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CITY AND COUNTY OF SAN FRANCISCO and

PEOPLE OF THE STATE OF CALIFORNIA

SUPERIOR COURT OF THE STATE OF CALIFORNIA

COUNTY OF SAN FRANCISCO

UNLIMITED CIVIL JURISDICTION

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

Plaintiffs,

vs.

HANSON WONG; TALIESIN ENTERTAINMENT Group, LLC; and DOE ONE through DOE FIFTY, inclusive,

Defendants.

Case No. CGC-10-498-677

DECLARATION OF JENNIFER CHOI IN SUPPORT OF EX PARTE APPLICATION FOR ORDER TO SHOW CAUSE RE PRELIMINARY INJUNCTION

Hearing Date: May 10, 2010
Hearing Judge: Hon. Peter Busch
Time: 11:00 a.m.
Place: Dept. 301

Date Action Filed: April 16, 2010
Trial Date: None Set

I, JENNIFER CHOI, declare as follows:

1. I am an attorney duly licensed in the State of California, and am a Deputy City Attorney in the City Attorney's Office, which is counsel for plaintiffs, the City and County of San Francisco and the People of the State of California in this matter. I have personal knowledge of the facts set forth below, except for those facts stated upon information and belief. If called to testify to the facts stated below, I could and would testify to them competently.

1 2. On April 16, 2010, the Plaintiffs filed a "Complaint For Injunctive And Other
2 Relief" (hereinafter "Complaint") against Defendants Hanson Wong, Taliesin Entertainment
3 Group, LLC, and DOES 1-50 inclusive. A copy of the Plaintiffs' Complaint is attached hereto as
4 **Exhibit A**. Defendants were served on April 21, 2010, but have not yet responded.

5 3. Defendant Taliesin Entertainment Group, LLC is a California Limited Liability
6 Company. I have reviewed records obtained from the California Secretary of State regarding
7 Taliesin Entertainment Group, LLC. Based on a review of the records, I am informed and
8 believe that Taliesin Entertainment Group, LLC's principal place of business is Club Suede,
9 located at 383 Bay Street, San Francisco, CA 94103. Additionally, I am informed and believe
10 that its agent for service of process is Defendant Hanson P. Wong at 383 Bay Street, San
11 Francisco, CA 94103.

12 4. I have also reviewed Taliesin Entertainment Group, LLC's Limited Liability
13 Company Operating Agreement ("Operating Agreement"), dated March 1, 2006. Based on a
14 review of the Operating Agreement, I am informed and believe that Mr. Wong is the Chief
15 Executive Manager and a member of Taliesin Entertainment Group, LLC.

16 5. The telephone number for Club Suede is (415) 399-9555. Mr. Wong's telephone
17 number is (415) 948-8777. Mr. Wong's e-mail address is hanson.wong@yahoo.com.

18 6. In prior discussions with the City Attorney's Office, Hanson Wong and Taliesin
19 Entertainment Group, LLC have been represented by Mark Rennie. It was not clear to me,
20 however, that Mr. Rennie would continue to represent Defendants in the litigation. Therefore, on
21 May 4, 2010, my co-counsel, Deputy City Attorney Jill Cannon, e-mailed Mr. Rennie at his e-
22 mail address, rennie23@gmail.com, to determine if he would, and was authorized to, accept
23 notice of the Ex Parte Application hearing on behalf of Defendants Hanson Wong and Taliesin
24 Entertainment Group LLC. Mr. Rennie did not respond to the e-mail. On May 6, 2010, Ms.
25 Cannon e-mailed Mr. Rennie and asked for a response to her May 4, 2010 e-mail. In the same e-
26 mail, Ms. Cannon informed Mr. Rennie that if we did not hear from him by the end of May 6,
27 2010, we would be calling Mr. Wong to provide him notice as well. Mr. Rennie never
28

1 responded to the e-mails. Attached hereto as **Exhibit B** are true and correct copies of the e-
2 mails.

3 7. Mr. Rennie's office telephone number is (415) 981-4500. In the past, I have also
4 contacted Mr. Rennie on his cell phone at (415) 621-2300.

5 8. On May 7, 2010, at 8:30 a.m., pursuant to California Rule of Court 3.1204, I
6 telephoned Taliesin Entertainment Group, LLC at (415) 399-9555. A recording informed me
7 that the number was no longer in service.

8 9. On May 7, 2010, at 8:31 a.m., pursuant to California Rule of Court 3.1204, I
9 telephoned Mark Rennie at (415) 981-4500. Mr. Rennie answered the phone and apologized for
10 not responding to our e-mails. I informed Mr. Rennie that Plaintiffs would be appearing on May
11 10, 2010 at 11:00 a.m. before Department 301 of the San Francisco Superior Court, 400
12 McAllister Street, San Francisco, CA 94102 to ask the Court for an Order to Show Cause re:
13 Preliminary Injunction against Defendants in the above-entitled lawsuit. Mr. Rennie informed
14 me that Hanson Wong and Taliesin Entertainment Group, LLC had just hired new counsel to
15 represent them.

16 10. I asked Mr. Rennie for the identity and contact information for the new counsel.
17 Mr. Rennie declined to provide the information because he had not been authorized to do so by
18 Mr. Wong. I asked Mr. Rennie whether he still represented Mr. Wong and Taliesin. Mr. Rennie
19 informed me that he no longer represented them. I asked Mr. Rennie whether he would appear at
20 the May 10, 2010 hearing. Mr. Rennie stated he would not be appearing. Mr. Rennie
21 nevertheless told me that he would contact Mr. Wong and inform him of the May 10, 2010
22 hearing. I asked Mr. Rennie whether (415) 948-8777 was the correct phone number for Mr.
23 Wong. Mr. Rennie confirmed that this number was correct. I asked Mr. Rennie for Mr. Wong's
24 contact address. Mr. Rennie stated that he did not have Mr. Wong's contact address. Finally, I
25 informed Mr. Rennie that I would contact Mr. Wong personally to give him notice of the May
26 10, 2010 hearing.

1 11. On May 7, 2010, at 8:36 a.m., pursuant to California Rule of Court 3.1204, I
2 telephoned Hanson Wong at (415) 948-8777. Mr. Wong did not answer, and I was transferred to
3 voicemail for "Hanson Wong." I left a voicemail message informing him and Taliesin
4 Entertainment Group, LLC that Plaintiffs would be appearing on May 10, 2010 at 11:00 a.m.
5 before Department 301 of the San Francisco Superior Court, 400 McAllister Street, San
6 Francisco, CA 94102 to ask the Court for an Order to Show Cause re: Preliminary Injunction
7 against Defendants in the above-entitled lawsuit. I stated that was contacting him directly
8 because Mr. Rennie no longer represented him or Taliesin Entertainment Group, LLC. I further
9 stated that if he and Taliesin Entertainment Group, LLC wished to refer me to their new counsel,
10 they needed to provide the identity and contact information of their new counsel. I also asked
11 Mr. Wong to contact me to inform me whether he or new counsel intended to appear at the May
12 10, 2010 hearing.

13 12. On May 7, 2010, at 8:49 a.m., I sent an e-mail to Mr. Wong at
14 "hanson.wong@yahoo.com" and "cc:'d" Mark Rennie at "rennie23@gmail.com" informing them
15 that Plaintiffs would be would be appearing on May 10, 2010 at 11:00 a.m. before Department
16 301 of the San Francisco Superior Court, 400 McAllister Street, San Francisco, CA 94102 to ask
17 the Court for an Order to Show Cause re: Preliminary Injunction against Defendants in the
18 above-entitled lawsuit. A copy of that e-mail is attached hereto at **Exhibit C**.

19 13. The Plaintiffs are bringing this Application for an Order to Show Cause re:
20 Preliminary Injunction to address the nuisance and unlawful business practices committed by
21 Defendants in the operation of Club Suede. As explained in greater detail in the additional
22 pleadings filed in support of this Application, there being an imminent danger to the health and
23 safety of the community if Defendants are not enjoined, Plaintiffs request that this Court
24 schedule a hearing on the Order to Show Cause Re Preliminary Injunction.

25 I declare under penalty of perjury that the foregoing is true and correct. Executed on this
26 7th day of May 2010, in San Francisco, California.

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28 JENNIFER CHOI

EXHIBIT A

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CITY AND COUNTY OF SAN FRANCISCO and
PEOPLE OF THE STATE OF CALIFORNIA

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

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

Plaintiffs,

vs.

HANSON WONG; TALIESIN ENTERTAINMENT GROUP, LLC; AND DOE ONE THROUGH DOE FIFTY, INCLUSIVE,

Defendants.

Case No. **CGC-10-498677**
COMPLAINT FOR INJUNCTIVE AND OTHER RELIEF

Type of Case: Other Complaint (42)

ENDORSED FILED
San Francisco County Superior Court
APR 15 2010
CLERK OF THE COURT
BY: PARAM NATT
Deputy Clerk

CASE MANAGEMENT CONFERENCE SET
SEP 17 2010 9⁰⁰ AM
DEPARTMENT 212

The CITY AND COUNTY OF SAN FRANCISCO ("City"), a municipal corporation, and THE PEOPLE OF THE STATE OF CALIFORNIA, by and through San Francisco City Attorney Dennis J. Herrera (collectively, "Plaintiffs"), file their complaint against defendants HANSON WONG,

1 TALIESIN ENTERTAINMENT GROUP, LLC; and DOE ONE through DOE FIFTY, inclusive
2 (collectively, "Defendants"). Plaintiffs hereby allege as set forth below:

3 INTRODUCTION

4 1. Defendants are the owners, managers and operators of Club Suede, a nightclub located
5 at 383 Bay Street, San Francisco, California (hereinafter "Club Suede", "Club", or "Property").

6 2. This action arises out of Defendants' lease of 383 Bay Street, and maintenance,
7 operation, and management of Club Suede as a nuisance.

8 3. By maintaining, operating and managing Club Suede in violation of provisions of State
9 and local law, and as a public nuisance, Defendants are engaging in unfair and unlawful business
10 practices in violation of California Business and Professions Code Sections 17200-17210 (the "Unfair
11 Competition Law" or "UCL").

12 4. The nuisance and unlawful and unfair activities consist of and include the following:

- 13 • Operating the nightclub in a fashion that is both disorderly and a disturbance of
14 the peace. The disorderly conduct includes unruly crowds, fights, shootings,
15 stabbings, blocking of City sidewalks and streets by Club Suede patrons, and
16 vandalism;
- 17 • Allowing patrons to remain in Club Suede after 2:00 a.m., though Defendants do
18 not have an After-hours Place of Entertainment Permit, in violation of Municipal
19 Police Code (MPC) section 1070.1;
- 20 • Allowing more patrons inside Club Suede than permitted by Defendants' Place of
21 Assembly permit, in violation of the California Fire Code, Appendix Chapter 1,
22 section 107.6;
- 23 • Allowing patrons to consume alcohol in Club Suede after 2:00 a.m., in violation
24 of Business and Professions Code section 25632; and
- 25 • Allowing marijuana to be smoked in Club Suede.

26 5. These unfair and unlawful business practices are a nuisance to the neighborhood, harm
27 competing businesses that abide by laws regulating nightclubs, and encourage other nightclubs to
28 ignore their legal obligation to act in accordance with the law. These practices also are in violation of

1 the Place of Entertainment Permit issued to Defendants by the San Francisco Entertainment
2 Commission. In fact, on March 31, 2010, after a noticed public hearing which Defendants attended
3 with their counsel, the San Francisco Entertainment Commission found that Defendants had violated
4 multiple provisions of the San Francisco Police Code and suspended Defendants' Place of
5 Entertainment Permit for thirty days beginning April 5, 2010.

6 6. Accordingly, Plaintiffs file this Complaint stating claims against Defendants for
7 maintaining a public nuisance in violation of Civil Code sections 3479, 3480, 3491, 3494, Code of
8 Civil Procedure Section 731, and the UCL.

9 PARTIES

10 7. Plaintiff, the CITY AND COUNTY OF SAN FRANCISCO, is a municipal corporation
11 organized and existing under and by virtue of the laws of the State of California, and is a city and
12 county.

13 8. The CITY AND COUNTY OF SAN FRANCISCO brings this action under the
14 California and San Francisco Fire Codes, Civil Code Sections 3479, 3480, 3491, 3494, and Code
15 of Civil Procedure Section 731.

16 9. The PEOPLE OF THE STATE OF CALIFORNIA, by and through San Francisco
17 City Attorney Dennis J. Herrera, bring this action pursuant to Civil Code Sections 3479, 3480,
18 3491, 3494, Code of Civil Procedure Section 731, and the UCL.

19 10. The Property is a commercial building operated as a nightclub with entertainment,
20 commonly known as Club Suede, located at 383 Bay Street, in the City and County of San Francisco,
21 State of California, 94133, and more particularly described in Exhibit A, which is attached hereto and
22 incorporated as part of this Complaint.

23 11. Plaintiffs are informed and believe, and therefore allege, that at all times herein
24 mentioned, HANSON WONG personally managed and made business decisions concerning the
25 operation of Club Suede.

26 12. Defendant TALIESIN ENTERTAINMENT GROUP, LLC is a business organization
27 doing business in the City and County of San Francisco with a mailing address listed with the
28 California Secretary of State as 383 Bay Street, San Francisco, California 94133.

1 inside the Club after 2:00 a.m. though Defendants do not have an After-hours Place of Entertainment
2 Permit, patrons consuming alcohol in the Club after 2:00 a.m., and marijuana smoking inside the Club.

3 18. Some representative examples of the nuisance and unlawful and unfair business
4 practices include:

- 5 • On September 16, 2007, officers from the San Francisco Police Department ("SFPD")
6 were dispatched to Kaiser emergency room regarding a stabbing. The victim had
7 suffered a four inch laceration to his cheek and a puncture wound to his neck. The
8 victim's girlfriend told police that they had been inside Club Suede when the victim was
9 attacked by several males. She claimed the suspects were friends of the victim's friend.
10 The victim stated that he was cut and stabbed by several unknown men while inside the
11 Club. Club security then threw the victim out of the Club. Once outside the Club, the
12 same men attacked him again. The victim and his girlfriend were able to make it to
13 their vehicle and drive to the hospital.
- 14 • On March 1, 2008, at approximately 3:00 a.m., one hour after the Club should have
15 closed, a female patron and numerous other patrons left Club Suede. As the female
16 patron waited for a friend to give her a ride home, two men approached her. The victim
17 had seen one of the men inside Club Suede earlier in the evening. The other man kicked
18 the victim in the face, breaking her nose. The victim fell to the ground and started
19 bleeding from her face. No one called police at the time. The victim later came to the
20 SFPD to file a report.
- 21 • On April 12, 2008, at approximately 2:10 a.m., officers from the SFPD were dispatched
22 to Bay and Mason regarding a fight. Officers met with two Club security guards, Cobb
23 and Bacani. The guards stated they broke up a fight between two patrons. An unknown
24 man then walked up to one of the two patrons (who was being held by Cobb) and
25 handed him a gun. The patron then placed the gun in Cobb's mouth and told Cobb to let
26 him go. Cobb released the patron and fled. Bacani, who had been holding the other
27 patron, also released him. The patron with the gun then pointed the gun in the direction
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of the other patron and fired five shots. The shots missed the other patron as he ran away.

- On May 11, 2008, at approximately 1:33 a.m., officers from the SFPD were dispatched to Club Suede regarding a fight inside the Club. When officers arrived, they saw several small fights break out outside the Club and a crowd of patrons blocking the street. SFPD advised the patrons to step back onto the sidewalk. A drunk and disorderly male with blood stains on his shirt was placed under arrest by officers. The drunk and disorderly man resisted arrest and his male friends advanced toward the arresting officer in an aggressive manner. The officer feared he would be assaulted, and therefore drew his firearm and ordered the men back. Another male/victim, who was bleeding from his forehead and lip, told SFPD that he was inside Club Suede when an unknown suspect approached him from behind, placed him in a headlock and punched him numerous times. The victim fell to the ground. He then exited the Club and called SFPD. The victim was transported to the hospital.
- On July 6, 2008, at approximately 2:12 a.m., officers from the SFPD were dispatched to 383 Bay Street regarding Club patrons fighting with Club staff and security. Officers saw approximately 50 patrons loitering in front of the Club, many arguing with staff. Two Club staff members stated that, as they were closing the Club and getting patrons to leave, a patron/suspect punched one staff member. The suspect then picked up a beer bottle and threw it at another staff member. Glass shards from the bottle cut the staff member's neck. The suspect, who had flushed red skin and an odor of alcohol on his breath, resisted police, but was eventually arrested. Numerous additional SFPD units were forced to respond to disperse the remaining crowd.
- On July 12, 2008, at approximately 12:11 a.m., patrons were standing outside Club Suede, blocking a lane of traffic. Club security was told by the SFPD to move the crowd.
- On August 8, 2008, at approximately 1:18 a.m., officers of the SFPD were in front of Club Suede when Club security asked for assistance in helping them clear the sidewalk

1 and dispersing an unruly crowd. A crowd of patrons outside began to force their way
2 inside the Club. As this was happening, an unknown male suspect came from behind
3 and hit an officer in the face. The suspect fled into the Club and was lost in the crowd.
4 In addition, a large crowd began to spill out of the Club onto the street and both sides of
5 the sidewalk. Numerous police units responded to perform crowd control. As the
6 officers were attempting to control the crowd, officers heard a single gunshot, possibly
7 coming from the parking lot directly across from Club Suede. Shortly thereafter,
8 gunshots were heard in the area of Mason and Francisco Streets (approximately one
9 block over from the Club). Bullet holes were found in vehicles parked on Francisco
10 Street. Defendant HANSON WONG later admitted that the Club Suede crowd was out
11 of control that night.

- 12 • On August 31, 2008, at approximately 2:10 a.m., as Club Suede was closing for the
13 evening and patrons were exiting the Club, officers from the SFPD responded to a large
14 fight between patrons of Club Suede at the corner of Bay and Mason Street and in the
15 parking lot across the street. Two female victims stated that a fight broke out between a
16 group of males on the sidewalk of Bay and Mason Street. One victim was struck by a
17 glass bottle held by one of the suspects. The other victim was struck by a glass bottle
18 thrown by the same suspect. In addition, a man asserted that he and his friend were
19 watching the altercation in the parking lot when a security guard from Club Suede
20 assumed they were involved in the fight and struck his friend in the nose with brass
21 knuckles and pepper sprayed him.
- 22 • On December 14, 2008, at approximately 1:56 a.m., officers from the SFPD responded
23 to Club Suede on a report of a fight. When they arrived, they saw a chaotic scene.
24 There was a crowd of 80-100 people in front of the Club, blocking the sidewalks and
25 street. The crowd was so thick that officers could not safely drive their patrol car on
26 Bay Street and had to park around the corner. Once they arrived at the Club, the officers
27 observed Club security, at the door of the Club, failing to actively try to disperse the
28 crowd or advise them to move out of the street. The crowd outside continued to grow as

1 patrons exited the Club. The officers also found an individual bleeding from his nose
2 and eyebrow. The individual stated that he was beat up in front of Club Suede. Medical
3 personnel arrived and transported the individual to a hospital for treatment. SFPD called
4 additional police units to control the crowd outside of Club Suede. It took the officers
5 15-25 minutes to clear the crowd. Club security was insufficient to control the crowd
6 that night.

- 7 • On January 1, 2009 at approximately 2:00 a.m., SFPD Officer Fred Crisp and Captain
8 James Dudley responded to Club Suede and observed patrons outside the back of the
9 Club on Vanderwater Alley, drinking alcoholic beverages. They also observed patrons
10 coming out of the street level and second story back doors of the Club. The doors to the
11 Club were not monitored by Club staff or security, and some patrons exited with open
12 containers of alcohol. Shortly after 2:00 a.m., Crisp and Dudley entered the Club and
13 observed approximately 200 individuals still inside, including many patrons who were
14 drinking alcoholic beverages. One man walked by Club security with a large bottle of
15 vodka in his back pocket. Captain Dudley stopped the man and took the bottle away
16 from him. Crisp and Dudley told Club security that the patrons should be told to leave
17 and put down their drinks. They also told them to post security at the back door. Only
18 then did Club security turn down the music and turn on the lights. Rather than instruct
19 patrons to put down their drinks, Club security told patrons to finish their drinks even
20 though it was well past 2:00 a.m. As Crisp and Dudley waited for the crowd to clear,
21 several individuals were allowed to return to the Club. As patrons left the Club, fights
22 and other disturbances erupted on Bay Street, requiring further SFPD units to respond
23 and intervene. Crisp and Dudley spoke with HANSON WONG at the Club, and Wong
24 apologized to them for not clearing the Club of patrons by 2:00 a.m.
- 25 • On May 16, 2009, at approximately 1:30 a.m., officers from the SFPD were dispatched
26 to Club Suede regarding a stabbing. The victim told officers he was inside the Club
27 when he was attacked by four unknown males. During the fight, the victim was stabbed
28 on the right side of his chest.

- 1 • On June 21, 2009, at approximately 1:51 a.m., officers from the SFPD observed a large
2 crowd of approximately 300-400 persons loitering in and blocking the sidewalk and both
3 directions of the street in front of Club Suede as patrons exited the Club at closing.
4 Traffic on Bay Street could not proceed due to the patrons flooding out of Club Suede.
5 Many of the patrons appeared intoxicated. Several fights erupted throughout the crowd.
6 Club security stood at the entrance and failed to control and disperse the crowd. An
7 officer observed a group of agitated Club Suede patrons walk to Bob's Sushi, a
8 restaurant on the same 300 block of Bay Street. One of the patrons punched his fist
9 through the glass window of Bob's Sushi. The officer responded to the incident, but his
10 partner could not because he had to address another fight that had broken out in the
11 crowd. The officer who responded to Bob's Sushi arrested the man for vandalism. Due
12 to the chaotic scene, the officer felt it unsafe to call an ambulance to the scene. The
13 officer transported the man to Central Station and requested medical assistance for the
14 man's cut hand. The officer returned to Club Suede twenty minutes later and found
15 SFPD still clearing the area of patrons. Club Suede security was insufficient to manage
16 the crowd that night.
- 17 • On August 1, 2009, officers from the SFPD responded to the Club regarding a large
18 altercation. Upon arrival, officers observed a male suspect strike a male victim in the
19 face. The victim fell into a fire water valve located on the wall at 383 Bay. The suspect
20 ran from the scene, but was later taken into custody.
- 21 • On the evening of January 9, 2010, SFPD Sergeant Laura Knight arrived at Club Suede
22 and observed a large crowd outside the entrance to the Club. There were unorganized
23 lines of people on the sidewalk, waiting to get inside. Due to the large crowd, it would
24 have been difficult for pedestrians to pass on the sidewalk. Club Suede had only two
25 security guards at the entrance. Knight asked Club security whether the Club was at
26 occupancy capacity, and Club security stated that it was. Knight then asked Club
27 security what their plan was for the large crowd waiting to get into the Club. Club
28 security stated that they were going to let people in as patrons left the Club. Knight told

1 Club security that this plan was unreasonable and that they should inform the people in
2 line of the potential wait. She also told Club security they needed additional security
3 outside to monitor the crowd and organize the lines. Later that same night, on January
4 10, 2010, at approximately 1:22 a.m., Knight returned to Club Suede with Entertainment
5 Commissioner Audrey Joseph and Entertainment Commission Inspector Vajra Granelli.
6 They observed large crowds blocking the sidewalk in front of the Club. The crowd
7 appeared agitated, and some members of the crowd were shoving and pushing against
8 each other. Two security guards were at the entrance of the Club, but were not
9 addressing the crowd outside. Knight, Joseph and Granelli asked Club security for the
10 number of patrons inside. Club security could not produce a number because the
11 counter had been lost during a fight inside the Club earlier that night. Joseph entered the
12 Club and discovered the Club was over capacity. In addition, Knight, Joseph and
13 Granelli discovered that only seven security guards were on duty. Of those seven
14 guards, only three had guard cards, two said that they were in the process of obtaining
15 guard cards, and two had none. Knight, Joseph and Granelli spoke with the Club's
16 promoter, who acknowledged that the crowd was larger than anticipated and the event
17 was out of control. When asked how he was going to deal with the crowd, the promoter
18 decided to shut the event down. Knight, Joseph and Granelli informed the Club that
19 they would also need to control the crowd outside and clear the sidewalk. Club security,
20 however, still did not engage the crowd. As the event was being shut down, all security
21 staff retreated inside the venue and began to push the crowd outside. Granelli estimated
22 that the crowd outside exceeded 600 persons. Numerous fights erupted inside the lobby
23 area and in front of the Club, with no security outside to manage, direct, and arrange for
24 the safe exit of patrons from the sidewalk. This included the assault of a female patron
25 in the lobby of the Club. Club Suede security's response was to simply push the fight
26 out of the Club. As the crowd continued to exit, it filled the sidewalk, part of the street
27 and a parking lot directly across from the Club. Club security was insufficient to deal
28 with the crowd outside. In fact, every unit in the SFPD assigned to Central Station that

1 night was forced to respond to the scene to disperse and control the large crowd. A
2 patrol car was forced to drive slowly down Bay Street to herd patrons back onto the
3 sidewalk because they were blocking both directions of traffic. It took approximately
4 thirty minutes for the SFPD to disperse the crowd. After the crowd was brought under
5 control, Knight, Joseph and Granelli conducted a walk-through of Club Suede and found
6 a strong smell of marijuana inside, as well as evidence of an illegal indoor cigarette
7 smoking area. In addition, when they examined the upstairs of the Club, they found it
8 divided by stanchions with one portion clean and the DJ equipment cold, indicating that
9 portion had not been open to patrons. When only a portion of the upstairs is open to
10 patrons, the maximum capacity allowed upstairs is reduced.

- 11 • On February 6, 2010, at approximately 12:46 a.m., members of the SFPD observed a
12 large crowd of approximately 100-150 people in front of Club Suede. The crowd was
13 blocking the sidewalk such that pedestrians could not pass. The crowd was pushing
14 against the front entrance and demanding entry. Club Suede security could not control
15 the crowd as the crowd tried to rush the front door of the Club. Club Suede security
16 finally closed the front entrance doors. No patrons inside the Club could exit through
17 the front entrance. Only after additional 4-5 additional SFPD units arrived on scene did
18 the crowd cease their advances on the front door. The crowd then moved into the
19 middle of the street and into the parking lot across the street. SFPD was forced to clear
20 the crowd from the street and parking lot. It took SFPD approximately 25 minutes to
21 disperse the crowd. Club Suede failed to provide sufficient security to control the
22 crowd. Club Suede security informed SFPD that they had 403 patrons inside.
23 Maximum capacity for Club Suede is 563 when the entirety of both floors of Club Suede
24 are open. Only a small portion of the upstairs of Club Suede, however, was open at that
25 time.

26 19. The incidents described above are only examples of Defendants' ongoing pattern of
27 operating Club Suede as a nuisance and in violation of the Unfair Competition Law.
28

1 **II. REPEATED NOTICE TO DEFENDANTS ABOUT THE NUISANCE**

2 44. Defendants have had notice and knowledge that the Club was being illegally operated
3 and constituted a public nuisance as alleged in this Complaint, including but not limited to the notice
4 detailed below.

5 45. On August 19, 2008, Defendants were called before the San Francisco Entertainment
6 Commission regarding the August 8, 2008 incident at the Property. SFPD Office Fred Crisp told
7 Defendants and the Entertainment Commission that the event of August 8, 2008, had gotten out of hand
8 and thus put Defendants on notice regarding on-going problems. Defendant HANSON WONG told the
9 Entertainment Commission that he was concerned about the August 8, 2008 incident of violence at the
10 Club, that such violence was unacceptable and agreed that the event at Club Suede was out of control.
11 Mr. Wong further stated that patrons at Club Suede had been rowdy from the beginning of the event
12 and were not in compliance with security at the Club.

13 46. On September 2, 2008, SFPD Captain James Dudley sent an e-mail to Defendants
14 regarding violence at the Club. Dudley warned the Defendants that they needed more capable staff
15 working the door, checking the demeanor and sobriety of patrons, and wait staff who would not over
16 serve alcohol to patrons. Captain Dudley also told Defendants that Club security needed to spot trouble
17 within the Club and eject problem patrons, and that the Club should close down early and trade profit
18 for community interests.

19 47. On January 6, 2009, SFPD Captain James Dudley sent a letter to Defendants regarding
20 the violations at the Club witnessed by Captain Dudley on January 1, 2009, including patron fights,
21 patrons drinking alcoholic beverage outside the Club, and patrons being present inside the Club and
22 drinking alcohol after 2:00 a.m. Captain Dudley warned Defendants that management and security
23 were not sufficient to manage the crowd. Captain Dudley also requested that the Club post security in
24 the alley behind the Club and maintain a 50:1 patron to security ratio at the Club. Captain Dudley also
25 requested that the lights be turned up and the music turned off at 1:30 a.m., and that drinks be collected
26 at 1:45 a.m.

27 48. On September 11, 2009, Captain James Dudley sent an e-mail to Defendants regarding
28 violence inside the Club. Captain Dudley further warned Defendants that they were over serving

1 alcohol to their patrons. Captain Dudley also asked to review Club Suede's security plan and security
2 guard card certifications.

3 49. On January 10, 2010, SFPD Sergeant Laura Knight, San Francisco Entertainment
4 Commissioner Audrey Joseph and San Francisco Entertainment Commission Inspector Vajra Granelli
5 spoke to Defendants about the violations they had witnessed at the Club earlier that same evening,
6 including overcrowding, out of control patrons, patron violence, insufficient and inadequate security to
7 handle the crowds and patrons blocking the sidewalk and street.

8 50. Despite repeated notice to Defendants that Club Suede was being operated illegally and
9 as a public nuisance, Defendants continued to, and still continue to, operate Club Suede as a public
10 nuisance and in violation of the UCL.

11 **FIRST CAUSE OF ACTION**
12 **FOR PUBLIC NUISANCE**
13 **BROUGHT BY ALL PLAINTIFFS AGAINST ALL DEFENDANTS**
14 **(Civil Code sections 3479 and 3480)**

15 51. Plaintiffs incorporate by reference paragraphs 1 through 50 as though fully set
16 forth herein.

17 52. By permitting the above described and other injurious and illegal activities to
18 exist at the Club, Defendants now are, and for a considerable period of time heretofore and at all
19 times herein mentioned have been, causing and maintaining a continuing public nuisance within
20 the meaning of Civil Code Sections 3479 and 3480. The conditions giving rise to said public
21 nuisance are Defendants' use of the Property as a disorderly and disruptive nightclub and without
22 or in violation of the permits required by the San Francisco Municipal Codes and the San
23 Francisco and California Fire Code. The manner in which Defendants maintain the Property is
24 injurious to the health and safety of the public and the patrons of Club Suede, is dangerous to
25 human life and offensive to the senses so as to interfere with the comfortable enjoyment of life or
26 property of an entire community or neighborhood

27 56. At all times herein mentioned, Defendants have had notice and knowledge that the
28 Property constituted a public nuisance as aforesaid.

1 64. Unless Defendants are enjoined by an order of this Court from directly or indirectly
2 maintaining or permitting the nuisance, Defendants will continue to directly and indirectly use, permit
3 and maintain the Property as a nuisance, and by such conduct, continue to cause irreparable injury to
4 the People of California and the residents of the City and County of San Francisco.

5
6 **THIRD CAUSE OF ACTION**
7 **UNFAIR BUSINESS PRACTICES**
8 **BROUGHT BY THE PEOPLE OF THE STATE OF CALIFORNIA**
9 **AGAINST ALL DEFENDANTS**
10 **(Business And Professions Code sections 17200 - 17210)**

11 65. Plaintiff the People of the State of California hereby incorporates by reference
12 paragraphs 1 through 64 above, as though fully set forth herein.

13 66. Plaintiff brings this cause of action in the name of the People of the State of
14 California pursuant to Business and Professions Code Sections 17200-17210 in order to protect
15 the public as consumers and competitors from unlawful and unfair practices committed by
16 Defendants in the commercial use and operation of the Property as a public nuisance and in
17 violation of the law within the City and County of San Francisco, State of California.

18 67. Defendants transact business by operating a commercial business within the City
19 and County of San Francisco, State of California.

20 68. The violations of law described herein have been and are being carried out wholly
21 or in part within the City and County of San Francisco. The actions of Defendants are in
22 violation of the laws and public policies of the City and County of San Francisco and the State of
23 California, and are inimical to the rights and interest of the general public.

24 69. Defendants have and are engaging in the following unfair and unlawful business
25 practices prohibited by the Unfair Competition Law:

- 26 • creating and maintaining a public nuisance within the meaning of Civil Code
27 Sections 3479 and 3480;
- 28 • creating and maintaining a public nuisance within the meaning of San Francisco
 Police Code section 1060;
- operating a nightclub in violation of Business and Professions Code section

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25632;

- operating a nightclub in violation of the San Francisco Fire Code and California Fire Code, Appendix Chapter 1, section 107.6; and
- operating a nightclub after 2:00 a.m. without an Extended-Hours Permit as required by San Francisco Police Code Section 1070.1.

70. As described in Paragraph 69 above, Defendants, in the course of their business as the lessees, managers, and maintainers of commercial property that violates the San Francisco Police Code, the San Francisco and California Fire Code and State nuisance and other laws, are now and for a considerable period of time heretofore and at all times herein mentioned, have engaged and are engaging in a pattern and practice of unlawful acts and courses of conduct constituting unfair business practices and unfair competition as prohibited by the Unfair Competition Law.

71. As a direct and proximate result of the foregoing acts and practices, Defendants have received or will receive income, profits, and other benefits, which they would not have received but for the violations of the Unfair Competition Law described in this Complaint.

72. As a direct and proximate result of the foregoing acts and practices, Defendants have obtained a competitive unfair advantage over similar businesses that have not engaged in such practices.

73. Plaintiff has no adequate remedy at law in that damages are insufficient to protect the public from the present danger and harm caused by the conditions described in this Complaint.

74. Unless injunctive relief is granted to enjoin the unfair and unlawful business practices of Defendants, Plaintiff will suffer irreparable injury and damage.

75. By engaging in unfair and unlawful business practices described herein, Defendants are subject to civil penalties in the amount of \$2,500 per violation, pursuant to Business and Professions Code Section 17206.

WHEREFORE, Plaintiffs pray that:

1 1. The Property be declared a public nuisance in violation of Civil Code sections
2 3479 and 3480 and Code of Civil Procedure Section 731;

3 2. Defendants, and each of them, their agents, officers, managers, representatives,
4 employees, and anyone acting on their behalf, and their heirs, successors, and assignees be
5 preliminarily and permanently enjoined from operating, conducting, using, occupying, or in any
6 way permitting the use of the Property as a public nuisance pursuant to Civil Code sections 3479
7 and 3480;

8 3. Defendants be declared to have engaged in unfair and unlawful business acts and
9 practices in violation of Business and Professions Code Sections 17200 – 17210;

10 4. Pursuant to Business and Professions Code Sections 17203 and 17204, all
11 Defendants, and each of them, their agents, officers, managers, representatives, employees, and
12 anyone acting on their behalf, and their heirs, successors, and assignees be preliminarily and
13 permanently enjoined from operating, conducting, using, occupying, or in any way permitting
14 the use of the Property as a nuisance, in violation of San Francisco Police Code Sections 1060
15 and 1070.1, California Fire Code, Appendix Chapter 1, section 107.6, and Business and
16 Professions Code section 25632, or otherwise engaging in the unfair and unlawful business
17 practices described in this Complaint;

18 5. Defendants, and each of them, their agents, officers, managers, representatives,
19 employees, and anyone acting on their behalf, and their heirs, successors, and assignees be
20 preliminarily and permanently enjoined from operating Club Suede at 383 Bay Street;

21 6. Pursuant to Business and Professions Code Section 17206, each Defendant be
22 ordered to pay a civil penalty of up to \$2,500 for each act of unfair competition;

23 7. Pursuant to Business and Professions Code Section 17206.1, each Defendant be
24 ordered to pay a civil penalty of up to \$2,500 for each act of unfair competition that harmed a
25 senior or disabled person;

26 8. Pursuant to Business and Professions Code Section 17203, each Defendant be
27 ordered to disgorge all profits and make restitution of any money or property, real or personal,
28 obtained through their unfair and unlawful business practices;

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9. Plaintiffs recover their costs of suit;

10. Recordation of an abstract of judgment in this case constitute a prior lien over any
lien that may be held on the property by any Defendant to this action; and

11. Plaintiffs shall have such further and other relief as the court deems just.

Dated: April 15, 2010

DENNIS J. HERRERA
City Attorney
ALEX TSE
Chief Attorney, Neighborhood and Residential Safety Division
JENNIFER CHOI
JILL CANNON
Deputy City Attorneys

By: 
JILL CANNON

Attorneys for Plaintiffs
CITY AND COUNTY OF SAN FRANCISCO and
PEOPLE OF THE STATE OF CALIFORNIA

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Exhibit Description

A Property Description for 383 Bay Street

EXHIBIT A

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EXHIBIT A

Property Address:
383 Bay Street, San Francisco, CA 94133

All that property in the City and County of San Francisco, State of California, described
as follows:

Lot 102 as shown on that certain Map entitled, "Parcel Map, being a merger of
Lots 24, 25, 26, 27 and 28 of Assessor's Block 41, also being a portion of 50
Vara Block 149", recorded on October 19, 1999 in Book 44 of Parcel Maps at
Page 51, in the Office of the Recorder of the City and County of San Francisco,
State of California.

Assessor's Parcel Number Lot 102, Block 41.

EXHIBIT B



Fw: 383 Bay
Jill Cannon to: rennie23
Cc: Jennifer Choi

05/06/2010 09:04 AM

Mark,

We have not yet heard from you regarding the below. Please respond to us today. If we have not heard from you by the end of the day, in an abundance of caution, we will give ex parte notice of the OSC hearing to both you and Mr. Wong.

----- Forwarded by Jill Cannon/CTYATT on 05/06/2010 09:01 AM -----

From: Jill Cannon/CTYATT
To: rennie23@gmail.com
Cc: Jennifer Choi/CTYATT@CTYATT
Date: 05/04/2010 03:50 PM
Subject: 383 Bay

Hi Mark,

When we give ex parte notice of the OSC hearing, can you confirm that we should be giving ex parte notice to you (for both Defendants Hanson Wong and Taliesin Entertainment Group). Additionally, assuming the OSC is granted, can you confirm that you are authorized to accept the personal service of the OSC papers (again for both Defendants Hanson Wong and Taliesin Entertainment Group).

Thank you in advance for your timely reply.

Jill Cannon

EXHIBIT C



**Notice of May 10, 2010 Order to Show Cause re: Preliminary Injunction in
Case No. 498-677**

Jennifer Choi to: hanson.wong

05/07/2010 08:49 AM

Cc: Jill Cannon, mark rennie

Mr. Wong,

I am following up on my voicemail message that I left for you this morning on your phone (415) 948-8777. I left a message for you notifying you that the City intends to appear in San Francisco Superior Court, Department 301, 400 McAllister Street, San Francisco, California 94102 on **Monday, 5/10/10, at 11:00 a.m.** to ask the Court for an Order to Show Cause re: Preliminary Injunction in the case of *People, et al., v. Hanson Wong, et al.*, San Francisco Superior Court Case No. 498-677.

Though you have been represented up to this point by Mark Rennie, I spoke with Mr. Rennie this morning before I called your number. Mr. Rennie informed me that he no longer represents you and that you have obtained other counsel. Mr. Rennie did not provide the other counsel's name or contact information because you had not yet authorized its release. Consequently, I called you personally and left a message to ensure that you and Taliesin received proper notice of Monday's court appearance. I confirmed with Mr. Rennie that (415) 948-8777 was your proper contact number.

If you would like me to contact your new counsel, please either call me or send me an e-mail with the information. If you do not wish to provide the information, I will have no choice, but to contact you directly about matters on this case. For example, if the Court grants our request on Monday, I will need to serve you and Taliesin personally with our papers. I do not yet have an address for you, and Taliesin's address (383 Bay Street) has been boarded up and the number disconnected. If you do not authorize your new counsel to accept service for you, I will need you to provide me with an address where we can personally serve you with papers.

In any event, please either e-mail me or call me at (415) 554-3887 to let me know whether you or your new counsel intend to appear for Monday's court appearance.

Thank you.

Jennifer Choi