8.
28

1 The defendants, and each of them, are the owners, jointly
2 and severally, of the fixtures and moveable property contained
3 within said premises, and said fixtures and moveable property
4 were used and are presently being used by the defendants, each of
5 them, in the conducting and maintaining of the nuisance herein
6 complained of.

7
8 9.

9 Plaintiff is informed and believes, and therein alleges,
10 that at all times herein mentioned, defendants and Does 1 through
11 50, and each of them, inclusive, at all times mentioned herein
12 had full knowledge of the nuisance of the unlawful acts herein
13 complained of and have wholly failed to abate same.

14
15 10.

16 Unless the defendants and each of them, are restrained by
17 the order of this court, they and each of them will continue to
18 use, occupy and maintain, and to aid and abet the use, occupation
19 and maintenance of said building and premises, together with the
20 fixtures and movable property located therein for the purposes
21 herein complained of, and that they, and each of them, will
22 continue to allow, permit and encourage the maintenance and
23 continuance of said nuisance on said premises to the irreparable
24 damage of the People of the State of California, and in violation
25 of the laws of said State.

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SECOND CAUSE OF ACTION

This action is brought and prosecuted for the purpose of enjoining, abating and preventing a nuisance, a violation of Los Angeles Municipal Code Section _____, to wit _____

_____ ,
which act or omission, constitutes a nuisance under Section 11.00(m) of the Los Angeles Municipal Code. Said nuisance exists on and in those premises located at _____ and legally described as _____.

2.

Plaintiff, People of the State of California repleads and realleges the allegations set forth in Paragraphs 2, 3 and 4 of the First Cause of Action as though fully set forth herein.

3.

That defendants and each of them are presently and have been from an exact date unknown but at least since _____ in violation of Los Angeles Municipal Code Section _____, to wit _____, thereby conducting, continuing and maintaining a nuisance thereon and therein.

4.

That defendants and each of them, at all times herein mentioned had full knowledge of the nuisance and of the unlawful acts complained of, and have wholly failed to abate same.

1
2
3 5.

4 That unless the defendants, and each of them, are restrained
5 by the order of this court, they and each of them will continue
6 to use, occupy and maintain, and to aid and abet the use,
7 occupation and maintenance of said building and premises in the
8 manner herein complained of, and that they, and each of them,
9 will continue to allow, permit and encourage the maintenance and
10 continuance of said nuisance to the irreparable damage of the
11 People of the State of California, and in violation of the laws
12 of the City of Los Angeles.

13 WHEREFORE, PLAINTIFF PRAYS THAT THIS COURT ORDER, ADJUDGE
14 AND DECREE AS FOLLOWS:

15 1. That the defendants, and each of them, appear before
16 this court at a time and place to be set by this court and then
17 and there to show cause why a Preliminary Injunction should not
18 be issued in accordance with Section 11573 of the Health and
19 Safety Code enjoining and restraining the defendants, and each of
20 them, their agents, officers, employees, and anyone acting on
21 their behalf, from conducting and maintaining said premises
22 hereinabove described, and the fixtures and movable property
23 therein and thereon manufacturing, or giving away controlled
24 substances and from permitting such acts to take place therein
25 and thereon.

26 2. That the defendants, and each of them, appear before
27 this court at a time and place to be set by this court and then
28

1 and there to show cause why a Preliminary Injunction should not
2 be issued in accordance with Section 11.00(m) of the Los Angeles
3 Municipal Code, enjoining and restraining the defendants, and
4 each of them, their agents, officers, employees, and anyone
5 acting on their behalf, from conducting and maintaining said
6 building and premises hereinabove described in violation of Los
7 Angeles Municipal Code, to wit, _____
8 _____.

9
10 3. That said premises, together with the fixtures and
11 movable property therein and thereon, constitute a public
12 nuisance and that they be permanently abated as such in
13 accordance with Section 11581 of the California Health and Safety
14 Code.

15 4. That defendants, and each of them, their agents,
16 officers, employees, and anyone acting on their behalf, and their
17 heirs and assignees, be perpetually enjoined from operating,
18 conducting, using, occupying, or in any way permitting the use of
19 said premises as a public nuisance.

20 5. That said premises at _____, City
21 of Los Angeles, County of Los Angeles, State of California, shall
22 be closed for a period of one year, and not used for any purpose
23 and be under the control and custody of this court for said
24 period of time.

25 6. That defendants, and each of them, be assessed a civil
26 penalty in an amount not to exceed twenty-five thousand dollars
27 (\$25,000).
28

1 7. That all fixtures and movable property used in
2 conducting, maintaining, aiding or abetting the nuisance at said
3 premises shall be removed by the Los Angeles Police Department
4 and sold in the manner provided for the sale of chattels under
5 execution. Said property shall be inventoried and a list
6 prepared and filed with this court.

7 There shall be excepted from said sale such property title
8 to which is established in some third party not a defendant, nor
9 agent, officer, employee or servant of any defendant in this
10 proceeding;

11 8. That plaintiff recover the costs of this action,
12 including attorney fees;

13 9. That the proceeds from said sale shall be deposited
14 with this court for payment of the fees and costs of sale, such
15 costs as may occur in closing said premises and keeping them
16 closed, removal of said property, plaintiff's costs in the
17 action, including attorney's fees and such other costs as the
18 court shall deem proper.

19 If the proceeds of the sale do not fully discharge all such
20 costs, fees and allowances, the building and place shall also be
21 sold under execution issued upon the order of the court or judge
22 and the proceeds of such sale shall be applied in like manner.

23 Any excess monies remaining after payment of approved costs
24 shall be delivered to the owner of said property. Ownership
25 shall be established to the satisfaction of this court.

26 10. That plaintiff be granted such other and further relief
27 as this court may see fit and just.
28

1 DATED: _____, 19__.

Respectfully submitted,

2 JAMES K. HAHN, City Attorney

3
4 by _____

5 Deputy City Attorney

6 Attorney for Plaintiff and
7 Real Party In Interest

1 JAMES K. HAHN, City Attorney
2 _____, Deputy City Attorney
3 1645 Corinth Avenue, Room 207
4 Los Angeles, California 90025
5 Telephone: (213) 312-5910

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8 Attorneys for Plaintiff and
9 Real Party In Interest

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SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF LOS ANGELES, _____ DISTRICT

THE PEOPLE OF THE STATE OF CALIFORNIA,)

Plaintiff,)

THE CITY OF LOS ANGELES,)
a municipal corporation,)

Plaintiff and Real)
Party In Interest,)

vs.)

_____, and)
DOES 1 through 50, Inclusive,)
Defendants.)

CASE NO.

APPLICATION FOR
PRELIMINARY
INJUNCTION

Hearing: (Date & Time)
Dept: _____

Plaintiffs applies for injunctive relief and pray:

1. That this court grant a Preliminary Injunction with respect
to the premises located at _____,
City of Los Angeles, County of Los Angeles, State of California, and
specifically described as Lot _____, Tract No. _____, as per map
recorded in Book _____, page _____ of maps in the office of the County
Recorder of Los Angeles County.

2. That the aforementioned order enjoin the defendants _____
_____ their agents, servants, assigns,
successors in interest and all those acting on their behalf, and all
persons acting in concert with and participating with them, and each
of them, from doing or causing to be done any of the following acts
or things;

A. Owning, maintaining, operating or occupying the premises located at _____, City of Los Angeles, State of California, for the purposes of unlawfully selling, serving, manufacturing, storing, keeping, or giving away controlled substances and from permitting, either directly or indirectly, any unlawful selling, storing, serving, keeping, manufacturing or giving away of controlled substances at or adjacent to the premises.

B. Removing from the premises the building or fixtures.

C. Owning, maintaining, operating or occupying the premises which are the subject of this action unless the following physical changes are made to and maintained on the property:

1. Installation and maintenance of high intensity perimeter lighting in the front, rear, sides and center courtyard of the premises, said lighting to remain on continuously every day from one half hour after sunset to one half hour before sunrise.
2. Repair and maintenance of the perimeter fence of the premises so that an adult weighing more than 100 pounds may not enter below or between the bars of the

1 fence.

2 D. Owning, maintaining, operating or occupying the premises
3 which are the subject of this action unless a reputable and
4 professional licensed security guard company is employed to
5 supply uniformed security guards to be present and on duty
6 on the premises as a visible and effective deterrent to the
7 use, sales, etc. of controlled substances from

8 _____ to _____.

9 E. Owning, maintaining, operating or occupying the premises
10 which are the subject of this action unless the following
11 procedures are adopted to control the activities of
12 tenants, occupants, transients, lodgers, guests and
13 visitors:

14 1(a) On or before _____, at least one of the owners
15 makes as his and/or her primary domicile one of
16 the apartments on the premises, the exterior
17 (courtyard facing) door to which shall be posted
18 with a sign labelled "Manager."

19 OR

20 1(b) On or before _____, owners employ a reliable,
21 reputable and responsible on-site, live-in manager to
22 reside in one of the apartments on the premises the
23 exterior (court-yard facing) door to which shall be
24 posted with a sign labelled "Manager."

25 1(c) On or before _____, defendants must
26 send to the Los Angeles City Attorney's Office
27 located at _____, a writing
28

1 signed by both defendants certifying that one or both
2 have made the premises his/her/their primary domicile
3 or that they have employed a resident manager in
4 compliance with Item E 1(b) and furthermore
5 identifying: (i) the name of the live-in manager;
6 (ii) the apartment into which he moved; and (iii) date
7 the apartment manager moved in and commenced
8 performance of his duties as a live-in manager.

- 9 2. The manager and owners shall maintain an up-dated
10 list of the names of each and every tenant and
11 occupant of every apartment.
- 12 3. The manager and owners shall require each prospec-
13 tive adult tenant to complete a written rental
14 application form.
- 15 4. The manager and owners shall require each prospec-
16 tive adult tenant to provide a written five year
17 residency history and a five year employment history.
- 18 5. The manager shall verify the written information
19 provided by prospective tenants and keep a record of
20 the method and results of such verification.
- 21 6. The manager and owners shall not rent an apartment
22 to any person or persons unless each adult tenant
23 signs a written rental agreement which contains a
24 provision which states that the unlawful sale,
25 serving, storing, keeping, manufacturing, giving away
26 or use of any controlled substance on or adjacent to
27 the premises by any tenant, or guest of a tenant, of
28

1 the premises is a ground for eviction and will result
2 in the initiation of eviction proceedings.

3 7. The owners shall commence eviction proceedings within
4 ten (10) days after receipt of information or
5 evidence providing a reasonable basis to believe that
6 a tenant has violated, or knowingly or negligently
7 encouraged, facilitated or permitted his or her
8 occupant, guest or visitor to violate, any law
9 regarding the unlawful sale, serving, storing,
10 keeping, manufacturing, giving away or use of any
11 controlled substance on or adjacent to the premises.

12 8. In order to monitor compliance with this order upon
13 request of a representative of the Los Angeles City
14 Attorney's Office and/or the Los Angeles Police
15 Department defendants shall, at the option of the
16 requestor, provide copies of and/or allow inspection
17 of any and all records relating to defendants'
18 compliance with this preliminary injunction and/or
19 permit inspection(s) or the premises.

20 F. Owning, maintaining, operating or occupying the premises
21 which are the subject of this action unless the following
22 efforts are made to improve and maintain the appearance of
23 the property;

- 24 1. Remove abandoned or inoperative motor vehicles
25 from the premises.
26 2. Remove human and canine feces from the premises.
27 3. Remove trash and debris, including but not limited
28

1 to abandoned furniture and appliances from the
2 premises.

- 3 G. Owning, maintaining, operating or occupying the premises
4 which are the subject of this action unless the following
5 notice is distributed to each and every present and future
6 tenant in English and Spanish and is posted conspicuously
7 on signs at least 3 feet by 3 feet in size on the front and
8 rear of the building which reads as follows:

9 THESE PREMISES ARE UNDER COURT ORDER NOT TO BE USED FOR
10 THE SALE, SERVING OR KEEPING OF ILLEGAL DRUGS. NO
11 ILLEGAL DRUGS WILL BE SOLD OR GIVEN TO ANY PERSONS
12 ENTERING OR LEAVING THESE PREMISES. THESE PREMISES ARE
13 BEING WATCHED BY THE LOS ANGELES POLICE DEPARTMENT TO
14 ENSURE COMPLIANCE WITH THIS ORDER. A VIOLATION OF THIS
15 ORDER COULD SUBJECT YOU AND THE OCCUPANTS OF THIS
16 LOCATION TO CRIMINAL AND/OR CIVIL PENALTIES.

- 17 H. Owning, maintaining, operating or occupying the
18 premises which are the subject of this action until all
19 of the following violations are corrected.
20 _____
21 _____

- 22 I. Transferring for consideration or otherwise, all or any
23 portion of the property that is the subject of this action
24 unless a copy of this injunction is given to the
25 prospective transferee and his signature procured thereon
26 and a copy of the signed injunction provided to the City
27 Attorney's Office at _____.
28

1 3. That Plaintiff be granted such other and further relief as
2 this court may see fit and just.
3
4
5
6
7
8

9 Dated: _____, 19__.

Respectfully submitted,
JAMES K. HAHN, City Attorney

11 By _____
12 _____
13 Deputy City Attorney

14 Attorney for Plaintiff and
15 Real Party In Interest
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Real Party In Interest

8 SUPERIOR COURT OF THE STATE OF CALIFORNIA
9 COUNTY OF LOS ANGELES, _____ DISTRICT

10 THE PEOPLE OF THE STATE OF CALIFORNIA,)	
11)	CASE NO.
12)	
13)	PLAINTIFF'S POINTS AND
14)	AUTHORITIES IN SUPPORT
15)	OF PLAINTIFF'S APPLI-
16)	CATION FOR A TEMPORARY
17)	RESTRAINING ORDER AND
18)	PRELIMINARY INJUNCTION
19)	
20)	
21)	
22)	
23)	
24)	
25)	
26)	
27)	
28)	

11 Plaintiff,

12 THE CITY OF LOS ANGELES,

13 a municipal corporation,

14 Plaintiff and Real

15 Party In Interest,

16 vs.

17 _____, and

18 DOES 1 through 50, Inclusive,

19 Defendants.

19 I
20 STATEMENT OF FACTS

21 Plaintiff, the People of the State of California, seeks
22 relief from a dangerous and existing nuisance arising out of the
23 operation of the _____ located at _____ in the
24 City and County of Los Angeles, California. These premises, consist-
25 ing of _____, comprise a place where the sale of rock
26 cocaine is done on a regular, open, systematic, daily basis. Further,
27 the location is used by _____ gang as a gang hangout. There have
28

1 been ____ arrests made of gang members for ____.
2 Neighbors complain incessantly about the noise, litter, and violence
3 engendered by the gang activity. They are frightened and
4 intimidated by gang members who vandalize the subject location and
5 their properties with gang graffiti and consistently subject
6 them to harassment. In addition to the narcotics and gang problem,
7 the building is subject to numerous violations of the Health Code
8 and the Building and Safety Code.

9 As the Exhibits in Support of Plaintiff's request for a
10 temporary restraining order and preliminary injunction demonstrate,
11 from ____ to ____, ____ felony arrests for narcotics
12 violations, ____, ____, ____, and ____ have
13 occurred in or around the premises.

14 During this same period, ____ misdemeanor arrests for narcotics
15 possessions and ____ have also occurred.

16 In ____, law enforcement officers attempted to obtain
17 the cooperation of the manager and owner of the property, defendants
18 ____, in an effort to rid the community of this serious situation
19 occurring on the property. ____ appeared at an office hearing
20 held at the City Attorney's office in West Los Angeles. At the
21 hearing, ____ was apprised of the narcotics sales on and around
22 his property. ____ viewed a video tape which documented ____
23 narcotic sales within a period of ____ minutes. ____ was also
24 advised of numerous violations of the Health and Safety Code, County
25 of Los Angeles Health Code and the Municipal Code of the City of Los
26 Angeles, which existed on his property. Thus far, ____ has
27
28

1 failed to implement the suggestions of law enforcement and has not
2 corrected the numerous code violations.

3 As a result, even on a sporadic investigative basis,
4 approximately _____ investigations involving arrests, sales or
5 observations for the sale, possession, and distribution of rock
6 cocaine have occurred on and in the premises. The most recent
7 arrests for sales and possession of cocaine occurred on _____.
8 (Exhibits ____).

9 The People request this court to order the defendants to
10 implement the suggestions made at the office hearing (Exhibit ____)
11 and cure all the code violations, by _____. (Exhibits ____). It is
12 the Defendants' obligation to maintain the building in good repair,
13 and in a condition which will not endanger the health and safety
14 of residents and the neighboring community.

15
16 II

17 BUILDINGS AND PLACES USED FOR THE
18 PURPOSE OF UNLAWFULLY SELLING OR
19 GIVING AWAY CONTROLLED SUBSTANCES
20 ARE A PUBLIC NUISANCE.
21

22 Section 11570 of the California Health and Safety Code
23 provides:

24 "Every building or place used for the
25 purpose of unlawfully selling, serving,
26 storing, keeping, manufacturing, or giving
27 away any controlled substance, precursor,
28

1 or analog specified in this division,
2 and every building or place wherein or
3 upon which those acts take place, is a
4 nuisance which shall be enjoined, abated,
5 and prevented, and for which damages may
6 be recovered, whether it is a public or
7 private nuisance."
8

9 III

10 VIOLATIONS OF THE LOS ANGELES MUNICIPAL CODE
11 AND THE LOS ANGELES COUNTY HEALTH CODE
12 CONSTITUTE NUISANCES WHICH MAY BE SUMMARILY ABATED.
13

14 It is well settled that a local authority may declare the
15 violation of an ordinance a public nuisance, subject to abatement by
16 injunction. (City of Los Angeles v Silver (1979) 98 Cal.App.3d 745,
17 750.) The City of Los Angeles has elected to make violations of the
18 Municipal Code, public nuisances. Section 11.00(m) provides in part:

19 "In addition to the penalties hereinabove
20 provided any condition caused or permitted
21 to exist in violation of any of the provisions
22 of this code shall be deemed a public nuisance
23 and maybe (sic) summarily abated as such by the
24 city."
25

26 In Chapter III, Section 31.00 of the Los Angeles Municipal Code,
27 the City of Los Angeles, adopted the provisions of Division 1 of
28

1 Title 11 of the Los Angeles County Code, with certain exceptions,
2 specifically, Chapter 11.19 and Section 11.20.310 of Part 2 of
3 Chapter 11.20 of said Division. Since the provisions of the Los
4 Angeles County Health Code that the defendants have violated have
5 been adopted by the City of Los Angeles, their existence constitutes
6 a public nuisance which may be abated under Los Angeles Municipal
7 Code Section 11.00(m).

8
9 IV

10 THE CITY ATTORNEY HAS STANDING TO
11 MAINTAIN AN ACTION IN THE NAME OF THE
12 PEOPLE OF THE STATE OF CALIFORNIA TO
13 ABATE THE TYPE OF NUISANCES ALLEGED.
14

15 Section 11571 of the California Health and Safety Code
16 provides:

17 "Whenever there is reason to believe
18 that such a nuisance is kept, maintained
19 or exists in any county, the district attorney
20 of the county, in the name of the people,
21 may, or the city attorney of any incorporated
22 city, or any citizen of the state resident in
23 the county, in his or her own name, may,
24 maintain an action to abate and prevent the
25 nuisance and perpetually to enjoin the person
26 conducting or maintaining it, and the owner,
27 lessee, or agent of the building or place, in
28

1 or upon which the nuisance exists, from directly
2 or indirectly maintaining or permitting the
3 nuisance."
4

5 V

6 CASES AND PRINCIPLES OF THE RED LIGHT ABATEMENT
7 ACT ARE APPLICABLE TO THE NARCOTICS ABATEMENT
8 ACT, HEALTH AND SAFETY CODE SECTION 11570 ET SEQ.
9

10 The Controlled Substances Abatement Act is patterned
11 directly after the Red Light Abatement Act, California Penal Code
12 Section 11225 et seq.^{1/} The principles and policies of the Penal Code
13 abatements dealing with illegal gambling, prostitution, lewdness and
14 assignation clearly apply to the Controlled Substances Abatement Act.
15 The remedy concerning each instance is different, but the intent of
16 the abatement law as applied is the same, i.e., abatement of criminal
17 activities that are specifically defined by the legislature as
18 nuisances. Since the objectives of the abatement laws are the same
19 and the language of the acts so similar, the cases dealing with the
20 Penal Code abatement acts are equally applicable to the Controlled
21 Substances Abatement Act.
22
23
24
25

26 1/ Most of the Health and Safety abatement sections contain language
27 which has been virtually lifted from the Red Light Abatement Act.
28 In Section 11570 the words "prostitution, lewdness and assignation"
have been deleted and the words "controlled substances" inserted.

VI

THE NARCOTICS ABATEMENT ACT, SET FORTH IN HEALTH
AND SAFETY CODE SECTION 11570 ET SEQ., DOES NOT
VIOLATE ANY CONSTITUTIONALLY PROTECTED RIGHT OF PROPERTY

In People v Barbieri (1917) 33 Cal.App. 770, the court considered and rejected a constitutional challenge to the Red Light Abatement Act. The court held that the abatement act was only in furtherance of the policy of the state as established by certain Penal Code sections, and differed in a general sense from those sections only in that "its design was to establish a summary method, through the civil processes of the law, for putting a stop to the maintenance of houses of ill fame, , and other like places, where acts of lewdness and prostitution are habitually practiced and carried on as a business." Id. at 775. The Health and Safety Code contains a multitude of sections proscribing illegal possession and sale of controlled substances, just as the Penal Code contains proscriptions of acts that are the basis of a red light abatement proceeding. However, as the court noted, criminal prosecution of individuals does not have the effect of permanently abating the nuisance itself.

[T]he fact that the act of maintaining the nuisance is itself a crime, which would, if it were not in and of itself already one, class it as a nuisance per se, furnishes the most forcible reason for authorizing the

1 interposition of equity, to the end that its
2 suppression may speedily and effectually be
3 accomplished--a result which experience has
4 demonstrated may not be expected from the
5 courts of criminal jurisdiction, whose
6 proceedings, more from the system itself,
7 than from the course of the ministers of the
8 law in conducting those tribunals, are too
9 often characterized by delays and mistrials,
10 and whose judgments involve only the
11 imposition of mere penalties without, as is
12 more frequently true than not, having the
13 effect of permanently abating the nuisance
14 itself." (Id. at 776.)

15
16 VII

17 REPUTATION EVIDENCE IS SPECIFICALLY
18 ADMISSIBLE IN ALL ABATEMENT PROCEEDINGS
19

20 In reviewing any action brought in an abatement proceeding,
21 the court may, in addition to any other admissible evidence consider
22 evidence of reputation in a community. (Health and Safety Code
23 Section 11575.5.)
24

25 VIII

26 IN PERSONAM RELIEF IS PROPER, EVEN THOUGH THE
27 OWNER HAD NO KNOWLEDGE THAT THE PROPERTY WAS
28

1 BEING USED FOR AN UNLAWFUL PURPOSE

2
3 In addition to the closure of the property and the sale
4 of chattels, upon judgment (Health and Safety Code Section 11581),
5 the Controlled Substances Act provides for in personam relief as
6 well. The person conducting or maintaining the nuisance may be
7 enjoined, as may the owner, lessee or agent of the property, from
8 directly or indirectly maintaining the nuisance. (Health and Safety
9 Code Section 11571.) A violation of the injunction or order of
10 abatement is punishable as a contempt of court. In addition, the
11 court may assess a civil penalty not to exceed \$25,000 against any or
12 all of the defendants, based upon the severity of the nuisance and
13 its duration. (Health and Safety Code Section 11581(b)).

14 It appears that at the present time, there are no appellate
15 cases dealing with the Controlled Substance Act. However, cases
16 interpreting similar sections of the Penal Code are equally
17 applicable to this enactment. In People v. Barbieri supra, 33
18 Cal.App. 770, 778, the court rejected the argument of an owner that
19 the Red Light Abatement Law could not be used against him because he
20 lacked knowledge that his property was being used for prostitution.
21 The court noted that the statute provided in personam relief as well
22 as in rem and stated:

23 "If, therefore, a building or other property
24 is so used as to make it a nuisance under
25 the statute, the nuisance may be abated and
26 the property, if personal, confiscated, and
27 if real, subjected to the consequences of
28

1 reasonable forfeitures, notwithstanding that
2 the owner had no knowledge that it was used
3 for the unlawful purpose constituting the
4 nuisance."

5 (Id. at 778-779.) (Emphasis added)
6

7 IX

8 WHEN INJUNCTIVE RELIEF IS PROVIDED BY STATUTE,
9 IRREPARABLE INJURY NEED NOT BE SHOWN.
10

11 "The theory is that when a legislative
12 body has authorized the injunctive remedy
13 for the violation of a statute, it has
14 determined as a matter of law that
15 irreparable injury attends the violation of
16 the statute. Thus, where agencies of the
17 federal government have been given the right
18 to apply for injunctive relief in the public
19 interest, the courts do not require a
20 showing of irreparable injury (citations).
21 The courts of this state have adopted
22 similar reasoning, that is, where an
23 injunction is authorized by statute, a
24 violation thereof is good and sufficient
25 cause for its issuance (citations)."
26 (Paul v Wadler (1962) 209 Cal.App.2d 615,
27 625.)
28

1 X .

2 THE COURT MAY ISSUE A TEMPORARY
3 RESTRAINING ORDER AND/OR PRELIMINARY
4 INJUNCTION TO ABATE THE NUISANCE PENDING TRIAL.
5

6 California Health and Safety Code Section 11573 provides:
7

8 "If the existence of the nuisance is shown
9 in the action to the satisfaction of the
10 court or judge, either by verified complaint
11 or affidavit, the court or judge shall allow
12 a temporary writ of injunction to abate and
13 prevent the continuance or recurrence of the
14 nuisance."
15

16 Moreover, it is the general rule that:
17

18 "An injunction may be granted at any time
19 before judgment upon a verified complaint,
20 or upon affidavits if the complaint in one
21 case, or the affidavits in the other, show
22 satisfactorily that sufficient grounds exist
23 therefor."
24

25 (Quoting in relevant part, California Code
26 of Civil Procedure, Section 527.)
27

28 XI

A TEMPORARY RESTRAINING ORDER AND/OR A

1 PRELIMINARY INJUNCTION MAY ENJOIN SPECIFIC
2 NUISANCE ACTIVITY PENDING TRIAL.
3

4 In a related case applying the Red Light Abatement Act
5 (Penal Code Section 11225) to lewdness and assignation, an appellate
6 court upheld the legality of a preliminary injunction which
7 enjoined parties from committing certain specified lewd acts on the
8 premises. (People ex. rel. Hicks v. Sarrong Gals (1972) 27 Cal.App.3d
9 46,48-49.)

10 Sections 11352(a), 11379 and 11377 of the Health and Safety
11 Code proscribe the selling of narcotic substances, possession of a
12 controlled substance for sale and unauthorized possession of a
13 controlled substance. An order which merely enjoins those crimes and
14 other Health and Safety Code violations would add little or nothing
15 to the statutory prohibition. If the court has the authority to
16 enjoin specific nuisance activity such as selling or giving away
17 controlled substances, and having a place used for that purpose, it
18 is logically inferable that the court may issue such ancillary orders
19 as are required to assure that the order restraining the selling or
20 giving away of controlled substances at a particular location is
21 obeyed.

22 The Legislature inferably expected more from equity than a
23 mere restraint of the nuisance activity already prohibited by an
24 ineffectual criminal statute. The Legislature intended that the
25 equity court make such additional orders as would be necessary to
26 assure compliance with the principal injunction. Such a conclusion
27 is consistent with the legal maxims: "The law neither does nor
28

1 requires idle acts." (Cal. Civ. Code § 3532) and, "[f]or every wrong
2 there is a remedy." (Cal. Civ. Code § 3523.)
3
4

5 XII

6 IN ADDITION TO ORDERING CLOSURE OF THE BUILDING
7 AS PART OF THE JUDGEMENT, THE COURT MAY ORDER
8 CLOSURE WHEN A PRIOR WRIT HAS FAILED TO
9 CURE THE NUISANCE
10

11 Section 11581(b) of the California Health and Safety Code
12 provides in pertinent part:

13 "The order (of abatement) shall provide
14 for the effectual closing of the building
15 or place against its use for any purposes,
16 and for keeping it closed for a period of
17 one year. This subdivision is intended to
18 give priority to closure."

19 Once a nuisance is shown, the court is required by statute
20 to allow such "temporary writ of injunction" as will "abate and
21 prevent the continuance or recurrence" of the nuisance involved.
22 (Section 11573, Health and Safety Code.)

23 Closure is available as a temporary remedy, before an
24 order of abatement issues, when a prior order has not cured the
25 nuisance. Section 11573.5(b) of the Health and Safety Code
26
27
28

1 delineates the circumstances when such an order would be appropriate.
2 The court prior to ordering closure must consider factors such as the
3 extent and duration of the nuisance, defendant's prior efforts to
4 abate the problem, the effect of the nuisance on others, the effect
5 of prior court orders and any adverse impact upon innocent residents
6 of the subject property.

7 The statute also incorporates protection for tenants who
8 would be displaced by the closure, such as placing the rent payments
9 into an escrow account prior to ordering the closure and ordering
10 the defendant to provide relocation assistance.

11 Closure as an appropriate remedy in a red light abatement
12 case was upheld in People ex rel. Sorenson v. Randolph (1979) 99
13 Cal.App.3d 183. The court found that the evidence demonstrated that
14 "the ownership promoted a systematic course of illegal sexual acts
15 such as to warrant closure of the premises as a public nuisance."
16 (Id. at 187.) In People v. Casa Co. (1917) 36 Cal.App. 194, 200,
17 the Court of Appeal noted that closure of a premises " . . . is
18 merely a means of abating the nuisance."

19 If the court finds that closure is appropriate in this
20 case, the entire premises may be ordered closed. This remedy was
21 upheld in People v. Smith (1920) 48 Cal.App. 253, where the court
22 stated that: "[W]e do not believe that the court is required to
23 designate or segregate with particularity the portions of an
24 entire establishment which constitute the nuisance." (Id. at 257.)

25
26 XIII

27 THE COURT MAY ISSUE ADDITIONAL ORDERS TO
28

1 PROTECT WITNESSES WHO HAVE BEEN THREATENED BY
2 THE DEFENDANTS OR ANY OTHER PERSON
3

4 Section 11573.5 of the Health and Safety Code provides that the
5 court has the power to issue whatever orders are necessary to protect
6 civilian witnesses if acts of violence have been committed against
7 them or if they have been threatened with acts of violence. These
8 orders can include "nondisclosure of the name, address or any other
9 information which may identify those witnesses."
10

11
12 XIV
13

14 A THING CONTINUES TO EXIST AS LONG AS IT
15 IS USUAL WITH THINGS OF THAT NATURE.
16

17
18 (People v. Macy (1919) 43 Cal.App.
19 479; Cal. Civ. Code § 3547.)
20
21

22
23 DATED: _____, 19__.

24 Respectfully submitted,
25 JAMES K. HAHN, City Attorney

26 By _____
27 Deputy City Attorney

28 Attorney for Plaintiff and
 Real Party In Interest

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8 Attorneys for Plaintiff and
9 Real Party In Interest

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SUPERIOR COURT OF CALIFORNIA

COUNTY OF LOS ANGELES, CENTRAL DISTRICT

THE PEOPLE OF THE STATE OF CALIFORNIA,)

Plaintiff,)

THE CITY OF LOS ANGELES,)
a municipal corporation,)

Plaintiff and Real)
Party In Interest,)

vs.)

_____, and)

Defendants.)

CASE NO.

DECLARATION OF
OFFICER

IN SUPPORT OF
PEOPLE'S APPLICATION
FOR INJUNCTION

I, Officer _____, declare that:

1. I am and at all times mentioned herein was a police officer for the City of Los Angeles Police Department engaged in performance of official duties. If called and sworn I could and would testify to the following facts of my own personal knowledge.

2. I have been assigned to the FALCON, (Focused Attack Linking Communities and Neighborhoods) Narcotics Abatement Unit of the Los Angeles Police Department since _____. I

1 was previously assigned to _____, and have been a
2 police officer for _____ years.

3 In my present assignment I am responsible for monitoring
4 locations where narcotics activity is present within _____
5 Bureau. This Bureau includes the following areas,
6 _____.

7 3. On _____ I was advised by my supervisor, _____,
8 that pervasive narcotic activity was taking place in the _____
9 block of _____ street. This was confirmed by
10 conversations I had with _____, the Senior Lead Officer
11 and _____, the Investigating Lead Officer of
12 _____ Division. Based upon my conversations with the
13 above officers, I concluded that one of the buildings from which
14 the narcotics activity emanated was _____. I
15 also spoke with patrol officers who advised me that the location
16 was well known in the Division as a place where drugs were sold
17 openly and that numerous arrests for drug activity had taken
18 place on and about the premises within the previous _____ months.

19 4. On _____, I went to the location and observed
20 (description of property, plus any narcotics activity observed).
21 It was also apparent that the building owner was in violation of
22 numerous health code and building and safety code sections.

23 5. I took photographs and a videotape of the location,
24 attached hereto as Exhibits _____. A transcript of the tape is
25 attached as Exhibit _____. I also requested inspectors from the
26 Building and Safety Department of the City of Los Angeles and the
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1 County Health Department to conduct an inspection of the
2 property.

3 6. On _____ I obtained a PACMIS run for the subject
4 property. This particular computer record documents all of the
5 arrests, and other activity, such as the taking of property
6 reports, that occur on and about a given address. A review of
7 the PACMIS run for _____ revealed that from _____ to
8 _____, there were _____ arrests made at this address. There were
9 _____ arrests for narcotics related activity and _____ arrests for
10 _____.

11 7. I went back to the subject location and spoke with
12 neighbors and residents of the property. They all voiced concern
13 for their safety and the safety of their children due to the
14 blatant narcotics and other criminal activity at _____
15 _____.

16 8. On _____ I, along with other members of the Narcotics
17 Abatement Unit conducted a surveillance at _____
18 _____. During a period of _____ minutes, we
19 observed activity, which in my expert opinion amounted to _____
20 sales of controlled substances. A videotape, transcript and
21 photographs are attached as Exhibits _____.

22 9. On _____, Officer _____, assigned to _____,
23 prepared a search warrant and served this warrant at _____
24 _____. Officer _____ found _____, at this
25 location and arrested the occupant _____, for a
26 violation of _____. Copies of this search warrant,
27
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1 return to search warrant and arrest report and docket are set
2 forth hereto as Exhibits _____, respectively.

3 10. Since _____, _____, search warrants have been
4 served by Los Angeles Police Officers on _____. These
5 warrants resulted in _____ arrests for _____ and the
6 seizure of _____ of _____. Copies of these search warrants
7 and return of search warrants are attached as Exhibits _____.

8 11. I obtained a certified Title Report for the property
9 located at _____ from the Title Examiner,
10 Victor Minjares, Bureau of Engineering, Real Estate Division.
11 This Title Report contains the names of all parties with a vested
12 interest in the property. This document shows that _____
13 _____ are owners of the above parcel. This Report is
14 attached as Exhibit _____.

15 12. On _____, I sent (or delivered) a letter to _____
16 _____ and _____ requesting their presence at an
17 office hearing to discuss the narcotics and other criminal
18 activity on their property. A copy of the letter is attached
19 hereto, as Exhibit _____.

20 13. _____ and _____ appeared
21 at the City Attorney's Office on _____. Present at the
22 hearing were _____, Deputy City Attorney, _____,
23 from the Los Angeles City Building and Safety Department,
24 _____ from the Los Angeles County Health Department and
25 Officers _____ and _____.

26 14. At the hearing, _____ and _____ were
27 advised of the numerous arrests and other attendant problems on
28

1 their property. I explained to them that if the problem was not
2 resolved, that civil action in the form of an abatement action
3 could be filed against them. The deputy city attorney explained
4 what an abatement was and also advised _____ and
5 _____ that a criminal action could also be filed for the
6 code violations. They were given copies of the following:

- 7 (a) Rent Stabilization Handbook
8 (b) Eleven Legal Reasons for Eviction
9 (c) A list of suggested improvements for problem
10 narcotic/drug locations.
11 (d). Notice to Abate Nuisance.
12 (Exhibits ____ to ____).

13 15. Potential sanctions such as franchise tax board
14 suspension, forfeiture, the City's REAP (Rent Escrow Account
15 Program), Lis Pendens and recordation of a substandard notice
16 were also discussed. _____ and _____ were
17 also advised that at times, neighbors have taken it upon
18 themselves to file small claims lawsuits against property owners
19 whose properties constitute a nuisance.

20 16. _____ and _____ from the City Building
21 and Safety Department and County Health Department detailed the
22 various code violations found on the subject property. Copies of
23 these reports were given to _____ and _____ and
24 are attached as Exhibits ____ and ____.

25 17. During the course of the meeting, _____ stated that
26 (statements of owner(s)). They also agreed that the suggestions
27 listed in Exhibit ____ would be implemented by ____.

1 18. Since the meeting of _____, I have personally
2 inspected the property at _____ on a weekly
3 basis and have observed no improvement concerning the narcotics
4 problem. Neither have the necessary repairs been made, and the
5 code violations still exist.

6 19. Since the meeting with the property owner, _____ number
7 of arrests have taken place on or about the property. These
8 arrests reports are attached as Exhibits _____. The reports show
9 a consistent pattern of (summarize activity) _____
10 _____.

11 20. On _____, I took numerous photographs of the
12 location at _____. These photographs accurately
13 depict the entire extension of the location and highlight the
14 contrast between the subject building and surrounding properties.
15 These photographs are attached as Exhibits _____.

16 21. On _____, I secured arrest reports for the above
17 location, spanning a period of _____. These reports indicate that
18 _____ narcotics arrests took place on the location, _____ arrests
19 involved facts where drugs were stored on the location. _____
20 arrest and crime reports are attached, detailing other criminal
21 activity at the location. These reports are attached as Exhibits
22 _____.

23 22. On _____, I secured declarations from police officers
24 who are familiar with the narcotics problems at _____
25 _____ and have participated in narcotics arrests and
26 investigations at the location in question. These declarations
27 are attached as Exhibits _____.

28

1 23. I have also obtained declarations from neighbors and
2 residents who unanimously voice their concern and fear about the
3 drug dealing and other criminal activity at _____.
4 These declarations demonstrate graphically the adverse impact the
5 blatant drug sales have upon the quality of life of these
6 citizens.

7 24. It is my expert opinion that _____ are being
8 sold, stored, served and utilized at _____.
9 This location is an ongoing narcotics problem that has continued
10 unabated despite vigorous law enforcement action.

11 I declare under penalty of perjury under the laws of
12 California, that the foregoing is true and correct.
13

14
15 Executed this _____ day of _____, at Los Angeles, California
16
17
18

19 _____
(Name)

20 DECLARANT
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1 JAMES K. HAHN, City Attorney
2 _____, Deputy City Attorney
3 1645 Corinth Avenue, Room 207
4 Los Angeles, California 90025
5 Telephone: (213) 312-5910

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8 Attorneys for Plaintiff and
9 Real Party In Interest

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SUPERIOR COURT OF THE STATE OF CALIFORNIA

COUNTY OF LOS ANGELES, _____ DISTRICT

THE PEOPLE OF THE STATE OF CALIFORNIA,)

Plaintiff,)

THE CITY OF LOS ANGELES,)
a municipal corporation,)

Plaintiff and Real)
Party In Interest,)

vs.)

_____, and)
DOES 1 through 50, Inclusive,)
Defendants.)

CASE NO.

TEMPORARY
RESTRAINING ORDER

On reading the complaint, supporting declarations, exhibits and points and authorities in this action, you, your agents, servants, assigns, successors in interest and all those acting in concert with you are HEREBY RESTRAINED AND ENJOINED from:

A. Maintaining, operating or occupying the premises located at _____, _____ City of Los Angeles, State of California, for the purposes of

1 unlawfully selling, serving, manufacturing,
2 storing, keeping, or giving away controlled
3 substances and from permitting, either
4 directly or indirectly any unlawful selling,
5 storing, serving, keeping, manufacturing or
6 giving away of controlled substances at or
7 adjacent to the premises.
8

9 B. Maintaining, operating and occupying the
10 premises which are the subject of this
11 action unless the following notice is
12 distributed to each and every tenant in
13 English and Spanish and is posted
14 conspicuously on a sign at least 3 feet by
15 3 feet posted on the front and rear of the
16 building which reads as follows:
17 THESE PREMISES ARE UNDER COURT ORDER NOT TO
18 BE USED FOR THE SALE, SERVING OR KEEPING OF
19 ILLEGAL DRUGS. NO ILLEGAL DRUGS WILL BE
20 SOLD OR GIVEN TO ANY PERSONS ENTERING OR
21 LEAVING THESE PREMISES. THESE PREMISES
22 ARE BEING WATCHED BY THE LOS ANGELES POLICE
23 DEPARTMENT TO ENSURE COMPLIANCE WITH THIS
24 ORDER. A VIOLATION OF THIS ORDER COULD
25 SUBJECT YOU AND THE OCCUPANTS OF THIS
26 LOCATION TO CRIMINAL AND/OR CIVIL PENALTIES.
27
28

1 C. Maintaining, operating or occupying the
2 premises which are the subject of this
3 action unless high intensity perimeter
4 lighting is installed and maintained in the
5 front and rear of the premises, said
6 lighting to remain on continuously every day
7 from one half hour after sunset to one half
8 hour before sunrise.

9
10 D. Maintaining, operating or occupying the
11 premises which are the subject of this
12 action unless a reputable and professional
13 security guard company is employed to supply
14 a uniformed security guard to be
15 present on the premises as a visible
16 deterrent to narcotics use and sales from
17 noon to midnight, seven days a week.

18
19
20 DATED: _____

Judge of the Superior Court

1 JAMES K. HAHN, City Attorney
2 _____, Deputy City Attorney
3 1645 Corinth Avenue, Room 207
4 Los Angeles, California 90025
5 Telephone: (213) 312-5910

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8 Attorneys for Plaintiff and
9 Real Party In Interest

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SUPERIOR COURT OF THE STATE OF CALIFORNIA

COUNTY OF LOS ANGELES, _____ DISTRICT

THE PEOPLE OF THE STATE OF CALIFORNIA,)

Plaintiff,)

THE CITY OF LOS ANGELES,)
a municipal corporation,)

Plaintiff and Real)
Party In Interest,)

vs.)

_____, and)
DOES 1 through 50, Inclusive,)

Defendants.)

CASE NO.

ORDER TO
SHOW CAUSE

YOU AND EACH OF YOU ARE HEREBY ORDERED TO SHOW CAUSE at
(time) on (date), or as soon thereafter as counsel may be heard
in Department ____ of the above entitled court, located at
_____ why you, your agents, servants,
assigns and all those acting in concert with you and on your
behalf, should not be restrained and enjoined from:

A. Owning, maintaining, operating or occupying the

1 premises located at _____, City of Los Angeles,
2 State of California, for the purposes of unlawfully
3 selling, serving, manufacturing, storing, keeping, or
4 giving away controlled substances and from permitting,
5 either directly or indirectly, any unlawful selling,
6 storing, serving, keeping, manufacturing or giving
7 away of controlled substances at or adjacent to the
8 premises.

9 B. Removing from the premises the building or fixtures.

10 C. Owning, maintaining, operating or occupying the
11 premises which are the subject of this action unless
12 the following physical changes are made to and
13 maintained on the property:

14 1. Installation and maintenance of high intensity
15 perimeter lighting in the front, rear, sides and
16 center courtyard of the premises, said lighting
17 to remain on continuously every day from one half
18 hour after sunset to one half hour before
19 sunrise.

20 2. Repair and maintenance of the perimeter fence of
21 the premises so that an adult weighing more than
22 100 pounds may not enter below or between the
23 bars of the fence.

24 D. Owning, maintaining, operating or occupying the
25 premises which are the subject of this action unless a
26 reputable and professional licensed security guard
27 company is employed to supply uniformed security
28

1 guards to be present and on duty on the premises as a
2 visible deterrent to the use, sales, etc. of
3 controlled substances from _____ to
4 _____.

5 E. Owning, maintaining, operating or occupying the
6 premises which are the subject of this action unless
7 the following procedures are adopted to control the
8 activities of tenants, occupants, transients, lodgers,
9 guests and visitors:

10 1(a) On or before _____, at least one of
11 the owners makes as his and/or her primary
12 domicile one of the apartments on the
13 premises the exterior (courtyard facing)
14 door to which shall be posted with a sign
15 labelled "Manager."

16 OR

17 1(b) On or before _____, owners employ a
18 reliable, reputable and responsible on-site,
19 live-in manager to reside in one of the
20 apartments on the premises the exterior
21 (court-yard facing) door to which shall be
22 posted with a sign labelled "Manager."

23 1(c) On or before _____, defendants must
24 send to _____, Deputy City
25 Attorney, a writing signed by both
26 defendants certifying that one or both
27 have made the premises his/her/their primary
28

1 domicile or that they have employed a
2 resident manager in compliance with Item E
3 1(b) and furthermore identifying: (i) the
4 name of the live-in manager; (ii) the
5 apartment into which he moved; and
6 (iii) date the apartment manager moved in
7 and commenced performance of his duties as a
8 live-in manager.

- 9 2. The manager and owners shall maintain an up-dated
10 list of the names of each and every tenant and
11 occupant of every apartment.
- 12 3. The manager and owners shall require each
13 prospective adult tenant to complete a written
14 rental application form.
- 15 4. The manager and owners shall require each
16 prospective adult tenant to provide a written
17 five year residency history and a five year
18 employment history.
- 19 5. The manager shall verify the written information
20 provided by prospective tenants and keep a record
21 of the method and results of such verification.
- 22 6. The manager and owners shall not rent an
23 apartment to any person or persons unless each
24 adult tenant signs a written rental agreement
25 which contains a provision which states that the
26 unlawful selling, serving, storing, keeping,
27 manufacturing, giving away or use of any
28

1 controlled substance on or adjacent to the
2 premises by any tenant, or guest of a tenant, of
3 the premises is a ground for eviction and will
4 result in the initiation of eviction proceedings.

5 7. The owners shall commence eviction proceedings
6 within ten (10) days after receipt of information
7 or evidence providing a reasonable basis to
8 believe that a tenant has violated, or knowingly
9 or negligently encouraged, facilitated or
10 permitted his or her occupant, guest or visitor
11 to violate, any law regarding the unlawful
12 selling, serving, storing, keeping,
13 manufacturing, giving away or use of any
14 controlled substance on or adjacent to the
15 premises.

16 8. In order to monitor compliance with this order
17 upon request of a representative of the Los
18 Angeles City Attorney's Office and/or the Los
19 Angeles Police Department defendants shall, at
20 the option of the requestor, provide copies of
21 and/or allow inspection of any and all records
22 relating to defendants' compliance with this
23 preliminary injunction and/or permit
24 inspection(s) of the premises.

25 F. Owning, maintaining, operating or occupying the
26 premises which are the subject of this action unless
27
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1 the following efforts are made to improve and maintain
2 the appearance of the property;

- 3 1. Remove abandoned or inoperative motor vehicles
4 from the premises.
- 5 2. Remove human and canine feces from the premises.
- 6 3. Remove trash and debris, including but not
7 limited to, abandoned furniture and appliances
8 from the premises.

9 G. Owning, maintaining, operating or occupying the
10 premises which are the subject of this action unless
11 the following notice is distributed to each and every
12 present and future tenant in English and Spanish and
13 is posted conspicuously on signs at least 3 feet by 3
14 feet in size and posted conspicuously on the front and
15 rear of the building which reads as follows:

16 THESE PREMISES ARE UNDER COURT ORDER NOT TO BE USED
17 FOR THE SALE, SERVING OR KEEPING OF ILLEGAL DRUGS. NO
18 ILLEGAL DRUGS WILL BE SOLD OR GIVEN TO ANY PERSONS
19 ENTERING OR LEAVING THESE PREMISES. THESE PREMISES
20 ARE BEING WATCHED BY THE LOS ANGELES POLICE DEPARTMENT
21 TO ENSURE COMPLIANCE WITH THIS ORDER. A VIOLATION OF
22 THIS ORDER COULD SUBJECT YOU AND THE OCCUPANTS OF THIS
23 LOCATION TO CRIMINAL AND/OR CIVIL PENALTIES.

24 H. Owning, maintaining, operating or occupying the
25 premises which are the subject of this action until
26 all of the following violations are corrected:
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I. Transferring for consideration or otherwise, all or any portion of the property that is the subject of this action unless a copy of this order is given to the prospective transferee, his signature procured thereon and a copy of the signed order provided to the City Attorney's Office at _____.

Dated: _____, 19__.

Judge of the Superior Court

1 1. To obtain an order of abatement pursuant to Health and
2 Safety Code Section 11570 upon the establishment of the existence
3 of a nuisance upon said real property.

4 2. To obtain a temporary restraining order and preliminary
5 injunction, pursuant to Health and Safety Code Section 11570, et
6 seq., which injunctions may affect the use and possession of said
7 real property.

8 3. To obtain a permanent injunction affecting the
9 possession and use of said real property pursuant to Health and
10 Safety Code Section 11570, et seq.

11 4. To follow the procedures outlined in Health and Safety
12 Code Section 11570 through 11587, known as the Controlled
13 Substances Abatement Act.

14 5. To obtain an order abating the following violations of
15 the Los Angeles Municipal Code:
16 _____
17 _____

18 The premises affected by this suit are situated in the City
19 of Los Angeles, County of Los Angeles, State of California and are
20 described as Lot ____, Tract ____, as per map recorded in Book
21 ____, page ____ of Maps, in the Office of the County Recorder of
22 said county. The street address of the subject premises is
23 _____, Los Angeles, California.
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DATED: _____, 19__

JAMES K. HAHN, City Attorney

By _____

Deputy City Attorney

Attorney for Plaintiff and
Real Party In Interest

1 JAMES K. HAHN, City Attorney
2 _____, Deputy City Attorney
3 1645 Corinth Avenue, Room 207
4 Los Angeles, California 90025
5 Telephone: (213) 312-5910

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Attorneys for Plaintiff and
Real Property In Interest

SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF LOS ANGELES, _____ DISTRICT

THE PEOPLE OF THE STATE OF CALIFORNIA,)
Plaintiff,)
THE CITY OF LOS ANGELES,)
a municipal corporation,)
Plaintiff and Real)
Party In Interest,)
vs.)
_____, and)
DOES 1 through 50, Inclusive,)
Defendants.)

CASE NO.
FIRST SET OF INTER-
ROGATORIES PROPOUNDED
BY PLAINTIFF TO
DEFENDANT

TO: Defendant _____, and to his attorney _____.

Plaintiffs, THE PEOPLE OF THE STATE OF CALIFORNIA and the City
of Los Angeles, hereby demand that _____,
Defendant, answer this first set of interrogatories separately and
fully, in writing under oath within thirty (30) days after the
service hereof, pursuant to Code of Civil Procedure Section 2030.

INSTRUCTIONS

Section 1

1 You are hereby instructed to respond to these interrogatories in
2 accordance with subparagraphs (a) through (g) of the instructions to
3 answering party set forth in the form interrogatories approved by the
4 Judicial Council of California. The text of said instructions is set
5 forth below:

6 (a) An answer or other appropriate response must
7 be given to each interrogatory

8 Failure to respond to these interrogatories
9 properly can be punished by sanctions,
10 including contempt proceedings, fine,
11 attorneys' fees, and the loss of your case.
12 See Code of Civil Procedure Sections 128.5
13 and 2030.

14 (b) As a general rule, within thirty (30) days
15 after you are served with these
16 interrogatories, you must serve your
17 responses on the asking party and serve
18 copies of your responses on all other
19 parties to the action who have appeared.
20 See Code of Civil Procedure Section 2030 for
21 details.

22 (c) Each answer must be as complete and
23 straightforward as the information
24 reasonably available to you permits. If an
25 interrogatory cannot be answered completely,
26 answer it to the extent possible.

27 (d) If you do not have enough personal knowledge
28

1 to fully answer an interrogatory, say so,
2 but make a reasonable and good faith effort
3 to get the information by asking other
4 persons or organizations, unless the
5 information is equally available to the
6 asking party.

7 (e) Whenever an interrogatory may be answered by
8 referring to a document, the document may be
9 attached as an exhibit to the response and
10 referred to in the response. If the
11 document has more than one page, refer to
12 the page and section where the answer to the
13 interrogatory can be found.

14 (f) Whenever an address and telephone number for
15 the same person are requested in more than
16 one interrogatory, you are required to
17 furnish them in answering only the first
18 interrogatory asking for that information.

19 (g) Your answers to these interrogatories must
20 be verified, dated, and signed. You may
21 wish to use the following form at the end of
22 your answer: "I declare under penalty of
23 perjury under the laws of the State of
24 California that the foregoing answers are
25 true and correct."

26 DEFINITIONS

27 Section 2

1 Words in BOLDFACE CAPITALS in these interrogatories are defined
2 as follows:

- 3 (a) INCIDENT includes the circumstances and
4 events surrounding the alleged accident,
5 injury, or other occurrence or breach of
6 contract giving rise to the action or
7 proceeding.
- 8 (b) YOU OR ANYONE ACTING ON YOUR BEHALF includes
9 you, your agents, your employees, your
10 insurance companies, their agents, their
11 employees, your attorneys, your accountants,
12 your investigators, and anyone else
13 acting on your behalf.
- 14 (c) PERSON includes a natural person, firm,
15 association, organization, partnership,
16 business, trust, corporation, or public
17 entity.
- 18 (d) DOCUMENT means a writing, as defined in
19 Evidence Code Section 250 and includes the
20 original or copy of handwriting,
21 typewriting, printing, photostating,
22 photographing and every other means of
23 recording upon any tangible thing and form
24 of communication or representation,
25 including letters, words, pictures, sounds,
26 or symbols, or combinations for them.
- 27
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(f) ADDRESS means the street address, including
the city, state and zip code.

Interrogatory No. 1 State the names, ADDRESSES and phone numbers of
all PERSONS who hold title to the real property located at _____.

Interrogatory No. 2 State the names, ADDRESSES and phone numbers of
all PERSONS who hold a legal interest in the real property located at
_____.

Interrogatory No. 3 Identify all documents that exist to support the
interest referred to in Interrogatory No. 2.

Interrogatory No. 4 State the percentage of legal interest held by
all PERSONS referred to in Interrogatory No. 2.

Interrogatory No. 5 State the names, ADDRESSES and phone numbers of
all PERSONS who hold a mortgage, lien or other encumbrance on the
real property located at _____.

Interrogatory No. 6 State the present amount of the mortgage, lien or
other encumbrance referred to in Interrogatory No. 5.

Interrogatory No. 7 Identify all DOCUMENTS which support the
mortgage, lien or other encumbrance referred to in Interrogatory
No. 5.

Interrogatory No. 8 State the date that YOU OR ANYONE ACTING ON YOUR
BEHALF purchased the real property located at _____.

Interrogatory No. 9 State the purchase price that YOU OR ANYONE
ACTING ON YOUR BEHALF paid or contracted to pay for the real
property located at ____.

Interrogatory No. 10 Identify all documents associated with the
purchase that YOU OR ANYONE ACTING ON YOUR BEHALF made of the real
property located at _____.

Interrogatory No. 11 State the names, ADDRESSES and phone numbers of

1 all PERSONS who have owned the real property located at _____ for
2 the two years preceding the date of these interrogatories.

3 Interrogatory No. 12 State the names, ADDRESSES and phone numbers of
4 all PERSONS who have been employed BY YOU OR ANYONE ACTING ON YOUR
5 BEHALF in connection with the real property located at _____ for
6 the two years preceding the date of these interrogatories.

7 Interrogatory No. 13 State the amount of compensation, including free
8 rent paid to the PERSONS referred to in Interrogatory No. 12 for the
9 two years preceding the date of these interrogatories.

10 Interrogatory No. 14 State what communications, oral or written, you
11 received from the PERSONS referred to in Interrogatory No. 13 with
12 reference to the real property located at _____ for the two years
13 preceding the date of these interrogatories.

14 Interrogatory No. 15 State what action YOU OR ANYONE ACTING ON YOUR
15 BEHALF took that addressed the communications referred to in
16 Interrogatory No. 14.

17 Interrogatory No. 16 Identify the PERSONS who have lived in the real
18 property located at _____ for the two years preceding the date of
19 these interrogatories by name and apartment number.

20 Interrogatory No. 17 State the substance of the agreement made by YOU
21 OR ANYONE ACTING ON YOUR BEHALF with the PERSONS referred to in
22 Interrogatory No. 16 concerning their tenancy at the real property
23 located at _____ for two years preceding the date of these
24 interrogatories.

25 Interrogatory No. 18 Identify all DOCUMENTS associated with the use
26 of the real property located at _____ for two years preceding the
27 date of these interrogatories.
28

1 Interrogatory No. 19 State all details, including name, case number
2 and current status of all court proceedings instituted by YOU OR
3 ANYONE ACTING ON YOUR BEHALF concerning the real property located at
4 _____ for the two years preceding the date of these interrogatories.

5 Interrogatory No. 20 State the dates of any inspections of the real
6 property located at _____ that were conducted by any government
7 agency during the two years preceding the date of these
8 interrogatories.

9 Interrogatory No. 21 State what action YOU OR ANYONE ACTING ON YOUR
10 BEHALF took in connection with the inspections referred to in
11 Interrogatory No. 20.

12 Interrogatory No. 22 State the substance of any complaints YOU OR
13 ANYONE ACTING ON YOUR BEHALF received in connection with the real
14 property located at _____ for the two years preceding the date of
15 these interrogatories.

16 Interrogatory No. 23 Identify the source of the complaints referred
17 to in Interrogatory No. 22 by name and ADDRESS.

18 Interrogatory No. 24 Identify by name, ADDRESS and phone number any
19 PERSONS with whom YOU OR ANYONE ACTING ON YOUR BEHALF have
20 communicated with for the sale or potential sale of the real property
21 located at _____ for the two years preceding the date of these
22 interrogatories.

23
24 Date: _____, 19____.

JAMES K. HAHN, City Attorney

25
26 By _____

27 Deputy City Attorney

28 Attorney for Plaintiffs and
Real Party In Interest

1 JAMES K. HAHN, City Attorney
2 _____, Deputy City Attorney
3 1645 Corinth Avenue, Room 207
4 Los Angeles, California 90025
5 Telephone: (213) 312-5910

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8 Attorneys for Plaintiff and
9 Real Party In Interest
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9 SUPERIOR COURT OF THE STATE OF CALIFORNIA
10 COUNTY OF LOS ANGELES, _____ DISTRICT

10 THE PEOPLE OF THE STATE OF CALIFORNIA,)
11) CASE NO.
12 Plaintiff,)
13) REQUESTS FOR
14 THE CITY OF LOS ANGELES,)
15 a municipal corporation,)
16) FIRST SET
17)
18 Plaintiff and Real)
19 Party In Interest,)
20)
21 vs.)
22)
23)
24)
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26)
27)
28)
_____, and)
DOES 1 through 50, Inclusive,)
Defendants.)
_____)

19 Requesting Parties, The People of the State of California and
20 the City of Los Angeles, Plaintiffs, request _____,
21 Defendant, to admit the truth of each of the following:

22 1. That the originals of each of the following documents,
23 copies of which are attached to this request, are genuine:
24 _____.

25 2. That each of the following statements is true:

26 3. You were the owner of the real property located at

27 _____ from _____ to _____.
28

1 4. You had management and control of the real property
2 located at _____ from _____ to _____.

3 5. The real property located at _____ has been used
4 for the purposes of unlawfully selling, serving, storing, keeping,
5 manufacturing or giving away controlled substances from
6 _____ to _____.

7 6. That you permitted the real property located at
8 _____ to be used for the purpose of unlawfully selling,
9 storing, keeping, manufacturing or giving away controlled
10 substances from _____ to _____.

11 7. That you are the owner of the fixtures and moveable
12 property contained within the real property located at
13 _____.

14 8. That you allowed the fixtures and moveable property
15 located at _____ to be used for the purpose of facilitating
16 the unlawful selling, storing, keeping, manufacturing or giving
17 away controlled substances from _____ to _____.

18 9. That you had knowledge that the real property located at
19 _____
20 and the fixtures and moveable property contained therein were
21 being used for the purpose of unlawfully selling, storing,
22 keeping, manufacturing or giving away controlled substances from
23 _____ to _____.

24 10. That violations of Los Angeles Municipal Code, to
25 wit: _____, existed on the real property located at
26 _____ on _____.

11. That on _____ you received an Order to Comply from the Department of _____ relating to the violations of the Los Angeles Municipal Code referred to in Admission No. 10.

12. That you failed to cure the conditions that were the subject of the Order to Comply dated _____.

You are required to serve your answers to the foregoing Requests for Admissions no later than 30 days from service, (additional 5 if served by mail) on:

Deputy City Attorney
(Address)

DATED: _____, 19__.

JAMES K. HAHN, City Attorney

By _____

Deputy City Attorney

Attorney for Plaintiff and
Real Party In Interest

1 JAMES K. HAHN, City Attorney
2 _____, Deputy City Attorney
3 1645 Corinth Avenue, Room 207
4 Los Angeles, California 90025
5 Telephone: (213) 312-5910

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8 Attorneys for Plaintiff and
9 Real Party In Interest
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SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF LOS ANGELES, _____ DISTRICT

THE PEOPLE OF THE STATE OF CALIFORNIA,)	
)	CASE NO.
Plaintiff,)	
)	PLAINTIFFS' FIRST
THE CITY OF LOS ANGELES,)	DEMAND FOR THE
a municipal corporation,)	INSPECTION OF
)	DOCUMENTS
Plaintiff and Real)	
Party In Interest,)	
)	
vs.)	
)	
_____, and)	
DOES 1 through 50, Inclusive,)	
)	
Defendants.)	
_____)	

PROPOUNDING PARTIES: Plaintiff, THE PEOPLE OF THE STATE OF CALIFORNIA AND THE CITY OF LOS ANGELES.

RESPONDING PARTY: Defendant _____.

Pursuant to Code of Civil Procedure section 2031, Plaintiff requests that on _____, (date at least 30 days after service of demand) at _____ a.m. at the office of Plaintiff's counsel, _____, Deputy City Attorney, Los Angeles City Attorney's Office, _____, California, Defendant _____ shall identify and produce all of the requested documents and things and permit

1 Plaintiff's counsel to inspect and copy the documents and things
2 described below.

3 As used in this request for production and identification of
4 documents, the term "document" includes, but is not limited to,
5 writings, notebooks, ledgers, deeds of trust, grant deeds, income
6 tax returns, bank statements, credit card statements, cancelled
7 checks, computer printouts, business records, title company
8 documents, permits, loan documents, receipts, contracts,
9 promissory notes, payroll records, quarterly reports, employee
10 records and other data compilation from which information may be
11 obtained.

12 The below described documents and things are currently in
13 the possession, custody or control of defendant, _____,
14 are not privileged and are relevant to the subject matter of this
15 action and reasonably calculated to lead to the discovery of
16 admissible evidence in this action.

17 A written response subscribed under oath is required to be
18 served upon Plaintiffs within twenty (20) days (C.C.P. § 2031(h))
19 after service of this request (if personal service, if not,
20 substitute 25 days) for the inspection of documents; said
21 response shall contain the matters set forth in Code of Civil
22 Procedure Section 2031(f).

23 Category No. 1.

24 Any and all documents relating to the purchase of the real
25 property located at _____ from _____ to _____.

26 Category No. 2.

27 Any and all documents relating to the repair or other
28

1 maintenance work in connection with the real property located at
2 _____ from _____ to _____.

3 Category No. 3.

4 Any and all documents containing complaints of any kind
5 concerning the real property located at _____ from
6 _____ to _____.

7 Category No. 4.

8 Any and all documents relating to employment of any person
9 in connection with the real property located at _____ from
10 _____ to _____.

11 Category No. 5.

12 Any and all documents, including but not limited to rental
13 agreements, lease agreements and house rules relating to the real
14 property located at _____, from _____ to _____.

15 Category No. 6.

16 Any and all documents indicating that a background check was
17 conducted of the persons residing at _____ from _____ to
18 _____.

19 Category No 7.

20 All documents, including notices to comply, relating to any
21 inspection conducted of the real property located at _____
22 by any governmental agency from _____ to _____.

23 Category No. 8.

24 All photographs, videotapes, and audio tapes that relate to
25 or depict the real property located at _____ that were made
26 from _____ to _____.

1 Category No. 9.

2 Any and all rental agreements or leases or other documents
3 concerning the tenancy of the occupants of the real property
4 located at _____ that were made or executed between the
5 following dates, _____ to _____.
6
7
8

9 Dated: _____, 19____.

JAMES K. HAHN, City Attorney

10
11 By _____

12 Deputy City Attorney

13 Attorney for Plaintiff and
14 Real Party In Interest
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1 JAMES K. HAHN, City Attorney
2 _____, Deputy City Attorney
3 1645 Corinth Avenue, Room 207
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Attorneys for Plaintiff and
Real Party In Interest

SUPERIOR COURT OF THE STATE OF CALIFORNIA

COUNTY OF LOS ANGELES, _____ DISTRICT

THE PEOPLE OF THE STATE OF CALIFORNIA,)

Plaintiff,)

THE CITY OF LOS ANGELES,)
a municipal corporation,)

Plaintiff and Real)
Party In Interest,)

vs.)

_____, and)
DOES 1 through 50, Inclusive,)

Defendants.)

CASE NO.

NOTICE OF
DEPOSITION
(NON-PARTY)

To each party and to the attorney of record for each party in
this action:

PLEASE TAKE NOTICE that on _____, 19____, at
_____ o'clock, at the offices of the Los Angeles City Attorney's
Office located at 1645 Corinth, Room 207, Los Angeles, California
90025, Plaintiff will take the oral deposition of _____
whose address is _____, and whose
telephone number is _____. This deposition will be taken

1 before _____, a Notary Public or other officer
2 authorized to administer oaths, and will continue from day to day
3 until completed.

4 The testimony taken during this deposition will be recorded
5 both stenographically and by video tape.

6 The deponent shall bring to to the deposition the following
7 documents: _____.

8
9
10
11 Dated: _____, 19__.

JAMES K. HAHN, City Attorney

12
13 By _____
14 Deputy City Attorney

15 Attorney for Plaintiff and
16 Real Party In Interest
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1 JAMES K. HAHN, City Attorney
2 _____, Deputy City Attorney
3 1645 Corinth Avenue, Room 207
4 Los Angeles, California 90025
5 Telephone: (213) 312-5910

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8 Attorneys for Plaintiff and
9 Real Party In Interest

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SUPERIOR COURT OF THE STATE OF CALIFORNIA

COUNTY OF LOS ANGELES, _____ DISTRICT

THE PEOPLE OF THE STATE OF CALIFORNIA,)

Plaintiff,)

THE CITY OF LOS ANGELES,)
a municipal corporation,)

Plaintiff and Real)
Party In Interest,)

vs.)

_____, and)
DOES 1 through 50, Inclusive,)

Defendants.)

CASE NO.

MOTION TO COMPEL
RESPONSE TO
INTERROGATORIES;
REQUEST FOR
SANCTIONS

Date:
Dept:
Discovery cut-off:
Motion cut-off:
Trial date:

To _____ Defendant, his attorney, to each
other party and to the attorney of record for each other party in
this action. PLEASE TAKE NOTICE that on _____, 19__, at _____
o'clock, or as soon thereafter as the matter can be heard, in
Department _____ of the above entitled court, located at
_____, Plaintiff will move the court
under Code of Civil Procedure Section 2030(k) for an order
directing defendant _____ to serve
a response to the Plaintiff's Interrogatories, Set No. _____,

1 Nos. _____ to _____. The ground for the motion is
2 that the period specified by Code of Civil Procedure Section
3 2030(h) has elapsed without the service of a response to this set
4 of interrogatories.

5 PLEASE TAKE FURTHER NOTICE that Plaintiff also moves for a
6 monetary sanction against Defendant _____ and his
7 attorney in an amount equal to the attorney's fees incurred by
8 the moving party as shown by the attached declaration setting
9 forth the attorney's hourly rate and the number of hours consumed
10 in preparing and presenting this motion, to wit _____
11 _____.

12 This motion is based on the attached memorandum of points
13 and authorities, and the documents, exhibits and declarations
14 (specify) that accompany this motion.
15
16

17 Dated: _____, 19__.

JAMES K. HAHN, City Attorney

19 By _____

20 Deputy City Attorney

21 Attorney for Plaintiff and
22 Real Party In Interest
23
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1 JAMES K. HAHN, City Attorney
2 _____, Deputy City Attorney
3 1645 Corinth Avenue, Room 207
4 Los Angeles, California 90025
5 Telephone: (213) 312-5910

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Attorneys for Plaintiff and
Real Party In Interest

SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF LOS ANGELES, _____ DISTRICT

THE PEOPLE OF THE STATE OF CALIFORNIA,)

Plaintiff,)

THE CITY OF LOS ANGELES,)
a municipal corporation,)

Plaintiff and Real)
Party In Interest,)

vs.)

_____, and)
DOES 1 through 50, Inclusive,)

Defendants.)

CASE NO.

MEMORANDUM OF POINTS
AND AUTHORITIES IN
SUPPORT OF MOTION TO
COMPEL RESPONSE TO
INTERROGATORIES AND
REQUEST FOR SANCTIONS

Date:

Dept:

Plaintiff, People of the State of California, submits the
following points and authorities in support of its motion to
compel a response to interrogatories and its request for
sanctions.

I

A RESPONSE TO INTERROGATORIES

MUST BE FILED WITHIN 30 DAYS

AFTER SERVICE OF THE INTERROGATORIES.

1 Code of Civil Procedure Section 2030(h) provides that:

2 "Within 30 days after service of interrogatories,
3 the party to whom the interrogatories are
4 propounded shall serve the original of the
5 response to them on the propounding party, ..."

6 II

7 A PARTY PROPOUNDING INTERROGATORIES

8 MAY MOVE FOR AN ORDER

9 COMPELLING A RESPONSE

10
11 Upon a failure of a party to serve a timely response, the
12 party propounding the interrogatories may move for an order
13 compelling response to the interrogatories. (Code Civ. Proc. §
14 2030(k).)

15 Code of Civil Procedure Section 2030(k) does not require that
16 the parties make a good faith effort to resolve the issues as a
17 prerequisite to filing a motion to compel a response.

18 III

19 MONETARY SANCTIONS MUST

20 BE IMPOSED IF A PARTY

21 SUBJECT TO SANCTION ACTS

22 WITHOUT SUBSTANTIAL JUSTIFICATION

23
24 Code of Civil Procedure Section 2030(k) provides that:

25 "The court shall impose a monetary
26 sanction under section 2023 against any
27
28

1 party or attorney who unsuccessfully makes or
2 opposes a motion to compel a response to
3 interrogatories, unless it finds that the one
4 subject to sanction acted with substantial
5 justification or that other circumstances
6 make the imposition of the sanction unjust."
7

8 IV

9 SANCTIONS MAY BE IMPOSED
10 FOR MISUSE OF THE DISCOVERY PROCESS
11

12 Code of Civil Procedure Section 2023 provides that misuses of
13 the discovery process include:

14 "(4) Failing to respond or to submit to an authorized
15 method of discovery

16

17 (7) Making or opposing, unsuccessfully and without
18 substantial justification, a motion to compel or to
19 limit discovery."

20 Following notice and opportunity for a hearing:

21 "(1) The court may impose a monetary sanction ordering
22 that one engaging in the misuse of the discovery
23 process, or any attorney advising that conduct, or
24 both pay the reasonable expenses, including
25 attorney's fees, incurred by anyone as a result of
26 that conduct. The court may also impose this
27
28

1 sanction on one unsuccessfully asserting that
2 another has engaged in the misuse of the discovery
3 process, or on any attorney who advised that
4 assertion, or on both. If a monetary sanction
5 is authorized by any provision of this article, the
6 court shall impose that sanction unless it finds
7 that the one subject to the sanction acted with
8 substantial justification or that other
9 circumstances make the imposition of the sanction
10 unjust."
11
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16 Dated: _____, 19__.

Respectfully submitted,

18 JAMES K. HAHN, City Attorney
19

20 By _____

21 Deputy City Attorney

22 Attorney for Plaintiff and
23 Real Party In Interest
24
25
26
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1 JAMES K. HAHN, City Attorney
2 _____, Deputy City Attorney
3 1645 Corinth Avenue, Room 207
4 Los Angeles, California 90025
5 Telephone: (213) 312-5910

6 Attorneys for Plaintiff and
7 Real Party In Interest

8 SUPERIOR COURT OF THE STATE OF CALIFORNIA

9 COUNTY OF LOS ANGELES, _____ DISTRICT

10 THE PEOPLE OF THE STATE OF CALIFORNIA,)

11 Plaintiff,)

12 THE CITY OF LOS ANGELES,)
13 a municipal corporation,)

14 Plaintiff and Real)
15 Party In Interest,)

16 vs.)

17 _____, and)
18 DOES 1 THROUGH 50, Inclusive,)

19 Defendants.)

CASE NO.

DECLARATION OF
_____ IN SUPPORT
OF PLAINTIFF'S
MOTION TO COMPEL
RESPONSE TO
INTERROGATORIES

- 20 1. I, _____, Deputy City Attorney, am the attorney of
21 record for Plaintiffs, the People for the State of California
22 and the City of Los Angeles.
23 2. On _____, I prepared a Plaintiff's first set of
24 interrogatories to Defendant _____.
25 3. On _____, Plaintiff's first set of interrogatories
26 was served on Defendant _____. Proof of Service is
27 attached hereto, as Exhibit _____.
28 4. As of _____, Defendant has failed to respond to Plaintiff's

1 first set of interrogatories.

2 5. The time expended in preparing and presenting this motion to
3 compel is as follows:

4 Deputy City Attorney, _____ x _____ = _____
5 hours at _____.

6 Legal Secretary, _____ x _____ = _____ hours at _____.

7
8 I declare under penalty of perjury under the laws of the State
9 of California that the foregoing is true and correct.

10
11
12
13 _____
14 Deputy City Attorney

15 DECLARANT
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1 JAMES K. HAHN, City Attorney
2 _____, Deputy City Attorney
3 1645 Corinth Avenue, Room 207
4 Los Angeles, California 90025
5 Telephone: (213) 312-5910

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8 Attorneys for Plaintiff and
9 Real Party In Interest

10 SUPERIOR COURT OF THE STATE OF CALIFORNIA
11 COUNTY OF LOS ANGELES, _____ DISTRICT

12 THE PEOPLE OF THE STATE OF CALIFORNIA,)

13 Plaintiff,)

14 THE CITY OF LOS ANGELES,)
15 a municipal corporation,)

16 Plaintiff and Real)
17 Party In Interest,)

18 vs.)

19 _____, and)
20 DOES 1 through 50, Inclusive,)

21 Defendants.)

CASE NO.

ORDER THAT MOTION TO
COMPEL RESPONSE TO
INTERROGATORIES IS
GRANTED AND FOR
MONETARY SANCTIONS

Date:
Time:
Dept.:

22 SATISFACTORY PROOF HAVING BEEN MADE AND GOOD CAUSE APPEARING:

23 It is ordered that:

- 24 1. Plaintiff's motion to compel response to Plaintiff's First set
25 of Interrogatories, Nos. _____ to _____, is granted.
26 2. Defendant _____ is to pay a monetary sanction of
27 _____ to Plaintiff by _____.
28 3. Attorney _____ is to pay a monetary sanction of _____
to Plaintiff by _____.

Dated: _____, 19__.

Judge of the Superior Court

1 JAMES K. HAHN, City Attorney
2 _____, Deputy City Attorney
3 1645 Corinth Avenue, Room 207
4 Los Angeles, California 90025
5 Telephone: (213) 312-5910

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10 Attorneys for Plaintiff and
11 Real Party In Interest
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20 SUPERIOR COURT OF THE STATE OF CALIFORNIA
21 COUNTY OF LOS ANGELES, _____ DISTRICT

10 THE PEOPLE OF THE STATE OF CALIFORNIA,)	
11)	CASE NO.
12 Plaintiff,)	DEPT:
13)	
14 THE CITY OF LOS ANGELES,)	NOTICE OF MOTION FOR
15 a municipal corporation,)	ORDER THAT REQUESTS
16)	FOR ADMISSIONS BE
17 Plaintiff and Real)	DEEMED ADMITTED AND
18 Party In Interest,)	FOR MONETARY
19 vs.)	SANCTION; NOTICE OF
20)	MOTION FOR SUMMARY
21)	JUDGMENT; ALTERNATIVE
22)	MOTION TO COMPEL A
23)	RESPONSE TO INTERROGA-
24)	TORIES AND FOR
25)	MONETARY SANCTIONS;
26)	POINTS AND AUTHO-
27)	RITIES; PROPOSED
28)	ORDERS

20 To Defendant _____ and his attorney of record

21 _____.

22 Please take notice that on _____ at _____ in Department

23 _____ of the Superior Court, Plaintiff will move the court

24 under Code of Civil Procedure 2033(k) for an order that the truth

25 of the matters specified in Plaintiff's First Set of Request for

26 Admissions served on (date) on (Defendant) be deemed admitted and

27 that a monetary sanction be imposed on (Defendant). Plaintiff

28 moves for this order because (Defendant) has failed to respond to

1 Plaintiff's Request for Admissions within the time prescribed by
2 law.

3 If the court grants Plaintiff's motion that the truth of the
4 matters contained in Plaintiff's first Set of Request for
5 Admissions be deemed admitted, Plaintiff further moves this court
6 for summary judgment in accordance with Plaintiff's request for
7 relief in Plaintiff's complaint. The motion for summary judgment
8 is based on the grounds specified in Code of Civil Procedure 437c
9 that no triable issue of material fact exists and there is no
10 defense to the action.

11 In the alternative, Plaintiff moves the court for an order
12 compelling a response to interrogatories and for monetary sanctions.
13 This motion is based on the ground that on (date) Plaintiff
14 served its first set of interrogatories on Defendant
15 _____ . Defendant _____ failed to
16 respond to Plaintiff's interrogatories within the time prescribed
17 by law.

18 Said motions are based on this Notice of Motions, the attached
19 Points and Authorities, the attached documents and declarations
20 and the complaint and exhibits filed in support of Plaintiff's
21 Request for Preliminary Injunction.
22

23
24 Dated: _____, 19__.

JAMES K. HAHN, City Attorney

25
26 By _____
27 Deputy City Attorney

28 Attorney for Plaintiff and
Real Party In Interest

1 JAMES K. HAHN, City Attorney
2 _____, Deputy City Attorney
3 1645 Corinth Avenue, Room 207
4 Los Angeles, California 90025
5 Telephone: (213) 312-5910

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10 Attorneys for Plaintiff and
11 Real Party In Interest
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20 SUPERIOR COURT OF THE STATE OF CALIFORNIA
21 COUNTY OF LOS ANGELES, _____ DISTRICT

22 THE PEOPLE OF THE STATE OF CALIFORNIA,)
23) CASE NO.
24 Plaintiff,)
25) MOTION FOR
26 THE CITY OF LOS ANGELES,)
27 a municipal corporation,) SUMMARY JUDGMENT;
28) SEPARATE STATEMENT
29) OF UNDISPUTED FACTS
30 Plaintiff and Real) AND EVIDENTIARY
31 Party In Interest,) SUPPORT.
32)
33 vs.) Date:
34) Time:
35) Dept:
36 _____, and)
37 DOES 1 through 50, Inclusive,)
38)
39 Defendants.)
40 _____)

41 Plaintiff moves this court for summary judgment on
42 Plaintiff's complaint, based upon the following separate statement
43 of undisputed facts and the accompanying exhibits.

44 Undisputed Facts

45 Evidentiary Support

- 46 1. Defendant is the owner
47 of real property located
48 at _____.
49 2. Narcotics were sold at
50 the location from

51 Request for Admissions____
52 First set, Admission
53 No. 1 (Exhibit A).
54 Declaration of Officer
55 _____, (Exhibit B).

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_____ to _____.

Based upon the foregoing, the People submit that every essential element of the Plaintiff's case is established and that Plaintiff is entitled to judgment as a matter of law, under Code of Civil Procedure Section 437c.

Dated: _____, 19__.

Respectfully submitted,
JAMES K. HAHN, City Attorney

By _____
Deputy City Attorney

Attorney for Plaintiff and
Real Party In Interest

1 JAMES K. HAHN, City Attorney
2 _____, Deputy City Attorney
3 1645 Corinth Avenue, Room 207
4 Los Angeles, California 90025
5 Telephone: (213) 312-5910

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10 Attorneys for Plaintiff and
11 Real Party In Interest
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20 SUPERIOR COURT OF THE STATE OF CALIFORNIA
21 COUNTY OF LOS ANGELES, _____ DISTRICT

22 THE PEOPLE OF THE STATE OF CALIFORNIA,)	
)	CASE NO.
23 Plaintiff,)	
)	MEMORANDUM OF
24 THE CITY OF LOS ANGELES,)	POINTS AND
25 a municipal corporation,)	AUTHORITIES IN
)	SUPPORT OF MOTION
26 Plaintiff and Real)	FOR SUMMARY JUDGMENT
27 Party in Interest,)	
)	
28 vs.)	
)	
)	
_____ , and)	
DOES 1 through 50, Inclusive,)	
)	
Defendants.)	
_____)	

29 Under Code of Civil Procedure Section 437c(c) a party may
30 move for summary judgment in any action if it is contended that
31 "there is no triable issue as to any material fact "

32 "The motion for summary judgment shall be
33 granted if all the papers submitted show
34 that there is no triable issue as to any
35 material fact and the moving party is en-
36 titled to judgment as a matter of law. . . . "

1 In the instant case, if the court grants Plaintiff's motion that
2 the Request for Admissions be deemed admitted, there is no triable
3 issue of material fact and no defense to the action.
4

5
6
7 Dated: _____, 19__.

Respectfully submitted,

JAMES K. HAHN, City Attorney

8
9 By _____

10 Deputy City Attorney

11 Attorney for Plaintiff and
12 Real Party In Interest
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1 JAMES K. HAHN, City Attorney
2 _____, Deputy City Attorney
3 1645 Corinth Avenue, Room 207
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11 Attorneys for Plaintiff and
12 Real Party In Interest
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THE PEOPLE OF THE STATE OF CALIFORNIA,)
Plaintiff,)
THE CITY OF LOS ANGELES,)
a municipal corporation,)
Plaintiff and Real)
Party In Interest,)
vs.)
_____, and)
DOES 1 through 50, Inclusive,)
Defendants.)

CASE NO.
DECLARATION IN
SUPPORT OF MOTION
THAT REQUEST FOR
ADMISSIONS BE DEEMED
ADMITTED; MOTION
TO COMPEL RESPONSE
TO INTERROGATORIES
AND MOTION FOR
SUMMARY JUDGMENT

I, _____, declare:

1. I am a Deputy City Attorney for the City of _____
and am the attorney of record for Plaintiff, the People of
the State of California.
2. On _____, Defendant was served with Plaintiff's first
set of interrogatories, which along with the proof of service
are attached hereto and incorporated as Exhibit A. Defendant
failed to respond.
3. On _____ Defendant _____ was sent a formal

1 demand for a response to Plaintiff's first set of
2 interrogatories. A copy of this demand is attached hereto
3 and incorporated as Exhibit B. Defendant failed to respond.

4 4. On _____ Defendant _____ was served with a Request
5 for Admissions, which along with the proof of service are
6 attached hereto and incorporated by reference as Exhibit C.
7 Defendant failed to respond.

8 5. Based upon Defendant _____'s failure to respond to
9 Plaintiff's discovery requests, it is apparent that informal
10 resolution is impossible.

11 6. Because of Defendant's failure to respond to Plaintiff's
12 Request for Admissions and First Set of Interrogatories,
13 Plaintiff has incurred reasonable expenses as follows:

14 A. Preparation of Notice of Motion for Order that Request
15 for Admissions be deemed admitted and for Monetary
16 Sanction; Notice of Motion for Summary Judgment;
17 Alternative motion to compel a Response to
18 Interrogatories and for Monetary Sanction; Declarations;
19 Points and Authorities; Proposed Orders.

20 Deputy City Attorney: _____ per hour x _____ hours =

21 Legal Secretary: _____ per hour x _____ hours =

22 B. Preparation of Interrogatories.

23 Deputy City Attorney: _____ per hour x _____ hours =

24 Legal Secretary: _____ per hour x _____ hours =

25 C. Preparation of Request for Admissions.
26
27
28

1 Deputy City Attorney: _____ per hour x _____ hours =

2 Legal Secretary: _____ per hour x _____ hours =

3 I declare under penalty of perjury under the laws of the
4 State of California that the foregoing is based upon personal
5 knowledge and is true and correct.
6
7
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11 Dated: _____, 19 ____.

JAMES K. HAHN, City Attorney

12
13 By _____

14 Deputy City Attorney

15 Attorney for Plaintiff and
16 Real Party In Interest
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Attorneys for Plaintiff and
Real Party In Interest

THE PEOPLE OF THE STATE OF CALIFORNIA,

THE CITY OF LOS ANGELES,
a municipal corporation,

vs.

_____, and
DOES 1 through 50, Inclusive,
Defendants.

ORDER FOR
SUMMARY JUDGMENT

Summary judgment is ordered in favor of plaintiff as follows:

Judge of the Superior Court

1 JAMES K. HAHN, City Attorney
2 _____, Deputy City Attorney
3 1645 Corinth Avenue, Room 207
4 Los Angeles, California 90025
5 Telephone: (213) 312-5910

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10 Attorneys for Plaintiff and
11 Real Party In Interest
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9 SUPERIOR COURT OF THE STATE OF CALIFORNIA

10 COUNTY OF LOS ANGELES, _____ DISTRICT

11 THE PEOPLE OF THE STATE OF CALIFORNIA,)

12 Plaintiff,)

13 THE CITY OF LOS ANGELES,)
14 a municipal corporation,)

15 Plaintiff and Real)
16 Party In Interest,)

17 vs.)

18 _____, and)
19 DOES 1 through 50, Inclusive,)

20 Defendants.)
21 _____)

CASE NO.

DEMAND FOR EXCHANGE
OF EXPERT TRIAL
WITNESS INFORMATION

Discovery cut-off:
Motion cut-off:
Trial date:

22 TO DEFENDANT _____, AND HIS ATTORNEY OF
23 RECORD: _____.

24 Plaintiff hereby demands, pursuant to Code of Civil
25 Procedure Section 2034, that all parties to this action provide
26 the following: a mutual and simultaneous exchange of information
27 relating to the expert witnesses that each party expects to call
28 at the trial of this action. More particularly, each party is to
exchange the following information:

1. A written list containing the name and address of

1 each person, including one who is a party to the action, whose
2 live or deposition testimony offered at the trial of this action
3 will include the expression of an opinion based on that person's
4 expert knowledge. If a party does not presently intend to present
5 the testimony of any expert witness, it must submit a written
6 statement to that effect.

7 2. An Expert Witness Declaration signed by the responding
8 party's attorney concerning any witness on the list described in
9 paragraph 1 of this Demand who is a party to this action, an
10 employee of a party to this action, or a person who has been
11 retained for the purpose of forming and expressing an opinion,
12 either in anticipation of this lawsuit, or in preparation for this
13 trial. This Expert Witness Declaration shall set forth the
14 following information concerning each such expert witness:

15 a. A narrative statement of the qualifications of
16 the expert.

17 b. A narrative statement of the general substance
18 of the testimony that the expert is expected to give.

19 c. A representation by the attorney making the
20 declaration that the expert has been contacted and has agreed to
21 testify at the trial of this action.

22 d. A representation that the expert is or will be
23 sufficiently familiar with the issues in this action to submit to
24 a meaningful oral deposition concerning the specific testimony,
25 including any opinion and its basis for it, that the expert is
26 expected to give at trial.

1 e. A statement of the expert's hourly and daily
2 fee for providing deposition testimony.

3 3. All discoverable reports and writings made by any
4 witness who is covered by the Expert Witness Declaration described
5 in paragraph two of this Demand.

6 The Exchange of Expert Trial Witness Information shall take
7 place at _____ a.m. on _____.*

8
9
10
11 DATED: _____, 19__.

JAMES K. HAHN, City Attorney

12
13 By _____
14 Deputy City Attorney

15 Attorney for Plaintiff and
16 Real Party In Interest

17 * The date for exchange of information must be 50 days before the
18 initial trial date or 20 days after service of the demand,
19 whichever is closer to the trial date. Code of Civil Procedure
20 2034(c).
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1 JAMES K. HAHN, City Attorney
2 _____, Deputy City Attorney
3 1645 Corinth Avenue, Room 207
Los Angeles, California 90025
Telephone: (213) 312-5910

4 Attorneys for Plaintiff and
5 Real Party In Interest
6
7

8 SUPERIOR COURT OF THE STATE OF CALIFORNIA

9 COUNTY OF LOS ANGELES, _____ DISTRICT

10 THE PEOPLE OF THE STATE OF CALIFORNIA,)

11 Plaintiff,)

12 THE CITY OF LOS ANGELES,)
13 a municipal corporation,)

14 Plaintiff and Real)
15 Party In Interest,)

16 vs.)

17 _____, and)
DOES 1 through 50, Inclusive)

18 Defendants.)
19

20 To Defendant _____ and his attorney of
21 record, _____.

22 Pursuant to California Code of Civil Procedure
23 Section 2034, Plaintiff submits the following List of Expert
24 Witnesses that it intends to call to testify in the trial of
25 the aforementioned matter:
26

27 (List all officers and criminalists)
28

1 Dated: _____, 19__.

Respectfully submitted,

2 JAMES K. HAHN, City Attorney

3
4 By _____

5 Deputy City Attorney

6 Attorney for Plaintiff and
7 Real Party In Interest

1 JAMES K. HAHN, City Attorney
2 _____, Deputy City Attorney
3 1645 Corinth Avenue, Room 207
4 Los Angeles, California 90025
5 Telephone: (213) 312-5910

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8 Attorneys for Plaintiff and
9 Real Party In Interest

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SUPERIOR COURT OF CALIFORNIA

COUNTY OF LOS ANGELES, _____ DISTRICT

THE PEOPLE OF THE STATE OF CALIFORNIA,)

Plaintiff,)

THE CITY OF LOS ANGELES,)
a municipal corporation,)

Plaintiff and Real)
Party In Interest,)

vs.)

_____, and)
DOES 1 through 50, Inclusive,)
Defendants.)

CASF NO.

EXPERT WITNESS
DECLARATION OF

Discovery cut-off:
Motion cut-off:
Trial date:

1. I, _____, Deputy City Attorney, represent
James K. Hahn, City Attorney in this action and I am the attorney
of record for Plaintiff.

2. This declaration is submitted pursuant to Code of Civil
Procedure Section 2034(f)(2).

3. With respect to _____, the expert witness listed
in Plaintiff's List of Expert Witnesses, I am informed and believe
that the following is true:

- 1 (a) His qualifications in the area to which his testimony
2 pertains are as follows:
3 (b) The general substance of the testimony of this expert
4 is as follows:
5 (c) This expert's fee for providing deposition testimony is
6 as follows:
7 (d) This expert has been contacted by me and has agreed to
8 testify at the trial of this action.

9 I declare under penalty of perjury under the laws of the
10 State of California that the statements and representations in
11 this Expert Witness Declaration are true and correct, except as to
12 those alleged on information and belief, and as to those, I
13 believe them to be true to the best of my knowledge.
14

15
16 Executed this _____ day of _____ at Los Angeles, California.
17

18
19 _____
20 Deputy City Attorney

21 DECLARANT
22
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1 JAMES K. HAHN, City Attorney
2 _____, Deputy City Attorney
3 1645 Corinth Avenue, Room 207
4 Los Angeles, California 90025
5 Telephone: (213) 312-5910

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8 Attorneys for Plaintiff and
9 Real Party In Interest

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SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF LOS ANGELES, _____ DISTRICT

THE PEOPLE OF THE STATE OF CALIFORNIA,)

Plaintiff,)

THE CITY OF LOS ANGELES,)
a municipal corporation,)

Plaintiff and Real)
Party In Interest,)

vs.)

_____, and)
DOES 1 through 50, Inclusive,)
Defendants.)

CASE NO.

NOTICE OF MOTION AND
MOTION TO CONTINUE
TRIAL DATE; DECLARATION;
MEMORANDUM OF POINTS AND
AUTHORITIES

Date:

Time:

Discovery cut-off:

Motion cut-off:

Trial date:

TO _____ AND HIS ATTORNEY OF RECORD _____.

PLEASE TAKE NOTICE that on _____ at _____ in Department
_____ of the above entitled court located at _____ or as
soon thereafter as this matter can be heard, Plaintiff will move the
court for an Order to continue the trial date in the aforementioned
matter. This motion will be made on the ground that a material
witness _____ will be unavailable to testify on that date.
This motion is based upon this NOTICE, the attached declarations of
_____ and _____ and the files and records of this action.

1 Dated: _____, 19__.

Respectfully submitted,

2 JAMES K. HAHN, City Attorney

3
4 By _____

5 Deputy City Attorney

6 Attorney for Plaintiff and
7 Real Party In Interest

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DECLARATION OF
IN SUPPORT OF PLAINTIFF'S MOTION
TO CONTINUE TRIAL

I, _____ declare as follows:

1. I am the attorney of record for Plaintiff, the People of the State of California in this action and the City of Los Angeles.
2. Trial in this matter is currently set for _____ at _____ in Department _____ of the Superior Court, located at _____.
3. On _____ I was informed by _____ that he would be unable to testify in this trial for the following reason: _____.
He will be available to testify on _____.
4. The testimony of this witness is material to the Plaintiff's case and is not cumulative.
5. On _____ I contacted _____, the attorney of record for Defendant _____, and advised him that I would be seeking this order to continue the trial date. He stated that he (would object or would not object to this motion). He further advised me that he would (or would not) be making an appearance in this matter.
6. My request that Defendant stipulate to _____'s testimony was rejected by defense counsel on _____.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

1 Executed this _____ day _____ of _____ at Los Angeles,
2 California.
3

4 _____
5 Deputy City Attorney
6 DECLARANT
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DECLARATION OF
IN SUPPORT OF PLAINTIFF'S MOTION
TO CONTINUE TRIAL

I, _____, declare as follows:

1. I am employed by _____.
2. With respect to the investigation in this case, I have taken the following action:
3. I am unable to testify from _____ to _____ for the following reason:
4. I will be available to testify on _____.

I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

Executed this _____ day of _____ at Los Angeles, California.

DECLARANT

1 JAMES K. HAHN, City Attorney
2 _____, Deputy City Attorney
3 1645 Corinth Avenue, Room 207
4 Los Angeles, California 90025
5 Telephone: (213) 312-5910

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8 Attorneys for Plaintiff and
9 Real Party In Interest

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SUPERIOR COURT OF THE STATE OF CALIFORNIA

COUNTY OF LOS ANGELES, _____ DISTRICT

THE PEOPLE OF THE STATE OF CALIFORNIA,)

Plaintiff,)

THE CITY OF LOS ANGELES,)
a municipal corporation,)

Plaintiff and Real)
Party In Interest,)

vs.)

_____, and)
DOES 1 through 50, Inclusive)

Defendants.)

CASE NO.

MEMORANDUM OF POINTS
AND AUTHORITIES
IN SUPPORT OF
PLAINTIFF'S MOTION
TO CONTINUE TRIAL
DATE

Plaintiffs, People of the State of California and the City of
Los Angeles, submits the following points and authorities in
support of their motion to continue the trial date in this matter.

I

UNAVAILABILITY OF A MATERIAL WITNESS

IS GROUNDS FOR A CONTINUANCE OF TRIAL

California Code of Civil Procedure Section 595.4 provides in
part that:

"A motion to postpone a trial on the ground

1 of the absence of evidence can only be made
2 upon affidavit showing the materiality of the
3 evidence expected to be obtained, and that
4 due diligence has been made to procure it."
5

6 As the declaration of _____ illustrates,
7 his testimony is material to the People's case. A request that
8 defendant stipulate to his testimony was rejected by defense
9 counsel on _____. The People have been diligent in
10 attempting to procure _____'s, testimony. However,
11 circumstances make it impossible for _____ to testify on the
12 scheduled trial date.

13 In light of the foregoing, and any other evidence that may be
14 presented at the time of the hearing, the People request that this
15 Motion to Continue the Trial Date be granted.
16

17
18 Dated: _____, 19__.

Respectfully submitted,
JAMES K. HAHN, City Attorney

19
20 By _____
21 Deputy City Attorney

22 Attorney for Plaintiff and
23 Real Party In Interest
24
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1 JAMES K. HAHN, City Attorney
2 _____, Deputy City Attorney
3 1645 Corinth Avenue, Room 207
4 Los Angeles, California 90025
5 Telephone: (213) 312-5910

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8 Attorneys for Plaintiff and
9 Real Party In Interest
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20 SUPERIOR COURT OF THE STATE OF CALIFORNIA
21 COUNTY OF LOS ANGELES, _____ DISTRICT

22 THE PEOPLE OF THE STATE OF CALIFORNIA,)

23 Plaintiff,)

24 THE CITY OF LOS ANGELES,)
25 a municipal corporation,)

26 Plaintiff and Real)
27 Party In Interest,)

28 vs.)

29 _____, and)
30 DOES 1 through 50, Inclusive,)

31 Defendants.)
32 _____)

CASE NO.

MANDATORY
SETTLEMENT
CONFERENCE
STATEMENT

Date:
Time:
Dept.:

I

Counsel of record for Plaintiffs:

Counsel of record for Defendant:

II

STATEMENT OF THE CASE

1 This case is brought by the People of the State of
2 California, for the purpose of abating a nuisance consisting of
3 habitual and ongoing sales of narcotics at _____.

4 The existence of this nuisance between the dates of _____
5 to _____ will be established by the following facts:
6

7 (Detail all arrests and other activity at the location).
8
9
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13 This case is also brought by the City of Los Angeles to abate
14 the following violations of the Los Angeles Municipal Code:
15
16 _____
17 _____

18 Prior to filing this case, an informal attempt to resolve the
19 matter was made by a meeting held between _____ and
20 _____. At that time, _____ agreed that _____ would
21 take steps to eliminate the nuisance. Following that meeting,
22 additional arrests consisting of _____ were made at the
23 location, and on _____ this case was filed.

24 On _____, the location was inspected by a Los Angeles City
25 Building Inspector and a Los Angeles County Health Department
26 Sanitarian. The following violations were observed _____
27 _____.
28

1 Notices to comply were issued on _____, and Defendants were
2 given _____ days to abate the violations.

3 On _____, the court issued a temporary restraining order
4 prohibiting defendant from committing the following acts:
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15 and on _____, a preliminary injunction issued.
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17 II

18 APPLICABLE LAW
19

20 Health and Safety Code Section 11570 provides that every
21 place upon which the selling, storing or giving away of controlled
22 substances occurs is a nuisance.

23 Health and Safety Code Section 11571 authorizes the City
24 Attorney to bring a civil action to abate the nuisance.

25 Upon the establishment of the existence of such nuisance, the
26 court can order that moveable property used in conducting the
27
28

1 nuisance be sold, the building or place be closed for up to one
2 year, and civil penalties of up to \$25,000 be imposed.

3 (Health & Saf. Code § 11581.) In lieu of closure, the court may
4 order the defendant to pay an amount equal to the rental value of
5 the building for one year, to be used for the purpose of drug
6 prevention and educational programs. Id.

7 If the proceeds of the movable property do not fully
8 discharge all costs, fees and allowances, the building may be sold
9 to pay those obligations. (Health & Saf. Code § 11585.)

10 Los Angeles Municipal Code Section 11.00 (m) allows the City
11 to bring an action to abate any violations of the Los Angeles
12 Municipal Code.

13
14 III

15 SETTLEMENT OFFERS

16
17 Plaintiffs' costs in bringing and prosecuting this action are
18 as follows: _____
19 _____.

20 Prior to the inception of this action, Plaintiffs engaged in
21 a good faith effort to resolve the problem. Since the filing of
22 this action, Plaintiffs have made the following settlement offers:

23 Plaintiffs remain willing and ready to consummate a
24 settlement according to the foregoing terms.
25
26
27
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1 Dated: _____, 19__.

2 Respectfully submitted,
3 JAMES K. HAHN, City Attorney

4 By _____
5 Deputy City Attorney

6 Attorney for Plaintiff and
7 Real party In Interest

1 JAMES K. HAHN, City Attorney
2 _____, Deputy City Attorney
3 1645 Corinth Avenue, Room 207
4 Los Angeles, California 90025
5 Telephone: (213) 312-5910

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10 Attorneys for Plaintiff and
11 Real Party In Interest
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20 SUPERIOR COURT OF THE STATE OF CALIFORNIA
21 COUNTY OF LOS ANGELES, _____ DISTRICT

22 THE PEOPLE OF THE STATE OF CALIFORNIA,)	
23)	CASE NO.
24 Plaintiff,)	
25)	PLAINTIFFS'
26 THE CITY OF LOS ANGELES,)	TRIAL BRIEF
27 a municipal corporation,)	
28)	Date:
29 Plaintiff and Real)	Time:
30 Party In Interest,)	Dept:
31)	
32 vs.)	
33)	
34 _____, and)	
35 DOES 1 through 50, Inclusive,)	
36)	
37 Defendants.)	
38 _____)	

39 Plaintiffs, the People of the State of California and the
40 City of Los Angeles, submit the following trial brief:
41
42

43 1. Parties

44 Plaintiff, the People of
45 the State of California

46 Counsel of Record

47 JAMES K. HAHN, City Attorney

48 By _____
49 Deputy City Attorney
50

1 Defendant _____
2 _____
3

4 2. Statement of Facts:

5 (summarize evidence)

6 3. Procedural History:

7 (summarize events from filing)

8 4. Contentions of Plaintiff:

9 The property in question is subject to abatement pursuant
10 to Health and Safety Code Section 11570, because it was used for
11 the purpose of unlawfully selling, serving, storing and giving
12 away controlled substances and it was a place upon which those
13 acts took place. The violations of Los Angeles Municipal Code
14 Sections are abateable as public nuisances under Section
15 11.00(m) of the Los Angeles Municipal Code.

16 5. Applicable Law:

17 A. Order of Abatement

18 If the existence of a nuisance is shown, an order of
19 abatement must be entered. (Health & Saf. Code § 11579.)
20 The order of abatement shall direct the sale of all
21 moveable property and provide for the effectual closing of
22 the building for one year, unless the court finds that such
23 closure would be harmful. (Health & Saf. Code §§ 11581(a);
24 11581(b); 11581(c)(1).)

25 Even though the complained of activity occurs in only a
26 section of the building, the entire building may be closed.
27 (People v Smith (1920) 48 Cal.App. 253, 256-257.)

28 B. Burden of Proof: "Except as provided by law, the burden of

1 proof requires proof by a preponderance of evidence."

2 (Evid. Code § 115.) Health and Safety Code Sections
3 11570-11587 which deal with abatement of narcotics
4 locations do not specify the standard of proof to be
5 applied.

6 While abatement actions that involve the issue of obscenity
7 must be proved by clear and convincing evidence, (People
8 ex. rel. Cooper v. Mitchell Bros. (1982) 128 Cal.App.3d
9 937, 940) there is no such requirement for nuisance actions
10 involving controlled substances.

11 C. Trial: There is no right to a jury trial in a nuisance
12 action, since the crux of the action is equitable.

13 (Welford v. Thomas (1987) 190 Cal.App.3d 347, 353.)

14 The trial must therefore proceed in accordance with Civil
15 Code Sections 631-636.

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19 Dated: _____, 19__.

Respectfully submitted,

JAMES K. HAHN, City Attorney

21 By _____

22 Deputy City Attorney

23 Attorney for Plaintiff and
24 Real Party In Interest

1 JAMES K. HAHN, City Attorney
2 _____, Deputy City Attorney
3 1645 Corinth Avenue, Room 207
4 Los Angeles, California 90025
5 Telephone: (213) 312-5910

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11 Attorneys for Plaintiff and
12 Real Party In Interest

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SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF LOS ANGELES, _____ DISTRICT

THE PEOPLE OF THE STATE OF CALIFORNIA,)

Plaintiff,)

THE CITY OF LOS ANGELES,)
a municipal corporation,)

Plaintiff and Real)
Party In Interest,)

vs.)

_____, and)
DOES 1 through 50, Inclusive,)

Defendants.)

CASE NO.

OFFER TO
COMPROMISE
(CCP § 998)

To _____, Defendant and to his attorney of record,

_____.
Plaintiffs, the People of the State of California and the
City of Los Angeles offer to have a judgment entered in their
favor in the sum of _____ in civil penalties and costs
and a permanent injunction entered in their favor as follows:

(Set out terms of injunction).

1 Pursuant to Code of Civil Procedure Section 998(2) this offer
2 will expire within 30 days. This offer includes Plaintiffs'
3 costs, as follows:
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15 Dated: _____, 19__.

JAMES K. HAHN, City Attorney

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17 By _____

18 Deputy City Attorney

19 Attorney for Plaintiff and
20 Real Party In Interest
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9 Real Party In Interest

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SUPERIOR COURT OF THE STATE OF CALIFORNIA

COUNTY OF LOS ANGELES, _____ DISTRICT

THE PEOPLE OF THE STATE OF CALIFORNIA,)

PLAINTIFF,)

THE CITY OF LOS ANGELES,
a municipal corporation,

Plaintiff and Real
Party In Interest,)

vs.)

_____, and
DOES 1 through 50, Inclusive,

Defendants.)

CASE NO.

MOTION FOR
ENTRY OF
STIPULATED
JUDGMENT

Date:
Time:
Dept:

Discovery cut-off:
Motion cut-off:
Trial date:

To Defendant, _____ and his attorney of
record.

PLEASE TAKE NOTICE that on _____ at _____ in Department
_____ of the Superior court located at _____
Plaintiff and Real Party in Interest, will move the court to enter
the stipulated judgment between Defendant, _____ and
Plaintiff and Real Party in Interest.

This motion is based upon the attached stipulation of
judgment executed by the above parties on _____.

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Dated: _____, 19__.

Respectfully submitted,

JAMES K. HAHN, City Attorney

By _____
Deputy City Attorney

Attorney for Plaintiff and
Real Party In Interest

1 JAMES K. HAHN, City Attorney
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11 Attorneys for Plaintiff and
12 Real Party In Interest

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SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF LOS ANGELES, _____ DISTRICT

THE PEOPLE OF THE STATE OF CALIFORNIA,)

Plaintiff,)

THE CITY OF LOS ANGELES,)
a municipal corporation,)

Plaintiff and Real)
Party in Interest,)

vs.)

_____, and)
DOES 1 through 50, Inclusive,)
Defendants.)

CASE NO.

STIPULATION FOR
JUDGMENT OF
ABATEMENT

It is hereby stipulated between the parties that judgment be entered in favor of Plaintiff as follows:

- A. Plaintiff is to recover _____ in costs.
B. Plaintiff is awarded _____ in civil penalties.
C. Defendant is permanently enjoined from:

(Insert preliminary injunction language)

1 Dated: _____, 19____.

2 _____
Defendant

3
4 Dated: _____, 19____.

5 _____
Attorney for Plaintiff

6
7 Respectfully submitted,

8 JAMES K. HAHN, City Attorney

9 By _____

10 _____
Deputy City Attorney

11 Attorney for Plaintiff and
12 Real Party In Interest

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8 Attorneys for Plaintiff and
9 Real Party In Interest

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SUPERIOR COURT OF THE STATE OF CALIFORNIA

THE COUNTY OF LOS ANGELES

THE PEOPLE OF THE STATE OF CALIFORNIA,)	
)	CASE NO.
PLAINTIFF,)	
)	JUDGMENT BY
THE CITY OF LOS ANGELES,)	STIPULATION
a municipal corporation,)	PER CCP SECTION 664.6
)	
Plaintiff and Real)	
Party In Interest,)	Date:
)	Time:
vs.)	Dept:
)	
)	
_____, and)	
DOES 1 through 50, Inclusive,)	
)	
Defendants.)	
)	

Plaintiff, THE PEOPLE OF THE STATE OF CALIFORNIA, and THE
CITY OF LOS ANGELES, a municipal corporation and a chartered city,
having filed its complaint, and the Defendants _____
_____ having stipulated and agreed to the entry of this
Final Judgment without trial or adjudication of any issue of fact
or law herein, and without this Final Judgment constituting
evidence or admission by defendants regarding any issue or fact
alleged in this complaint: NOW, THEREFORE, before the taking of

1 any testimony and without trial or adjudication of any issue of
2 fact or law and upon consent of the parties,

3 IT IS HEREBY ORDERED, ADJUDGED AND DECREED, as follows:

4 1. This Court has jurisdiction over the subject matter and
5 each of the parties in this action.

6 2. Defendants _____,
7 their assigns, successors in interest, and any of their agents,
8 employees, representatives and all persons, corporations or other
9 entities acting by, through, under or on behalf of defendants and
10 all persons acting in concert with or participating with
11 defendants with actual or constructive knowledge of this
12 injunction, shall be permanently enjoined from engaging in the
13 following acts:
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1 3. A copy of this Final Judgment shall be filed in the
2 Office of the County Recorder pursuant to the legal description as
3 alleged in the civil complaint on file in this action.

4 4. Defendants _____ shall
5 pay _____ in costs to the City Attorney's Office
6 of Los Angeles for attorneys fees and investigation costs in this
7 action. This sum shall be paid by delivering a certified check or
8 money order made payable to the City Attorney of Los Angeles,
9

10 _____ 1991.

11 5. In the event of default by any defendant as to any
12 amount due hereunder, the whole amount due shall be deemed
13 immediately due and payable as costs and penalties to the City of
14 Los Angeles, and Plaintiffs shall be entitled to pursue any and
15 all remedies as provided by law for the enforcement of this Final
16 Judgment. Further, any amount in default shall bear interest at
17 the prevailing legal rate from the date of the default until paid.

18 6. Jurisdiction is retained for the purpose of enabling the
19 parties to this Final Judgment to apply to this Court at any time
20 for such order or directions as may be necessary or appropriate
21 for the construction or operation of the Final Judgment, or for
22 modification, enforcement or compliance therewith.

23 Dated: _____
24

25 JUDGE OF THE SUPERIOR COURT
26
27
28

1 STEPHEN P. PEPE
2 FRAMROZE M. VIRJEE
3 RICHARD A. KLUBECK
4 O'MELVENY & MYERS
400 South Hope Street
Los Angeles, California 90071-2899
(213) 669-6000

5 Attorneys for Plaintiffs-Appellees

FILED

OCT 18 1990

FRANK S. ZOLIN, COUNTY CLERK

W. Dugoulombier
BY W. DUGOULOMBIER, DEPUTY

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

11
12 Plaintiff-Appellee,
13 vs.
14 and
15 Defendants-Appellants,
16

17 and RELATED SMALL CLAIMS
18 APPEALS.
19

CASE NO.

PLAINTIFFS-APPELLEES'
TRIAL BRIEF

Department: 1A
Trial Date: Oct. 17, 1990
Trial Time: 1:30 p.m.

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3 PRELIMINARY STATEMENT

4 This action arises out of an appeal by Defendants-
5 Appellants [redacted] and [redacted] (the "[redacted]") from a
6 judgment in Los Angeles County Small Claims Court on March 14, 1990,
7 granting monetary damages and costs to ten individual Plaintiffs-
8 Appellees, who are members of Street Peace, a Neighborhood Watch
9 Group made up of residents of [redacted] in Hollywood,
10 California ("Plaintiffs-Appellees"). The [redacted] own an apartment
11 building at [redacted] ("[redacted]"). In the ten
12 individual small claims court actions below, Plaintiffs-Appellees
13 contended that: (i) the excessive noise from [redacted], the
14 inadequate garbage disposal facilities, the dilapidated conditions of
15 the [redacted] building and the behavior of certain
16 tenants and others allowed to congregate there, all created a
17 nuisance that the [redacted] knew of yet failed to abate; and (ii) the
18 Crumptions breached their duty to the Plaintiffs-Appellees to exercise
19 ordinary care to keep [redacted] in a rea-sonably safe condition.
20 The small claims court agreed and entered judgment on behalf of each
21 Plaintiff-Appellee in the amount of \$2,000, plus costs. The
22 Defendants-Appellants now appeal that judgment.

23 STATEMENT OF THE FACTS

24 The [redacted] own a four-story, brick apartment building
25 located at [redacted] Boulevard in a residential section of
26 Hollywood populated by smaller apartment buildings and single family
27 dwellings. The neighborhood is home to senior citizens, single
28 adults and families. Each Plaintiff-Appellee's residence is within a
block of [redacted]. For more than two years, Plaintiffs-Appellees
have been exposed to gang-related vandalism, theft and harassment,

1 excessive noise, an earthquake hazard and uncontrolled garbage
2 disposal, all as a result of the conditions and tenant conduct
3 emanating from . Specifically, since at least early 1988,
4 the . have allowed . to become a gang house for the
5 Friends gang, a violent Los Angeles gang. Each day, five to twenty
6 young males congregate at . These young males, who have
7 identified . as their gang house by their graffiti, dress
8 in typical fashion for gang members and often sport tattoos spelling
9 "FRS" or "Friends." The 1500 and 1600 blocks of . Boulevard is
10 their turf or "hood" and . is where they congregate or
11 "kick-back."

12 At night, the gang members gather on the front stairs,
13 sidewalk or street in front of . They congregate outside
14 the property, brawling, yelling (often obscenities), blasting their
15 stereos, drinking beer, breaking beer bottles and urinating in public
16 view. When Plaintiffs-Appellees walk or even drive by . ,
17 gang members harass them, shout obscenities, obstruct their passage
18 and hurl objects at them. The gang members also race their cars up
19 to and away from . , radios blaring and tires screeching.
20 When they stop, they often double park and block the street, and
21 sometimes block access to Plaintiffs-Appellees' driveways.

22 Plaintiffs-Appellees have also witnessed larger, more
23 violent brawls in front of . , involving upwards of 20 to 30
24 gang members. The gang members wield broken bottles, knives, guns
25 and clubs when they fight. To restore order, the police come with
26 patrol cars and helicopters, often barricading the street and chasing
27 the gang members throughout the neighborhood. Drive-by shootings
28 involving the gang members have occurred at . and on the

1 1500 block of Boulevard. The gang members are dangerous.
2 Several are currently serving jail sentences for felonies, including
3 attempted murder and assault with a deadly weapon. Plaintiffs-
4 Appellees live in fear in their own homes and around their
5 neighborhood.

6 Plaintiffs-Appellees are also plagued by rising vandalism
7 and theft in their neighborhood. Friends gang members spray graffiti
8 on the building at and break into cars to steal stereos.
9 They bring stolen cars into the neighborhood and strip them of
10 valuable parts. As a result, Plaintiffs-Appellees, when they can,
11 are forced to stack-park their cars in their driveways to try to
12 protect them. Others are simply required to endure the theft and
13 damage.

14 In response to this deviant and criminal activity, the
15 police are often contacted. They have responded with frequent raids
16 on , often with five or six patrol cars and police
17 helicopters. When the police arrive the gang members flee inside the
18 building at, and disperse throughout the neighborhood.
19 They run through and hide in Plaintiffs-Appellees' yards and actually
20 climb atop their houses. Plaintiffs-Appellees are not only awakened
21 and frightened by these events, but also have incurred substantial
22 costs to repair the damages resulting therefrom.

23 The tenants of also create a tremendous amount
24 of noise. From mid-afternoon until the early hours of the morning,
25 1644 Winona residents blast their stereos and televisions and, at
26 night, regularly host raucous parties. They can be heard from
27 several houses away. One tenant of used a powerful
28 stereo system to mix music at full volume throughout the day and then

1 hosted equally loud parties at night. In response, the police
2 frequently circle by helicopter at night, creating a
3 deafening noise and shining bright search lights inside homes. As a
4 result, Plaintiffs-Appellees find it difficult to hear their own
5 televisions and stereos or to sleep.

6 The have also failed to make the legally required
7 repairs to reinforce against earthquakes. The building
8 is visibly cracking and violates an Earthquake Hazard Reduction
9 Compliance Order issued by the City of Los Angeles (the "City"). The
10 have had more than two years to complete the required work,
11 which could easily have been completed in much less time. Instead,
12 they devoted their energies to obtaining extensions of the completion
13 date. In fact, the have now violated the extension they
14 received. The building represents a real and potentially devastating
15 threat to the neighbors. Several of the Plaintiffs-Appellees, some
16 of whom live just 6-1/2 feet from , have, as a result,
17 been forced to live with the constant fear that even a relatively
18 minor earthquake may bring down upon their homes.¹

19 The have also failed to provide adequate garbage
20 disposal facilities to their tenants. As a result,
21 Plaintiffs-Appellees are required to endure the sight and smell of
22 open bags of overflowing garbage, broken bottles, rotten food, used
23 paper towels, used prophylactics, used sanitary napkins and broken
24 furniture, all piling up on the sidewalk and spilling into their
25

26 ¹ Because and several other buildings owned by Mr.
27 are out of compliance with City building safety
28 requirements, the City's Earthquake Safety Division files for those
buildings have been forwarded to the City Attorney's Office for
criminal prosecution.

1 yards. In addition, tenants of . . . intentionally dump
2 garbage and dirty fluids out of their windows and onto neighboring
3 trees, roofs and lawns below. They throw bags of garbage over their
4 fence and onto neighboring properties. The garbage attracts roaches
5 and flies to a number of the Plaintiffs-Appellees' residences.

6 When several local residents tired of battling these
7 problems with . . . , they organized a neighborhood group called
8 "Street Peace." Street Peace contacted the Los Angeles Police
9 Department (the "LAPD") and was told a Neighborhood Watch Group was
10 the most effective means to combat particularly the gang problems.
11 In response, Street Peace members commenced patrols of the
12 neighborhood and assigned individuals to watch duty. Records were
13 kept of criminal activity and reports were regularly made to Street
14 Peace block captains, Mr. . . . and the LAPD. Street Peace also
15 initiated a paint-out graffiti and neighborhood clean-up project.

16 Street Peace invited Mr. . . . to attend their meetings.
17 On April 27, 1989, Mr. . . . came late and missed the meeting but
18 was confronted by the local news media and responded to claims that
19 . . . was the scene of so many problems for his neighbors. Mr.
20 . . . subsequently attended two Street Peace meetings in May of
21 1989. There, he was confronted by the Street Peace members, each of
22 whom explained, in detail, the problems that his building, his
23 tenants and the gang members created for the neighborhood residents.
24 Mr. . . . expressed a complete lack of control over his tenants
25 and a refusal to adopt any preventative measures such as house rules
26 or the eviction of nuisance tenants. The meetings resulted in no
27 concrete improvement in the conditions at . . .
28

1 On October 24, 1989, after months without improvement,
2 eight Street Peace members, each of whom are Plaintiffs-Appellees in
3 this action, sent letters of demand to the . The demand
4 letters again detailed the problems created by . for the
5 neighborhood and warned the that if they failed to abate
6 the nuisance activities immediately, they would be sued. The
7 did not respond to a single letter nor did they take any
8 appreciable action to address the nuisance.

9 On December 5, 1990, ten Street Peace members, as
10 individual plaintiffs, initiated an action in small claims court,
11 seeking recovery from the for the damages they suffered due
12 to the unabated nuisance activity at . On February 27,
13 1990, the small claims court heard the action and on March 14, 1990,
14 it entered judgment in favor of all ten Street Peace members,
15 awarding each plaintiff \$2,000 in damages (the jurisdictional
16 maximum), plus costs.

17 On March 27, 1990, Defendants-Appellants appealed from the
18 judgment of the small claims court. The ten separate cases were
19 consolidated for appeal herein on October 1, 1990.

20 ARGUMENT

21 I. THE SMALL CLAIMS COURT HAD JURISDICTION TO HEAR THE 22 PLAINTIFFS-APPELLEES' CLAIMS.

23 The small claims court had jurisdiction over the action
24 brought below. The jurisdictional dollar limitation for small claims
25 actions applies to each plaintiff's individual claim and thus, in a
26 consolidated action, the fact that the aggregate amount of the claims
27 is greater than the jurisdictional amount does not create a
28 jurisdictional defect. City and County of San Francisco v. Small

1 Claims Court, 141 Cal. App. 3d 470, 481, 190 Cal. Rptr. 340, 347
2 (1983). See, also, Johnson v. Thompson, S.F.S.C. Case-No. 19855 (San
3 Francisco Superior Court Mar. 14, 1990) (consolidated small claims
4 court appeal where landlord allowed apartment building to be used as
5 "crack house" and fifteen plaintiffs were each awarded \$2,000 in
6 damages, plus costs for mental distress and loss of the quiet
7 enjoyment of their properties); Gjeltema v. Davis, A.S.C. Case No.
8 71825 (Alameda Municipal Court Aug. 29, 1989) (consolidated small
9 claims court decision and judgment), aff'd sub. nom., Nelson v.
10 Davis, A.S.C. 656146-2 (Alameda Superior Court Dec. 4, 1989) (in a
11 small claims appeal, court awarded eighteen plaintiffs each \$10 in
12 costs, \$350 in attorneys fees and \$1,000 in damages for the mental
13 distress and property damages caused by landlord who permitted drug
14 dealing and prostitution in apartment building).²

15 II. THE SHOULD BE HELD LIABLE FOR FAILING TO ABATE THE
16 NUISANCE AT

17 A nuisance is specifically defined by California statute as
18 "[a]nything which is injurious to health, or is indecent or offensive
19 to the senses, or an obstruction to the free use of property, so as
20 to interfere with the comfortable enjoyment of life or property, or
21 unlawfully obstructs the free passage or use, in the customary
22 manner, of any . . . public . . . street, square or highway." Such a

23
24 ² Although Plaintiffs-Appellees recognize that citation to
25 unpublished decisions is disfavored, they reference Johnson,
26 Gjeltema and Nelson because they are the most relevant examples of
27 the law governing the present action. Through their request for
28 judicial notice, filed herewith, Plaintiffs-Appellees respectfully
request that the Court take judicial notice of these three opinions
and recognize their persuasive value in the present action. See
Cal. Evid. Code § 451(a). For the Court's convenience, copies of
these opinions are attached to Plaintiffs-Appellees' request for
judicial notice.

1 nuisance may include, for example, noise which unreasonably
2 interferes with the comfortable enjoyment of life on neighboring
3 property, People v. Mason, 124 Cal. App. 3d 348, 353-54, 177 Cal.
4 Rptr. 284 (1981), or the creation of smells or noxious odors which
5 are a source of discomfort or which diminish the value of neighboring
6 property, Varjabedian v. City of Madera, 20 Cal. 3d 285, 293-94, 142
7 Cal. Rptr. 429 (1977). Moreover, pursuant to California Civil
8 Procedure Code § 731, an action for nuisance may be brought "by any
9 person whose property is injuriously affected or whose personal
10 enjoyment is lessened by a nuisance . . . and by judgment in such an
11 action the nuisance may be enjoined or abated as well as damages
12 recovered."

13 The test to determine liability for nuisance with regard to
14 personal discomfort is the effect of the annoyance on normal persons
15 of ordinary sensibilities. Carter v. Johnson, 209 Cal. App. 2d 589,
16 26 Cal. Rptr. 279 (1962). Duration or recurrence of interference
17 with quiet enjoyment of the property is one element in determining if
18 the interference constitutes a nuisance. Ambrosini v. Alisal
19 Sanitary Dist., 154 Cal. App. 2d 720, 317 P.2d 33 (1957). Moreover,
20 although frequently negligence and nuisance coexist, an actionable
21 nuisance may exist in the absence of any negligence or intent.
22 Shields v. Wondnes, 154 Cal. App. 2d 249, 316 P.2d 9 (1957). It is
23 the injury to the property itself which gives rise to liability based
24 upon nuisance, irrespective of care or lack of care. Snow v. Marian
25 Realty Co., 212 Cal. 622, 675-76, 299 P. 720 (1931).

26 Under certain circumstances, a nuisance created and
27 perpetuated by a tenant may create liability for the landlord. If a
28 plaintiff claiming nuisance can "show that the owner [of the

1 property] . . . authorized or permitted such a nuisance, or such a
2 nuisance resulted from the ordinary use of the premises by the
3 tenant, or from the purposes for which they were let, the owner [is]
4 liable." Laurenzi v. Vranizan, 25 Cal. 2d 806, 809-10, 155 P.2d 633
5 (1945). See also, Rider v. Clark, 132 Cal. 382, 387, 64 P. 524
6 (1901) (landlord liable for nuisance if he authorizes or permits the
7 acts which caused the nuisance). Similarly, if, at the time the
8 lease is made or renewed, the use of the premises by the tenant
9 creates a nuisance and the landlord knows of this, then the landlord
10 is liable to third persons injured as a result of the nuisance. See,
11 e.g., Burroughs v. Ben's Auto Park, Inc., 27 Cal. 2d 449, 455, 164 P.
12 2d 897, 900 (1945); Dennis v. City of Orange, 110 Cal. App. 16, 25,
13 293 P. 865, 872 (1930).

14 In the instant case, it is quite clear that the conditions
15 at : . . . constitute a nuisance to Plaintiffs-Appellees. Each
16 Plaintiff-Appellee's property was injuriously affected by, and each
17 Plaintiff-Appellee suffered diminished personal enjoyment of their
18 property as a result of, the nuisance emanating from : . . .
19 Plaintiff-Appellees were subjected to the overflow of rotting garbage
20 and a cacophony of noise from : . . . They were subject to
21 harassment, auto theft, auto racing, lewd conduct, graffiti, armed
22 confrontations and trespassing by gang members from : . . .
23 They were forced to endure an intense and pervasive police presence
24 necessitated by the gang members. They were also subjected to ever-
25 present fear that : . . . would crumble and fall upon them
26 because of its delapidated state which failed to comply with minimum
27 statutory building safety requirements. These conditions would
28 clearly effect and annoy any person of ordinary sensibilities and

1 interfere with a normal person's comfortable enjoyment of their
2 property.

3 It is equally clear under the standard enunciated above
4 that the [redacted] are liable for the nuisance arising from
5 [redacted] in that the nuisance resulted from the ordinary use of [redacted]
6 [redacted] by its tenants and, further, the [redacted] obviously had
7 knowledge of and permitted the nuisance conditions. It cannot be
8 contested that many of the elements of the nuisance, for example, the
9 excessive garbage and its accompanying smell or the excessive noise,
10 resulted directly from the ordinary use, albeit "over use", of
11 [redacted] for residential housing. Moreover, because the [redacted]
12 regularly visited [redacted], met with LAPD officers and Street
13 Peace members on at least three occasions, and received Street Peace
14 members' demand letters, it is also undisputed that they had actual
15 knowledge of the nuisance conditions at [redacted], yet allowed the
16 maintenance of these conditions.

17 Nor can it be disputed that the [redacted] had several
18 opportunities to eliminate the nuisance conditions at [redacted].
19 The [redacted] could easily have instituted house rules to prohibit
20 their tenants from dumping garbage out of windows or otherwise onto
21 neighboring properties, playing loud music or hosting parties late at
22 night, providing access to non-tenants, shouting profanities or
23 loitering in front of [redacted]. See B. Friedman, D. Garcia and M.
24 Hagarty, California Practice Guide: Landlord-Tenant 2B-32.7 (1990)
25 (where house rules -- regarding such matters as noise level, guest
26 privileges and parking -- ~~are~~ incorporated into the lease, landlord
27 may terminate the tenancy for violation of the rules). Instead,
28

1 the chose to ignore the problems and to allow Friends gang
2 members to use to "kick back."
3 The also could have provided adequate garbage
4 disposal facilities and kept in a safe, sanitary and
5 graffiti-free condition. See L.A. Building Code § 8101. Instead,
6 they permitted their tenants to dump garbage on the Plaintiffs-
7 Appellees' property and allowed the garbage to pile up and create a
8 stench at and in the neighborhood. Moreover,
9 the could have made earthquake safe. See L.A.
10 Building Code § 8805. Instead, because the have not
11 initiated structural repairs, several Plaintiffs-Appellees remain
12 fearful that during the next earthquake, will fall upon
13 their properties. The also could have increased security
14 at by providing adequate fencing and night-lighting. See
15 L.A. Building Code § 8101. Instead, they failed to take any of these
16 measures. Finally, the could have evicted the tenants at
17 who caused the nuisance. See L.A. Mun. Code § 151.09
18 (permitting eviction where tenant is permitting a nuisance to exist
19 upon leased premises). Instead, the failed to evict any of
20 the nuisance tenants, thus subjecting Plaintiffs-Appellees to the
21 excessive noise and garbage, an unsightly and unsafe building, as
22 well as vandalism of property and violent crime. Accordingly, the
23 evidence at trial will establish that the Plaintiffs-Appellees are
24 entitled to damages for the harms they have suffered as a result of
25 the nuisance caused by the ' mismanagement of .
26
27
28

III. THE _____ SHOULD BE HELD LIABLE FOR BREACHING THEIR DUTY TO MAINTAIN _____ IN A REASONABLY SAFE CONDITION.

In Rowland v. Christian, 69 Cal. 2d 108, 117, 70 Cal. Rptr. 97, 104 (1968), the California Supreme Court repudiated the traditional trespasser-licensee-invitee classifications for duties of an owner of land, and substituted in their place the basic rule of foreseeability of injury to others. In so doing, the Rowland Court relied upon California Civil Code § 1714 which provides: "Everyone is responsible, not only for the result of his willful acts, but also for an injury occasioned to another by his want of ordinary skill in the management of his property or person" See also Evans v. Thomason, 72 Cal. App. 3d 978, 989, 140 Cal. Rptr. 525, 528 (1977). ("In light of the landlords' admitted notice [of a dangerous condition and failure to repair it,] the landlords did not exercise ordinary care in the management of their property and, therefore violated their statutory duty under Civil Code § 1714.") (emphasis added).

It has long been held that a tenant may state a cause of action in tort against his landlord for damages resulting from unsafe conditions on leased property. See, e.g., Green v. Superior Court, 10 Cal. 3d 616, 111 Cal. Rptr. 704 (1974). Moreover, where a landlord has actual knowledge of the unlawful acts of his tenants and the dangerous conditions of his property; and where the landlord also has the opportunity and the ability to eliminate the dangerous conditions created by his tenants, then liability will be imposed upon the landlord for injury to third parties if he fails to act. See, e.g., Rosales v. Stewart, 113 Cal. App. 3d 130, 134, 169 Cal. Rptr. 660, 662 (1980) (plaintiff's minor child was killed when a

1 tenant fired a shot from the defendant landlord's adjoining property,
2 and a duty was imposed on the landlord to "third persons either on or
3 off the property, ... within the zone of danger") (emphasis added);
4 Uccello v. Laudenslayer, 44 Cal. App. 3d 504, 512, 118 Cal. Rptr.
5 741, 746 (1975) (injured plaintiff stated a cognizable theory of
6 liability against landlord who failed to order tenant to cease
7 harboring a vicious dog or face eviction). See also 6 B. Witkin,
8 Summary of California Law § 898 (9th ed. 1988) (landowners liable for
9 creating or maintaining artificial conditions or for permitting
10 dangerous disrepair).

11 In the instant case, the Plaintiffs-Appellees clearly live
12 within a "zone of danger" created by the Friends gang members who
13 reside at . . . Friends gang members often gather at

14 In addition, they regularly congregate and fight with
15 other gangs on the street adjacent to . . . Due to the
16 Friends gang presence, the area around has become a "zone
17 of danger" -- a target of gang retaliation and drive-by shootings.
18 Plaintiffs-Appellees are afraid to leave their homes and it is only a
19 matter of time before one of them will be caught in the "cross-fire."
20 See Uccello, 44 Cal. App. at 512, 118 Cal. Rptr. at 746. .

21 The have been informed both by Plaintiffs-
22 Appellees and the L.A.P.D. of the Friends gang activity at
23 , the numerous gang fights on the street adjacent to
24 , the Friends gang graffiti on the walls of
25 the use of as the Friends gang "kick back," and the use
26 of the balcony as an armed post for a gang rifleman.
27 The have actual knowledge that Friends gang members reside,
28 congregate and engage in criminal activity at . . . However,

1 they have failed to take any action to eliminate the dangerous
2 conditions at or to evict the tenants engaged in violent
3 crime and intimidation.

4 The Plaintiff-Appellants also live within the "zone of
5 danger" created by the hazardous conditions at . The
6 above described facts conclusively establish not only that the
7 condition of the property has had a direct effect upon
8 the property and the residents surrounding it, but also that the
9 have actual knowledge of the hazardous conditions.

10 Accordingly, the should be held liable for the emotional
11 and mental distress suffered by Plaintiffs-Appellees due to their
12 failure to eliminate the dangerous conditions at See,
13 e.g., Stoiber v. Honeychuck, 101 Cal. App. 3d 903, 922, 162 Cal.
14 Rptr. 194, 202 (1980); Aweeka v. Bonds, 20 Cal. App. 3d 278, 281, 97
15 Cal. Rptr. 650, 651 (1971).

16 IV. THE PLAINTIFFS-APPELLEES HAVE A RIGHT TO RECOVER DAMAGES, COSTS
17 AND ATTORNEY'S FEES FOR THE HARMS THEY HAVE SUFFERED.

18 In this case, Plaintiffs-Appellees seek damages to
19 compensate them for property damage to their individual residences,
20 loss of the free and quiet enjoyment of their homes and yards, and
21 the mental and emotional distress they have suffered due to the
22 ongoing nuisance and dangerous activity at . Because they
23 have long suffered the deplorable conditions of , each
24 Plaintiff-Appellee is entitled to a full damage recovery at the small
25 claims court limit of \$2,000. See Cal. Civ. Proc. Code § 116.2.
26 Similarly, pursuant to California Civil Procedure Code § 117.12, each
27 plaintiff is entitled to recover interest, costs and attorney's fees
28 of \$15 if his small claims court judgment is affirmed in whole or in

1 part. Section 117.12 also provides that if the Court finds "that the
2 appeal was without substantial merit and not based on good faith, but
3 intended to harass, delay, or encourage plaintiff to abandon his or
4 her claim, the judge may award attorney's fees of up to but not
5 exceeding two hundred fifty dollars (\$250), following a hearing on
6 the matter."

7
8 CONCLUSION

9 Because they have long suffered from the nuisance and
10 dangerous conditions emanating from ... and caused by
11 the ... mismanagement, Plaintiffs-Appellees respectfully
12 submit that the evidence at trial will entitle them to costs,
13 attorney's fees and damages exceeding the jurisdictional limit.

14 DATED: October 18, 1990.

15
16 O'MELVENY & MYERS
17 STEPHEN P. PEPE
18 FRAMROZE M. VIRJEE
19 RICHARD A. KLUBECK

20 By 
21 Richard A. Klubeck
22 Attorneys for Plaintiffs-Appellees
23
24
25
26
27
28

SUMMONS
(CITACION JUDICIAL)

NOTICE TO DEFENDANT: (Aviso a Acusado)

FOR COURT USE ONLY
(SOLO PARA USO DE LA CORTE)

YOU ARE BEING SUED BY PLAINTIFF:
(A Ud. le está demandando)

You have **30 CALENDAR DAYS** after this summons is served on you to file a typewritten response at this court.

A letter or phone call will not protect you; your typewritten response must be in proper legal form if you want the court to hear your case.

If you do not file your response on time, you may lose the case, and your wages, money and property may be taken without further warning from the court.

There are other legal requirements. You may want to call an attorney right away. If you do not know an attorney, you may call an attorney referral service or a legal aid office (listed in the phone book).

Después de que le entreguen esta citación judicial usted tiene un plazo de 30 DÍAS CALENDARIOS para presentar una respuesta escrita a máquina en esta corte.

Una carta o una llamada telefónica no le ofrecerá protección; su respuesta escrita a máquina tiene que cumplir con las formalidades legales apropiadas si usted quiere que la corte escuche su caso.

Si usted no presenta su respuesta a tiempo, puede perder el caso, y le pueden quitar su salario, su dinero y otras cosas de su propiedad sin aviso adicional por parte de la corte.

Existen otros requisitos legales. Puede que usted quiera llamar a un abogado inmediatamente. Si no conoce a un abogado, puede llamar a un servicio de referencia de abogados o a una oficina de ayuda legal (vea el directorio telefónico).

The name and address of the court is: *(El nombre y dirección de la corte es)*

CASE NUMBER: *(Número del Caso)*

The name, address, and telephone number of plaintiff's attorney, or plaintiff without an attorney, is:
(El nombre, la dirección y el número de teléfono del abogado del demandante, o del demandante que no tiene abogado, es)

DATE:
(Fecha)

Frank S. Zolin,

Clerk, by
(Actuario)

Deputy
(Delegado)

[SEAL]

NOTICE TO THE PERSON SERVED: You are served

1. ☐ as an individual defendant.
2. ☐ as the person sued under the fictitious name of *(specify)*:
3. ☐ on behalf of *(specify)*:

under: ☐ CCP 416.10 (corporation) ☐ CCP 416.60 (minor)
☐ CCP 416.20 (defunct corporation) ☐ CCP 416.70 (conservatee)
☐ CCP 416.40 (association or partnership) ☐ CCP 416.90 (individual)
☐ other:
4. ☐ by personal delivery on *(date)*:

PROOF OF SERVICE — SUMMONS
(Use separate proof of service for each person served)

1. I served the
- a. ☐ summons ☐ complaint ☐ amended summons ☐ amended complaint
☐ completed and blank Case Questionnaires ☐ Other (specify):
- b. on defendant (name):
- c. by serving ☐ defendant ☐ other (name and title or relationship to person served):
- d. ☐ by delivery ☐ at home ☐ at business
(1) date:
(2) time:
(3) address:
- e. ☐ by mailing
(1) date:
(2) place:
2. Manner of service (check proper box):
- a. ☐ **Personal service.** By personally delivering copies. (CCP 415.10)
- b. ☐ **Substituted service on corporation, unincorporated association (including partnership), or public entity.** By leaving, during usual office hours, copies in the office of the person served with the person who apparently was in charge and thereafter mailing (by first-class mail, postage prepaid) copies to the person served at the place where the copies were left. (CCP 415.20(a))
- c. ☐ **Substituted service on natural person, minor, conservatee, or candidate.** By leaving copies at the dwelling house, usual place of abode, or usual place of business of the person served in the presence of a competent member of the household or a person apparently in charge of the office or place of business, at least 18 years of age, who was informed of the general nature of the papers, and thereafter mailing (by first-class mail, postage prepaid) copies to the person served at the place where the copies were left. (CCP 415.20(b)) (Attach separate declaration or affidavit stating acts relied on to establish reasonable diligence in first attempting personal service.)
- d. ☐ **Mail and acknowledgment service.** By mailing (by first-class mail or airmail, postage prepaid) copies to the person served, together with two copies of the form of notice and acknowledgment and a return envelope, postage prepaid, addressed to the sender. (CCP 415.30) (Attach completed acknowledgment of receipt.)
- e. ☐ **Certified or registered mail service.** By mailing to an address outside California (by first-class mail, postage prepaid, requiring a return receipt) copies to the person served. (CCP 415.40) (Attach signed return receipt or other evidence of actual delivery to the person served.)
- f. ☐ **Other (specify code section):**
☐ additional page is attached.
3. The "Notice to the Person Served" (on the summons) was completed as follows (CCP 412.30, 415.10, and 474):
- a. ☐ as an individual defendant:
- b. ☐ as the person sued under the fictitious name of (specify):
- c. ☐ on behalf of (specify):
under: ☐ CCP 416.10 (corporation) ☐ CCP 416.60 (minor) ☐ other:
☐ CCP 416.20 (defunct corporation) ☐ CCP 416.70 (conservatee)
☐ CCP 416.40 (association or partnership) ☐ CCP 416.90 (individual)
- d. ☐ by personal delivery on (date):
4. At the time of service I was at least 18 years of age and not a party to this action.
5. Fee for service: \$
6. Person serving:
- a. ☐ California sheriff, marshal, or constable.
- b. ☐ Registered California process server.
- c. ☐ Employee or independent contractor of a registered California process server.
- d. ☐ Not a registered California process server.
- e. ☐ Exempt from registration under Bus. & Prof. Code 22350(b).
- f. Name, address and telephone number and, if applicable, county of registration and number:

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date:

(For California sheriff, marshal, or constable use only)
I certify that the foregoing is true and correct.

Date:

(SIGNATURE)

(SIGNATURE)

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name and Address):		TELEPHONE NO.:		FOR COURT USE ONLY	
ATTORNEY FOR (Name):		Ref. No. or File No.			
Insert name of court and name of judicial district and branch court, if any:					
SHORT TITLE OF CASE:					
PROOF OF SERVICE (Summons)		HEARING DATE:	TIME:	DEPT./DIV.:	CASE NUMBER:

1. At the time of service I was at least 18 years of age and not a party to this action, and I served copies of the (specify documents):

2. a. Party served (specify name of party as shown on the documents served):

b. Person served: ☐ party in item 2a ☐ other (specify name and title or relationship to the party named in item 2a):

c. Address:

3. I served the party named in item 2

a. ☐ by personally delivering the copies (1) on (date):

(2) at (time):

b. ☐ by leaving the copies with or in the presence of (name and title or relationship to person indicated in item 2b):

(1) ☐ (business) a person at least 18 years of age apparently in charge at the office or usual place of business of the person served. I informed him or her of the general nature of the papers.

(2) ☐ (home) a competent member of the household (at least 18 years of age) at the dwelling house or usual place of abode of the person served. I informed him or her of the general nature of the papers.

(3) on (date):

(4) at (time):

(5) ☐ A declaration of diligence is attached. (Substituted service on natural person, minor, conservatee, or candidate.)

c. ☐ by mailing the copies to the person served, addressed as shown in item 2c, by first-class mail, postage prepaid,

(1) on (date):

(2) from (city):

(3) ☐ with two copies of the Notice and Acknowledgment of Receipt and a postage-paid return envelope addressed to me.

(4) ☐ to an address outside California with return receipt requested.

◀ (Attach completed form.) ▶

d. ☐ by causing copies to be mailed. A declaration of mailing is attached.

e. ☐ other (specify other manner of service and authorizing code section):

4. The "Notice to the Person Served" (on the summons) was completed as follows:

a. ☐ as an individual defendant.

b. ☐ as the person sued under the fictitious name of (specify):

c. ☐ on behalf of (specify):

under: ☐ CCP 416.10 (corporation)

☐ CCP 416.20 (defunct corporation)

☐ CCP 416.40 (association or partnership)

☐ CCP 416.60 (minor)

☐ CCP 416.70 (conservatee)

☐ CCP 416.90 (individual)

☐ other:

5. Person serving (name, address, and telephone No.):

a. Fee for service: \$

b. ☐ Not a registered California process server.

c. ☐ Exempt from registration under B&P § 22350(b).

d. ☐ Registered California process server.

(1) ☐ Employee or independent contractor.

(2) Registration No.:

(3) County:

6. ☐ I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

7. ☐ I am a California sheriff, marshal, or constable and I certify that the foregoing is true and correct.

Date:

(SIGNATURE)

Name, Address and Telephone Number of Attorney(s)

Space Below for Use of Court Clerk Only

Attorney(s) for.....

SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES

CASE NUMBER

PROOF OF SERVICE

(Abbreviated Title)

I served (List documents)

as follows: (Type or print)

1. Name
2. Person served and title:
3. Person with whom left; title or relationship to person served:
4. Date and time of delivery:
5. Mailing date; type of mail:
6. Address, city and state (when required, indicate whether address is home or business):
7. Manner of service: (Check appropriate box.)

- ☐ (Personal service) By personally delivering copies to the person served. (CCP §415 10.)
- ☐ (Substituted service on corporation, unincorporated association (including partnership), or public entity) By leaving, during usual office hours, copies in the office of the person served with the person who apparently, was in charge and thereafter mailing (by first-class mail, postage prepaid) copies to the person served at the place where the copies were left. (CCP §415.20(a).) Place of mailing:
- ☐ (Substituted service on natural person, minor, incompetent) By leaving copies at the dwelling house, usual place of abode, or usual place of business of the person served in the presence of a competent member of the household or a person apparently in charge of his office or place of business, at least 18 years of age, who was informed of the general nature of the papers, and thereafter mailing (by first-class mail, postage prepaid) copies of the person served at the place where the copies were left. (CCP §415.20(b). Attached separate declaration or affidavit stating acts relied on to establish reasonable diligence in first attempting personal service.) Place of mailing:

(Continued on reverse side)

PROOF OF SERVICE

- ☐ (Mail and acknowledgment service) By mailing (by first-class mail or airmail) copies to the person served, together with two copies of the form of notice and acknowledgment and a return envelope, postage prepaid, addressed to the sender. (CCP §415.30. Attach written acknowledgment of receipt.) Place of mailing:
- ☐ (Certified or registered mail service) By mailing to address outside California (by registered or certified airmail with return receipt requested) copies to the person served. (CCP §415.40. Attach signed return receipt or other evidence of actual delivery to the person served.) Place of mailing:

Other (Specify Code Section):

☐ Additional page is attached.

8. The following notice appeared on the copy of the summons served (CCP 412.30, 415.10 or 474 CCP):

- ☐ You are served as an individual defendant.
- ☐ You are served as (or on behalf of) the person sued under the fictitious name of
- ☐ You are served on behalf of
 Under: ☐ CCP 416.10 (Corporation) ☐ CCP 416.60 (Minor) ☐ Other:
☐ CCP 416.20 (Defunct corporation) ☐ CCP 416.70 (Incompetent)
☐ CCP 416.40 (Association or partnership) ☐ CCP 416.90 (Individual)
- ☐ by personal delivery on (Date):

9. At the time of service I was at least 18 years of age and not a party to this action.

10. Fee for service \$....., Mileage \$....., Notary \$....., Total \$.....

(To be completed in California by process server,
other than a sheriff, marshal or constable*)

- ☐ Not a registered California process server (CCP 417.40)
☐ and exempt (Bus & P Code 22350(b))
- ☐ Registered: County,
 Number:

I declare under penalty of perjury under the laws of the
State of California that the foregoing is true and correct and
that this declaration was executed

on (insert date) ,
 at (insert place) , California.

(Type or print name, address, and telephone no.)

(To be completed in California by
sheriff, marshal or constable*)

I certify that the foregoing is true and correct and that this
certificate was executed on (insert date)

at (insert place) , California.
 (Type or print name, title and county)

Signature: _____

Signature: _____

*The declaration under penalty of perjury must be signed in California, or in a state that authorizes use of a declaration in lieu of an affidavit; otherwise, an affidavit is required.

NAME, ADDRESS, AND TELEPHONE NUMBER
OF ATTORNEY(S)

ATTORNEY(S) FOR

SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES

CASE NUMBER

PLAINTIFF(S)

VS

APPLICATION
FOR SUBPENA DUCES TECUM

DEFENDANT(S)

STATE OF CALIFORNIA, County of Los Angeles

The undersigned states: That he is attorney of record for ^{Plaintiff}
~~Defendant~~ in the above entitled action; that
said cause was duly set down for trial , 19 at . M. in Department of
the above entitled Court.

That

has in his possession or under his control the following documents:
(Designate and name the exact things to be produced)

APPLICATION FOR SUBPENA DUCES TECUM

That the above documents are material to the issues involved in the case by reason of the following facts:

That good cause exists for the production of the above described matters and things by reason of the following facts:

WHEREFORE request is made that Subpena Duces Tecum issue.

Executed , 19 , at , California.

I declare under penalty of perjury under the Laws of the State of California that the foregoing is true and correct.

(Signature of Declarant)

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name and Address)	TELEPHONE NO	FOR COURT USE ONLY
ATTORNEY FOR (Name)		
NAME OF COURT STREET ADDRESS MAILING ADDRESS CITY AND ZIP CODE BRANCH NAME		
PLAINTIFF/PETITIONER: DEFENDANT/RESPONDENT:		
CIVIL SUBPENA <input type="checkbox"/> Duces Tecum		CASE NUMBER:

THE PEOPLE OF THE STATE OF CALIFORNIA, TO (NAME):

1. YOU ARE ORDERED TO APPEAR AS A WITNESS in this action at the date, time, and place shown in the box below UNLESS you make a special agreement with the person named in item 3:

a. Date:	Time:	<input type="checkbox"/> Dept.:	<input type="checkbox"/> Div.:	<input type="checkbox"/> Room:
b. Address:				

2. AND YOU ARE



- a. ☐ ordered to appear in person.
- b. ☐ not required to appear in person if you produce the records described in the accompanying affidavit and a completed declaration of custodian of records in compliance with Evidence Code sections 1560, 1561, 1562, and 1271. (1) Place a copy of the records in an envelope (or other wrapper). Enclose your original declaration with the records. Seal them. (2) Attach a copy of this subpoena to the envelope or write on the envelope the case name and number, your name and date, time, and place from item 1 (the box above). (3) Place this first envelope in an outer envelope, seal it, and mail it to the clerk of the court at the address in item 1. (4) Mail a copy of your declaration to the attorney or party shown at the top of this form.
- c. ☐ ordered to appear in person and to produce the records described in the accompanying affidavit. The **personal attendance** of the custodian or other qualified witness and the production of the original records is **required** by this subpoena. The procedure authorized by subdivision (b) of section 1560, and sections 1561 and 1562, of the Evidence Code will not be deemed sufficient compliance with this subpoena.

3. IF YOU HAVE ANY QUESTIONS ABOUT THE TIME OR DATE FOR YOU TO APPEAR, OR IF YOU WANT TO BE CERTAIN THAT YOUR PRESENCE IS REQUIRED, CONTACT THE FOLLOWING PERSON BEFORE THE DATE ON WHICH YOU ARE TO APPEAR:

- a. Name:
- b. Telephone number:

4. **Witness Fees:** You are entitled to witness fees and mileage actually traveled both ways, as provided by law, if you request them at the time of service. You may request them before your scheduled appearance from the person named in item 3.

DISOBEDIENCE OF THIS SUBPENA MAY BE PUNISHED AS CONTEMPT BY THIS COURT. YOU WILL ALSO BE LIABLE FOR THE SUM OF FIVE HUNDRED DOLLARS AND ALL DAMAGES RESULTING FROM YOUR FAILURE TO OBEY.

<div style="border: 1px solid black; padding: 5px;"> FOR COURT USE ONLY  </div>	Date issued: <div style="text-align: center;"> ERIC D. WEBBER <small>(PRINT OR TYPE NAME)</small> </div>	<div style="text-align: center;">  <small>(SIGNATURE OF PERSON ISSUING SUBPENA)</small> ACTING EXECUTIVE OFFICER/CLERK OF THE SUPERIOR COURT <small>(TITLE)</small> </div>
---	--	---

(See reverse for proof of service)

PLAINTIFF/PETITIONER:

CASE NUMBER

DEFENDANT/RESPONDENT:

PROOF OF SERVICE OF CIVIL SUBPENA

1. I served this ☐ Subpena ☐ Subpena Duces Tecum and supporting affidavit by personally delivering a copy to the person served as follows:

a. Person served (name):

b. Address where served:

c. Date of delivery:

d. Time of delivery:

e. Witness fees (check one):

(1) ☐ were offered or demanded
and paid. Amount: . . . \$

(2) ☐ were not demanded or paid.

f. Fee for service: \$

2. I received this subpoena for service on (date):

3. Person serving:

a. ☐ Not a registered California process server.

b. ☐ California sheriff, marshal, or constable.

c. ☐ Registered California process server.

d. ☐ Employee or independent contractor of a registered California process server.

e. ☐ Exempt from registration under Bus. & Prof. Code section 22350(b).

f. ☐ Registered professional photocopier.

g. ☐ Exempt from registration under Bus. & Prof. Code section 22451.

h. Name, address, and telephone number and, if applicable, county of registration and number:

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date:

(For California sheriff, marshal, or constable use only)
I certify that the foregoing is true and correct.

Date:

(SIGNATURE)

(SIGNATURE)

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name and Address): 	TELEPHONE NO.:	CASE NUMBER:
ATTORNEY FOR (Name):		
NAME OF COURT: POST OFFICE and STREET ADDRESS:	DEPOSITION SUBPENA For Personal Appearance <input type="checkbox"/> and Production of Documents and Things	
PLAINTIFF/PETITIONER:		
DEFENDANT/RESPONDENT:		

THE PEOPLE OF THE STATE OF CALIFORNIA, TO (name, address, and telephone No. of deponent, if known):

1. YOU ARE ORDERED TO APPEAR IN PERSON TO TESTIFY AS A WITNESS in this action at the following time and place:

Date:	Time:	Address:
-------	-------	----------

- a. ☐ As a deponent who is not a natural person, you are ordered to designate one or more persons to testify on your behalf as to the matters described in item 3. (Code of Civil Procedure section 2025 (d)(6).)
- b. ☐ You are ordered to produce the documents and things described in item 3.
- c. ☐ This deposition will be recorded by ☐ audiotape ☐ videotape and stenographically.
- d. ☐ This videotape deposition is intended for possible use at trial under Code of Civil Procedure section 2025 (u)(4).
- 2. ☐ The personal attendance of the custodian of records or other qualified witness ☐ and the production of the original documents are required by this deposition subpoena. The procedure authorized by Evidence Code sections 1560 (b), 1561, and 1562 will not be deemed sufficient compliance with this subpoena.
- 3. ☐ The documents and things to be produced and any testing or sampling being sought are described as follows:


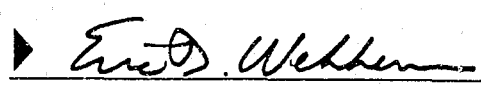
☐ Continued on attachment 3.

4. A deposition permits an attorney to ask questions of a witness who is sworn to tell the truth. An attorney for other parties may then ask questions also. Questions and answers are recorded stenographically at the deposition; later they are transcribed for possible use at trial. A witness may read the written record and change any incorrect answers before signing the deposition. The witness is entitled to receive witness fees and mileage actually traveled both ways. The money must be paid, at the option of the party giving notice of the deposition, either with service of this subpoena or at the time of the deposition.

5. You are ordered to appear in this civil matter in your capacity as a peace officer or other person described in Government Code section 68097.1.

Date: _____ Clerk, by _____, Deputy

DISOBEDIENCE OF THIS SUBPENA MAY BE PUNISHED AS CONTEMPT BY THIS COURT. YOU WILL ALSO BE LIABLE FOR THE SUM OF FIVE HUNDRED DOLLARS AND ALL DAMAGES RESULTING FROM YOUR FAILURE TO OBEY.

<div style="border: 1px solid black; padding: 5px;"> For Court Use Only  </div>	Date _____ <div style="text-align: center;"> ERIC D. WEBBER <small>(PRINT OR TYPE NAME)</small> </div>	<div style="text-align: center;">  <small>(SIGNATURE OF PERSON ISSUING SUBPENA)</small> ACTING EXECUTIVE OFFICER/CLERK OF THE SUPERIOR COURT <small>(TITLE)</small> </div>
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(See reverse for proof of service)

PLAINTIFF/PETITIONER:	CASE NUMBER:
DEFENDANT/RESPONDENT:	

PROOF OF SERVICE OF DEPOSITION SUBPENA—PERSONAL APPEARANCE

1. I served this Deposition Subpena—Personal Appearance by personally delivering a copy to the person served as follows:

- a. Person served (*name*):
- b. Address where served:
- c. Date of delivery:
- d. Time of delivery:
- e. Witness fees and mileage both ways (*check one*):
 - (1) ☐ were paid. Amount: . . . \$ _____
 - (2) ☐ were not paid.
- f. Fee for service: \$ _____

2. I received this subpena for service on (*date*):

3. Person serving:

- a. ☐ Not a registered California process server.
- b. ☐ California sheriff, marshal, or constable.
- c. ☐ Registered California process server.
- d. ☐ Employee or independent contractor of a registered California process server.
- e. ☐ Exempt from registration under Bus. & Prof. Code section 22350(b).
- f. ☐ Registered professional photocopier
- g. ☐ Exempt from registration under Bus. & Prof. Code section 22451.
- h. Name, address, and telephone number and, if applicable, county of registration and number:

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date:

(For California sheriff, marshal, or constable use only)
I certify that the foregoing is true and correct.

Date:

▶ _____
(SIGNATURE)

▶ _____
(SIGNATURE)

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name and Address):		TELEPHONE NO.:	CASE NUMBER:
ATTORNEY FOR (Name):			
NAME OF COURT:		DEPOSITION SUBPENA For Production of Business Records	
POST OFFICE and			
STREET ADDRESS:			
PLAINTIFF/PETITIONER:			
DEFENDANT/RESPONDENT:			

THE PEOPLE OF THE STATE OF CALIFORNIA, TO (name):

1. YOU ARE ORDERED TO PRODUCE THE BUSINESS RECORDS described in item 3 as follows:

Deposition Officer (name):

Date:

Time:

Address:

- ☐ by delivering a true, legible, and durable copy of the business records described in item 3, enclosed in a sealed inner wrapper with the title and number of the action, name of witness, and date of subpoena clearly written on it. The inner wrapper shall then be enclosed in an outer envelope or wrapper, sealed, and mailed to the deposition officer at the address in item 1.
 - ☐ by delivering a true, legible, and durable copy of the business records described in item 3 to the deposition officer at the witness's address, on receipt of payment in cash or by check of the reasonable costs of preparing the copy, as determined under Evidence Code section 1563(b).
 - ☐ by making the original business records described in item 3 available for inspection at your business address by the attorney's representative and permitting copying at your business address under reasonable conditions during normal business hours.
2. The records are to be produced by the date and time shown in item 1 but not sooner than 20 days after the issuance of the deposition subpoena, or 15 days after service, whichever date is later. Reasonable costs of locating records, making them available or copying them, and postage, if any, are recoverable as set forth in Evidence Code section 1563(b). The records shall be accompanied by an affidavit of the custodian or other qualified witness pursuant to Evidence Code section 1561.
3. The records to be produced are described as follows:

☐ Continued on attachment 3.

DISOBEDIENCE OF THIS SUBPENA MAY BE PUNISHED AS CONTEMPT BY THIS COURT. YOU WILL ALSO BE LIABLE FOR THE SUM OF FIVE HUNDRED DOLLARS AND ALL DAMAGES RESULTING FROM YOUR FAILURE TO OBEY.

For Court Use Only



Dated:



(SIGNATURE OF PERSON ISSUING SUBPENA)

FRANK S. ZOLIN

(Type or print name)

County Clerk/Executive Officer of the Superior Court

(TITLE)

(See reverse for proof of service)

PLAINTIFF/PETITIONER:	CASE NUMBER:
DEFENDANT/RESPONDENT:	

PROOF OF SERVICE OF DEPOSITION SUBPENA—BUSINESS RECORDS

1. I served this Deposition Subpena—Business Records by personally delivering a copy to the person served as follows:

a. Person served (*name*):

b. Address where served:

c. Date of delivery:

d. Time of delivery:

e. (1) ☐ Witness fees were paid.

Amount:\$ _____

(2) ☐ Copying fees were paid

Amount:\$ _____

f. Fee for service:\$ _____

2. I received this subpoena for service on (*date*):

3. Person serving:

a. ☐ Not a registered California process server.

b. ☐ California sheriff, marshal, or constable.

c. ☐ Registered California process server.

d. ☐ Employee or independent contractor of a registered California process server.

e. ☐ Exempt from registration under Bus. & Prof. Code section 22350(b).

f. ☐ Registered professional photocopier.

g. ☐ Exempt from registration under Bus. & Prof. Code section 22451.

h. Name, address, and telephone number and, if applicable, county of registration and number:

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date:



(SIGNATURE)

(For California sheriff, marshal, or constable use only)
I certify that the foregoing is true and correct.

Date:



(SIGNATURE)

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name and Address): ATTORNEY FOR (Name): Insert name of court and name of judicial district and branch court, if any: PLAINTIFF: DEFENDANT:	TELEPHONE NO.:	FOR COURT USE ONLY CASE NUMBER:
REQUEST FOR <input type="checkbox"/> ENTRY OF DEFAULT <input type="checkbox"/> CLERK'S JUDGMENT <input type="checkbox"/> COURT JUDGMENT		

1. TO THE CLERK: On the complaint or cross-complaint filed

- a. on (date):
- b. by (name):
- c. ☐ Enter default of defendant (names):
- d. ☐ I request a court judgment under CCP 585(b), (c), 989, etc. (Testimony required. Apply to the clerk for a hearing date, unless the court will enter a judgment on an affidavit under CCP 585(d).)
- e. ☐ Enter clerk's judgment
 - (1) ☐ for restitution of the premises only and issue a writ of execution on the judgment. CCP 1174(c) does not apply. (CCP 1169)
 - (2) ☐ under CCP 585(a). (Complete the declaration under CCP 585.5 on the reverse.)
 - (3) ☐ for default previously entered on (date):

2. Judgment to be entered

	<u>Amount</u>	<u>Credits Acknowledged</u>	<u>Balance</u>
a. Demand of complaint	\$	\$	\$
b. Statement of damages (CCP 425.11) (superior court only)*			
(1) Special	\$	\$	\$
(2) General	\$	\$	\$
c. Interest	\$	\$	\$
d. Costs (see reverse)	\$	\$	\$
e. Attorney fees	\$	\$	\$
f. TOTALS	\$	\$	\$

g. Daily damages were demanded in complaint at the rate of: \$ _____ per day beginning (date): _____
 Date: _____

.....
 (TYPE OR PRINT NAME)

.....
 (SIGNATURE OF PLAINTIFF OR ATTORNEY FOR PLAINTIFF)

*Personal injury or wrongful death actions only.

**FOR COURT
USE ONLY**

- (1) ☐ Default entered as requested on (date):
- (2) ☐ Default NOT entered as requested
 (state reason):

By: _____

(Continued on reverse)

SHORT TITLE:	CASE NUMBER
--------------	-------------

DECLARATION UNDER CCP 585.5 (Required for clerk's judgment under CCP 585(a))

3. This action

- a. ☐ is ☐ is not on a contract or installment sale for goods or services subject to CC 1801, etc. (Unruh Act).
b. ☐ is ☐ is not on a conditional sales contract subject to CC 2981, etc. (Rees-Levering Motor Vehicle Sales and Finance Act).
c. ☐ is ☐ is not on an obligation for goods, services, loans, or extensions of credit subject to CCP 395(b).

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date:

.....
(TYPE OR PRINT NAME OF DECLARANT)

.....
(SIGNATURE OF DECLARANT)

DECLARATION OF MAILING (CCP 587)

4. A copy of the foregoing request was

- a. ☐ not mailed to the following defendants whose addresses are unknown to plaintiff or plaintiff's attorney (names):
b. ☐ mailed first-class, postage prepaid, in a sealed envelope to each defendant's attorney of record, or if none, to each defendant at defendant's last known address
(1) on (date): (2) to (specify names and addresses shown on the envelopes):

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date:

.....
(TYPE OR PRINT NAME)

.....
(SIGNATURE OF DECLARANT)

MEMORANDUM OF COSTS (Required if judgment requested)

5. Costs and disbursements are as follows (CCP 1033.5):

- a. Clerk's filing fees \$
b. Process server's fees \$
c. Other (specify): \$
d. \$
e. TOTAL \$
f. ☐ Costs and disbursements are waived.

I am the attorney, agent, or party who claims these costs. To the best of my knowledge and belief this memorandum of costs is correct and these costs were necessarily incurred in this case.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date:

.....
(TYPE OR PRINT NAME)

.....
(SIGNATURE OF DECLARANT)

DECLARATION OF NONMILITARY STATUS

6. No defendant named above in item 1c is in the military service so as to be entitled to the benefits of the Soldiers' and Sailors' Civil Relief Act of 1940 (50 U.S.C. Appen. § 501 et seq.).

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date:

.....
(TYPE OR PRINT NAME)

.....
(SIGNATURE OF DECLARANT)

NAME, ADDRESS, AND TELEPHONE NUMBER
OF ATTORNEY(S)

ATTORNEY(S) FOR

SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES

Plaintiff(s) vs Defendant(s)	CASE NUMBER	
	JUDGMENT BY COURT AFTER DEFAULT	

This cause came on to be heard before the Honorable
presiding in Department , on , 19 , appearing as attorney for
plaintiff(s)/cross-complainant(s), and it appearing that defendant(s)/cross-defendant(s),

having been regularly served with process, having failed to appear and answer the plaintiff's complaint filed on , and the default of said defendant(s)/cross-defendant(s) having been duly entered and evidence having been introduced in open session of this Court or having been considered by the Court:

It is therefore ordered, adjudged, and decreed that plaintiff(s)/cross-complainant(s)

recover from said defendant(s)/cross-defendant(s) the principal sum of \$, interest on said
sum to the date hereof in the sum of \$, and attorney's fees in the sum of \$
total of \$, with plaintiff's(s)/cross-complainant's(s) costs and disbursements amounting
to the sum of \$, together with interest on said judgment as provided by law. The Clerk
is ordered to enter the judgment.

Dated:

.....
Judge/Judge Pro Tempore

SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES

CASE NUMBER

PLAINTIFF(S)

VS

DEFENDANT(S)

NOTICE OF:

- ☐ ENTRY OF JUDGMENT/ORDER
☐ FILING OF ORDER OF DISMISSAL
& PROOF OF SERVICE

To the above named parties and to their attorneys of record:
You are hereby notified that:

- ☐ judgment/order in the above-entitled matter was entered on _____ .
☐ order of dismissal in the above-entitled matter was filed on _____ .

CERTIFICATE OF MAILING

*I, the undersigned, having submitted the within notice for filing/entry, hereby certify;
that on _____, 19____, I served the within notice on the parties in
the within action, by depositing true copies thereof, enclosed in sealed envelopes with
postage thereon fully prepaid in the United States Post Office mail box in Los Angeles
County, California addressed as follows:*

*I further declare under penalty of perjury under the laws of the State of California that
the above is true and correct.*

ATTORNEY FOR _____

Signature _____

PRINT NAME _____

Dated _____

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ATTORNEY OR PARTY WITHOUT ATTORNEY (NAME, ADDRESS AND TELEPHONE NO.):	FOR COURT USE ONLY
ATTORNEY FOR (NAME):	
SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES	
PLAINTIFF(S)/PETITIONER(S):	
DEFENDANT(S)/RESPONDENTS(S):	DATE COMPLAINT FILED
AT-ISSUE MEMORANDUM (Rule 209) <input type="checkbox"/> COUNTER <input type="checkbox"/> AMENDED	CASE NUMBER

AT-ISSUE
MEMORANDUM
FILED



B54

ADDED TO
AT-ISSUE
INVENTORY



I52

COUNTER
AT-ISSUE
MEMORANDUM



55B

1. State nature of case fully: _____
 No case will be set for trial as a short cause matter unless ALL PARTIES join in estimate of trial time of 5 hours (1 day) or less, (silence will be deemed as joining).
2. Time estimated for trial: _____ hrs. _____ days. (Caveat: No jury trial may be estimated for less than 2 days.)
3. TYPE OF CASE:

<input type="checkbox"/> Automobile Accident	<input type="checkbox"/> Pers. Inj.—Other	<input type="checkbox"/> Other Malpractice	<input type="checkbox"/> Paternity
<input type="checkbox"/> Medical Malpractice	<input type="checkbox"/> Contract/Commercial	<input type="checkbox"/> Declaratory Relief	<input type="checkbox"/> Other Domestic
<input type="checkbox"/> Product Liability	<input type="checkbox"/> Collections/Prom. Note	<input type="checkbox"/> Other Civ. Complaint	
<input type="checkbox"/> Asbestos	<input type="checkbox"/> Landlord/Tenant	<input type="checkbox"/> Dissol/Null/Legal Sep.	
4. a. ☐ Plaintiff(s)/Parties

<input type="checkbox"/> waive(s) damages over \$50,000 and elect(s) arbitration per CCP 1141.1
<input type="checkbox"/> stipulate to arbitration per CCP 1141.11 (attach stipulation).
<input type="checkbox"/> decline(s) to oppose an order to arbitration per CCP 1141.11.
- b. ☐ Exemption from mandatory arbitration per Rule 1600.5 California Rules of Court is claimed for the following reason (specify): _____
5. a. Briefly state the nature of the case, including the nature and extent of any injuries not covered in item 3 above and justification for any estimate over 15 days: _____

- b. Damages sought: General: _____
 Special: _____
- c. Other relief sought: _____
6. Case entitled to preference: ☐ Yes ☐ No Code Section _____
7. Pretrial requested: ☐ Yes ☐ No No pretrial where time estimate is 5 hours (1 day) or less.
8. All attorneys of record or parties appearing in person are listed below: *(Indicate whether attorney for plaintiff or defendant)*

	TRIAL ATTORNEY _____ STATE BAR NUMBER _____	Request Jury <input type="checkbox"/>
Plaintiff	NAME OF FIRM _____ TELEPHONE _____	
	ADDRESS _____	
	TRIAL ATTORNEY _____ STATE BAR NUMBER _____	Request Jury <input type="checkbox"/>
Defendant	NAME OF FIRM _____ TELEPHONE _____	
	ADDRESS _____	
	TRIAL ATTORNEY _____ STATE BAR NUMBER _____	Request Jury <input type="checkbox"/>
Attorney for:	NAME OF FIRM _____ TELEPHONE _____	
	ADDRESS _____	
	TRIAL ATTORNEY _____ STATE BAR NUMBER _____	Request Jury <input type="checkbox"/>
Attorney for:	NAME OF FIRM _____ TELEPHONE _____	
	ADDRESS _____	

FOR USE OF COURT ONLY

This case has been set on the _____ Calendar in Department _____ on _____ at _____.

Claimed preference verified by _____.

- NOTE:**
1. Any party not in agreement with the information or estimates given in an At-Issue Memorandum shall within 10 days after the service thereof serve and file an At-Issue Memorandum on his own behalf. Rule 209(c).
 2. In the Central District, *MOTIONS TO STRIKE A DEFECTIVE OR PREMATURE AT-ISSUE MEMORANDUM* supported by Affidavit or Declaration shall be made on regular notice for hearing in the Civil Law and Discovery Departments on any court day and shall be served and filed within 10 days after service of the At-Issue Memorandum. In all other District Courts or Fast-track Courts consult local practice as to day, place and hour for hearing such motions.
 3. All cases in which the time estimate, by any party, exceeds one day will be set for a Status or Trial Setting Conference.
 4. All counsel appearing before the Court are required to be familiar and in compliance with the provisions of the Los Angeles Superior Court Civil Trials Manual and Local Rules (including Chapter 11).

The undersigned represents that all essential parties have been served with process or have appeared herein. This case is now at issue to such parties.

Dated: _____, 19 _____ (Signature)

Attorney for: _____

PROOF OF SERVICE BY MAIL

I am over the age of eighteen years and not a party to the within entitled action; my residence/employment address where the mailing referenced herein occurred is:

I am familiar with the business practices for collection and processing of correspondence for mailing with the United States Postal Service at the aforementioned address, and a true copy of the within At-Issue Memorandum was placed in a sealed envelope and deposited for collection and mailing on _____ 19 _____, following such business practices, and in such manner as to cause it to be deposited with the United States Postal Service that same day in the ordinary course of business addressed to all such attorneys or parties appearing in person as shown in Part 8. I certify (or declare) under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on _____

(TYPED OR PRINTED NAME)

(SIGNATURE)

No. _____

vs

DEFENDANT

DEFENDANT

[illegible]

PLAINTIFF

DEFENDANT

[illegible]