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

12 SUPERIOR COURT OF THE STATE OF CALIFORNIA
13 COUNTY OF SAN FRANCISCO
14 UNLIMITED JURISDICTION
15

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

19 Plaintiffs,

20 vs.

21 ANNE KIHAGI aka ANNA KIHAGI aka
22 ANNA SWAIN aka ANNE KIHAGI
SWAIN aka ANNA KIHAGI SWAIN,
23 JULIA MWANGI aka JULIA MUNENE,
CHRISTINE MWANGI aka CHRISTINA
24 MWANGI aka CHRISTINE JOHNSON,
XELAN PROP 1, LLC, RENKA PROP,
25 LLC, NOZARI 2, LLC, ZORIAL, LLC,
and Doe One Through Doe Fifty,
26 Inclusive,

27 Defendants.
28

Case No. CGC-15-546152

**PLAINTIFFS' NOTICE OF MOTION
AND MOTION FOR PRELIMINARY
INJUNCTION**

Date: December 23, 2015
Time: 9:30 a.m.
Dept.: 501
Judge: Hon. Ronald E. Quidachay

Date Action Filed: June 4, 2015
Trial Date: Not Yet Set

1 TO DEFENDANTS ANNE KIHAGI aka ANNA KIHAGI aka ANNA SWAIN aka ANNE
2 KIHAGI SWAIN aka ANNA KIHAGI SWAIN (“KIHAGI”), JULIA MWANGI aka JULIA
3 MUNENE (“J. MWANGI”), CHRISTINE MWANGI aka CHRISTINA MWANGI aka
4 CHRISTINE JOHNSON (“C. MWANGI”), XELAN PROP 1, LLC (“XELAN”), RENKA PROP,
5 LLC (“RENKA”), NOZARI 2, LLC (“NOZARI”), ZORIAL, LLC (“ZORIAL”), (collectively,
6 “Defendants”): NOTICE IS HEREBY GIVEN that on December 23, at 9:30 a.m., in Department
7 501 of the Superior Court of California, County of San Francisco, 400 McAllister Street, San
8 Francisco, CA 94102, Plaintiffs City and County of San Francisco and People of the State of
9 California will, and hereby do, move the Court for a Preliminary Injunction to enjoin Defendants
10 and their agents, officers, managers, representatives, employees, heirs and assignees, and anyone
11 acting on their behalf, from committing unlawful, unfair or fraudulent business practices, including,
12 but not limiting to, harassing, intimidating, or retaliating against their San Francisco tenants in
13 violation of state or local law. The Motion will be made on the grounds that Defendants unlawfully
14 harass tenants and initiate illegal evictions in violation of San Francisco Administrative Code
15 Section 37.10B, and that Defendants operate and maintain their properties as *per se* and statutory
16 public nuisances in violation of the San Francisco Housing and Building Codes, the Health and
17 Safety Code sections 17910 –17998.3 (the State Housing Law), and Civil Code sections 3479 and
18 3480 by routinely performing construction work without permits and/or exceeding the scope of City
19 permits, and that Defendants’ unlawful tenant harassment, illegal evictions, and construction
20 without permits is as part of their unlawful and unfair business model in violation of Business and
21 Professions code sections 17200 *et. seq.*

22 By way of Plaintiffs’ proposed Preliminary Injunction, Plaintiffs seek to put a halt to
23 Defendants’ unlawful harassment and illegal evictions. Plaintiffs further request the Court to enjoin
24 Defendants from maintaining, using, or operating any of their San Francisco properties in violation
25 of state or local health and safety laws, or as a public nuisance, compel Defendants to abate code
26 violations and obtain requisite permits and submit to inspections before performing renovations, and
27 compel them to submit to inspections to determine whether code violations exist and all properties
28 they now own or acquire during this lawsuit. Plaintiffs request a preliminary injunction pursuant to

1 Code of Civil Procedure sections 526-527, San Francisco Administrative Code section 37.10B,
2 California Health and Safety Code section 17980(a), and Business and Profession Code sections
3 17203-17205.

4 This Motion is based upon the accompanying Memorandum of Points and Authorities, 15
5 Tenant Declarations, Declaration from the San Francisco Department of Building Inspection, and
6 Request for Judicial Notice, filed concurrently herewith, on all the records and papers on file herein,
7 and on all such other oral and documentary evidence as the Court may consider in the hearing on
8 this Motion.

9 The relief requested by Plaintiffs is specified in the [Proposed] Preliminary Injunction,
10 submitted concurrently herewith.

11
12
13 Dated: December 1, 2015

14 DENNIS J. HERRERA
15 City Attorney
16 THOMAS S. LAKRITZ,
17 Chief Attorney, Neighborhood and Resident Safety
18 MICHAEL S. WEISS
19 MEGAN CESARE-EASTMAN
20 VICTORIA L. WEATHERFORD
21 Deputy City Attorneys

22 By: /s/ Victoria L. Weatherford
23 VICTORIA L. WEATHERFORD
24 Deputy City Attorney

25 Attorneys for Plaintiffs
26 CITY AND COUNTY OF SAN FRANCISCO AND
27 PEOPLE OF THE STATE OF CALIFORNIA
28

1 **PROOF OF SERVICE**

2 I, MORRIS ALLEN, declare as follows:

3 I am a citizen of the United States, over the age of eighteen years and not a party to the
4 above-entitled action. I am employed at the City Attorney's Office of San Francisco, Fox Plaza
5 Building, 1390 Market Street, Sixth Floor, San Francisco, CA 94102.

6 On December 1, 2015, I served the following document(s):

7 **PLAINTIFFS' NOTICE OF MOTION AND MOTION FOR PRELIMINARY INJUNCTION**

8 on the following persons at the locations specified:

9 Aleksandr A. Volkov, Esq.
10 211 Gough Street, Suite 116
11 San Francisco, CA 94102
12 E-mail: alex@volff.com
13 VIA PERSONAL DELIVERY AND
14 ELECTRONIC SERVICE

15 Julie N. Nong, Esq.
16 NT Law
17 2600 W. Olive Avenue, Fifth Floor #647
18 Burbank, CA 91505
19 E-mail: julienong@ntlawgroup.com
20 VIA ELECTRONIC SERVICE

21 in the manner indicated below:

22 **BY PERSONAL SERVICE:** I sealed true and correct copies of the above documents in addressed
23 envelope(s) and caused such envelope(s) to be delivered by hand at the above locations by a professional
24 messenger service. A declaration from the messenger who made the delivery is attached or will
25 be filed separately with the court.

26 **BY OVERNIGHT DELIVERY:** I sealed true and correct copies of the above documents in addressed
27 envelope(s) and placed them at my workplace for collection and delivery by overnight courier service. I am
28 readily familiar with the practices of the San Francisco City Attorney's Office for sending overnight deliveries.
In the ordinary course of business, the sealed envelope(s) that I placed for collection would be collected by a
courier the same day.

BY ELECTRONIC MAIL: Based on a court order or an agreement of the parties to accept electronic
service, I caused the documents to be served electronically through File & ServeXpress in portable document
format ("PDF") Adobe Acrobat.

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

Executed December 1, 2015, at San Francisco, California.


MORRIS ALLEN