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ENDORSED
FILED
San Francisco County Superior Court

JUN 21 2007

GORDON PARK-LI, Clerk
BY: CRISTINA F. BAUTISTA
~~CALIFORNIA DEPARTMENT OF CONSUMER AFFAIRS~~

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DEPARTMENT 212

Attorneys for Plaintiff
PEOPLE OF THE STATE OF CALIFORNIA

SUPERIOR COURT OF THE STATE OF CALIFORNIA
CITY AND 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,

Plaintiff,

vs.

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

Defendants.

Case No. **CC07-464493**

COMPLAINT FOR INJUNCTIVE RELIEF AGAINST CHOPPER CITY CRIMINAL STREET GANG, EDDY ROCK CRIMINAL STREET GANG AND KNOCK OUT POSSE CRIMINAL STREET GANG

Type Of Case: (42) Other Complaint

Attached Exhibits:
(A) Map of KOP/Chopper City and Eddy Rock Safety Zones

The PEOPLE OF THE STATE OF CALIFORNIA, by and through DENNIS J. HERRERA, City Attorney for the City and County of San Francisco (hereinafter, "Plaintiff" or "People") for their Complaint against KNOCK OUT POSSE Criminal Street Gang ("KNOCK OUT POSSE"), CHOPPER CITY Criminal Street Gang ("CHOPPER CITY") and EDDY ROCK Criminal Street

1 Gang ("EDDY ROCK") and Doe One through Doe Five Hundred (collectively, "Defendants")
2 hereby alleges as set forth below:

3 INTRODUCTION

4 1. Plaintiff brings this action to stop the ongoing hazardous public nuisance created by
5 three criminal street gangs in the Western Addition neighborhood of San Francisco: Defendants
6 KNOCK OUT POSSE, CHOPPER CITY, and EDDY ROCK.

7 2. Defendants KNOCK OUT POSSE, CHOPPER CITY, and EDDY ROCK are violent,
8 turf-based criminal street gangs. Each gang controls a particular geographical section of the Western
9 Addition neighborhood of San Francisco.

10 3. Through their members, Defendants KNOCK OUT POSSE, CHOPPER CITY, and
11 EDDY ROCK commit nuisance activities within their territories including illegal drug sales,
12 homicides, robberies, burglaries, shootings, assaults, loitering in public places in a menacing manner
13 to instill fear and discourage crime reporting, and graffiti. These activities are designed to maintain
14 control of each gang's territory to ensure a safe haven for further criminal activity and to maximize
15 profits from their drug-dealing enterprise.

16 4. Defendants KNOCK OUT POSSE, CHOPPER CITY, and EDDY ROCK'S nuisance
17 conduct within their territory has created neighborhood conditions which are injurious to health,
18 indecent or offensive to the senses, is an obstruction to the free use of property, interferes with the
19 comfortable enjoyment of life or property, and unlawfully obstructs the free passage or use, in the
20 customary manner, of public parks, streets, sidewalks, and squares, in violation of California Civil
21 Code Section 3479.

22 5. The dangerous and offensive conditions within the territories controlled by
23 Defendants KNOCK OUT POSSE, CHOPPER CITY and EDDY ROCK amount to a public
24 nuisance in that they affect an entire community or neighborhood at the same time, and a
25 considerable number of persons, within the meaning of California Civil Code Section 3480.

26 6. By conducting themselves within their territories in a manner constituting a public
27 nuisance, Defendants KNOCK OUT POSSE, CHOPPER CITY and EDDY ROCK have engaged,
28 and continue to engage, in unlawful business practices prohibited by California Business and

1 Professions Code Sections 17200-17210.

2 **THE PARTIES**

3 7. Plaintiff PEOPLE OF THE STATE OF CALIFORNIA, by and through DENNIS J.
4 HERRERA, City Attorney for the City and County of San Francisco, a city with a population in
5 excess of 750,000, as determined by the Demographic Research Unit of the State of California's
6 Department of Finance, brings this action pursuant to Civil Code Sections 3479, 3480, and 3491,
7 Code of Civil Procedure Section 369.5, 526, and 731, and Business and Professions Code Sections
8 17200-17210.

9 8. Defendant KNOCK OUT POSSE is a criminal street gang within the meaning of
10 California Penal Code Section 186.22(f), being an ongoing organization of three or more persons,
11 having as one of its primary activities, the sale of controlled substances or the commission of violent
12 crimes, having a common name and common signs and symbols, and whose members individually
13 or collectively have engaged in a pattern of criminal gang activity. Defendant KNOCK OUT
14 POSSE is now, and at all relevant times has been, operating a drug-dealing enterprise and creating a
15 public nuisance within the City and County of San Francisco.

16 9. Defendant CHOPPER CITY is a criminal street gang within the meaning of California
17 Penal Code Section 186.22(f), being an ongoing organization of three or more persons, having as
18 one of its primary activities, the sale of controlled substances or the commission of violent crimes,
19 having a common name and common signs and symbols, and whose members individually or
20 collectively have engaged in a pattern of criminal gang activity. Defendant CHOPPER CITY is
21 now, and at all relevant times has been, operating a drug-dealing enterprise and creating a public
22 nuisance within the City and County of San Francisco.

23 10. Defendant EDDY ROCK is a criminal street gang within the meaning of California
24 Penal Code Section 186.22(f), being an ongoing organization of three or more persons, having as
25 one of its primary activities, the sale of controlled substances or the commission of violent crimes,
26 having a common name and common signs and symbols, and whose members individually or
27 collectively have engaged in a pattern of criminal gang activity. Defendant EDDY ROCK is now,
28

1 and at all relevant times has been, operating a drug-dealing enterprise and creating a public nuisance
2 within the City and County of San Francisco.

3 11. Defendants KNOCK OUT POSSE, CHOPPER CITY and EDDY ROCK are each
4 sued as an unincorporated association as defined by California Code of Civil Procedure Section
5 369.5. Defendants KNOCK OUT POSSE, CHOPPER CITY, and EDDY ROCK'S gang members
6 each function under a common name and under circumstances where fairness requires that the
7 groups be recognized as distinct legal entities, such as when gang members claim "KNOCK OUT
8 POSSE", "CHOPPER CITY", or "EDDY ROCK" as they commit their shootings, assaults,
9 robberies, burglaries, graffiti vandalism, and other crimes and nuisance behavior. Defendants
10 KNOCK OUT POSSE, CHOPPER CITY, and EDDY ROCK act by and through their members,
11 both individually and collectively. Defendants KNOCK OUT POSSE, CHOPPER CITY, and
12 EDDY ROCK conduct their affairs and activities in the City and County of San Francisco, State of
13 California. In this capacity, they are each sued as the entities committing the acts alleged in this
14 Complaint, or directing the commission of the acts alleged in this Complaint. Defendants KNOCK
15 OUT POSSE, CHOPPER CITY, and EDDY ROCK also consist of two or more individuals joined
16 by mutual consent for an alleged common lawful purpose, organized for social, recreational, and
17 other common purposes. Notwithstanding, Defendants KNOCK OUT POSSE, CHOPPER CITY,
18 and EDDY ROCK are, and at all times mentioned in this complaint were, criminal street gangs that
19 operate drug dealing enterprises and create a public nuisance.

20 12. Defendants DOE ONE through DOE FIVE HUNDRED are sued herein under
21 fictitious names. At this time, Plaintiff does not know the true names and capacities of these
22 Defendants, but pray the same may be inserted when ascertained.

23 13. At all times herein mentioned, each Defendant was an agent, servant, member,
24 associate, partner, affiliate, recruit, and representative of the other Defendants, and at all times, was
25 acting within the course and scope their agency, service, membership, association, partnership,
26 affiliation, recruitment, and representation.

27 14. Actions taken or omissions made by Defendants' agents, servants, members,
28 associates, partners, affiliates, recruits or representatives, in the course of their agency, service,

1 membership, association, partnership, affiliation, recruitment and representation shall be considered
2 the acts and omissions of Defendants for purposes of this Complaint.

3 15. Whenever reference is made in this Complaint to any act or omission of Defendants,
4 such allegation shall mean that each Defendant did or authorized the act or omission, or recklessly
5 and carelessly failed to supervise, control, or direct other persons who engaged in the act or
6 omission.

7 **GENERAL ALLEGATIONS**
8 **KNOCK OUT POSSE CRIMINAL STREET GANG**

9 16. Defendant KNOCK OUT POSSE is a violent criminal street gang with a presence in
10 San Francisco. Defendant KNOCK OUT POSSE currently has over 20 active adult members in San
11 Francisco. KNOCK OUT POSSE has been operating in San Francisco's Western Addition
12 neighborhood since the mid 1980s.

13 17. KNOCK OUT POSSE'S archrival is Defendant EDDY ROCK criminal street gang.
14 Plaintiff is informed and believes that this rivalry began in 2002.

15 18. KNOCK OUT POSSE'S primary activities consist of sales of narcotics and the
16 commission of violent crimes such as robberies, burglaries, aggravated assaults, shootings and
17 homicides within its territory and throughout San Francisco.

18 19. KNOCK OUT POSSE identifies itself to its members and distinguishes itself from its
19 rivals by the use of the name Knock Out Posse, the numbers "567" and "1600", the letters "KOP"
20 and "KO", and the word "Uptown" and the "thumbs up" hand sign to symbolize its close alliance
21 with CHOPPER CITY and other Uptown criminal street gangs. KNOCK OUT POSSE members
22 identify themselves by flashing a hand sign made by forming a circle with the thumb and first finger
23 and extending the third, fourth and fifth fingers up and out (commonly known as the "okay"
24 symbol).

25 20. KNOCK OUT POSSE'S gang letters, numbers and signs appear in their writing,
26 lyrics, clothing, accessories, jewelry, tattoos, and graffiti.

27 21. KNOCK OUT POSSE is part of an alliance with Defendant CHOPPER CITY and
28 other gangs in San Francisco's Western Addition neighborhood who claim territory west of Fillmore

1 Street. This alliance of gangs is known as "Uptown." The Uptown gangs caper together to commit
2 crimes in the Western Addition and consider themselves to be living the "Uptown Lifestyle."

3 CHOPPER CITY CRIMINAL STREET GANG

4 22. Defendant CHOPPER CITY is a violent criminal street gang with a presence in San
5 Francisco. CHOPPER CITY currently has over 25 active adult members in San Francisco.
6 Defendant CHOPPER CITY has been operating in San Francisco's Western Addition District since
7 at least 2004.

8 23. CHOPPER CITY'S archrival is Defendant EDDY ROCK criminal street gang.
9 Plaintiff is informed and believes that this rivalry began in 2004.

10 24. CHOPPER CITY'S primary activities consist of sales of narcotics and the
11 commission of violent crimes such as robberies, burglaries, aggravated assaults, shootings and
12 homicides within its territory and throughout San Francisco.

13 25. CHOPPER CITY identifies itself to its members and distinguishes itself from its
14 rivals by the use of the names "Chopper City" and "Choppa City", the numbers "223" and "1800",
15 the word "Uptown" and the "thumbs up" hand sign to symbolize its close alliance with KNOCK
16 OUT POSSE and other Uptown criminal street gangs, and the hand sign made by forming a "C" with
17 the hand.

18 26. CHOPPER CITY'S gang letter, numbers and signs appear in their writings, clothing,
19 accessories, tattoos, and graffiti.

20 27. CHOPPER CITY is part of an alliance with Defendant KNOCK OUT POSSE and
21 other gangs in San Francisco's Western Addition neighborhood who claim territory west of Fillmore
22 Street. This alliance of gangs is known as "Uptown". The Uptown gangs conspire together to
23 commit crimes in the Western Addition and consider themselves to be living the "Uptown
24 Lifestyle."

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1 **EDDY ROCK CRIMINAL STREET GANG**

2 28. Defendant EDDY ROCK is a violent criminal street gang with a presence in San
3 Francisco. EDDY ROCK currently has over 20 active adult members. Defendant EDDY ROCK
4 has been operating in San Francisco's Western Addition District since 2001.

5 29. EDDY ROCK'S archrivals are the Uptown alliance of gangs, including Defendants
6 KNOCK OUT POSSE and CHOPPER CITY. This rivalry began in 2002. EDDY ROCK is a
7 Downtown gang. Downtown gangs are those gangs in the Western Addition that claim territory east
8 of Fillmore Street. The Uptown alliance of gangs are archrivals of EDDY ROCK.

9 30. EDDY ROCK'S primary activities consist of sales of narcotics and the commission of
10 crimes such as robberies, burglaries, aggravated assaults, shootings and homicides within its territory
11 and throughout San Francisco.

12 31. EDDY ROCK identifies itself to its members and the community and distinguishes
13 itself from its rivals by the use of the names "Eddy Rock ", "OC", and "Paypa Bound". Members of
14 EDDY ROCK also associate the numbers "37", "72", and "1200" with their gang. EDDY ROCK
15 members will flash their fingers in the shape of a letter "E". EDDY ROCK members will also form
16 a shape of a diamond with their hands by touching the tips of the fingers of their open palms together
17 to form the top of the diamond and touch their thumbs together to form the bottom of the diamond.
18 EDDY ROCK members will also make thumbs down hand signs to symbolize that they are a
19 Downtown gang.

20 32. EDDY ROCK'S gang letters, numbers and signs appear in their writings, clothing,
21 accessories, tattoos, and graffiti.

22 **KNOCK OUT POSSE AND CHOPPER CITY'S PROPOSED SAFETY ZONE**

23 33. Plaintiff seeks a Court Order enjoining Defendants and their members from
24 committing a public nuisance within specified geographical areas. These geographical areas shall be
25 referred to as "Safety Zones".

26 34. The proposed Safety Zone for Defendants KNOCK OUT POSSE and CHOPPER
27 CITY is bordered by and includes Ellis Street to the North, Divisadero Street to the West, Turk
28 Street to the South, and Steiner Street to the East. The KOP/Chopper City Safety Zone includes the

1 sidewalk on each of these boundary streets and extends 100 yards to the outside of each of these
2 boundary streets. The KOP/Chopper City Safety Zone includes the Marcus Garvey, Martin Luther
3 King and Pitts Plaza Public Housing Complexes. A map of the proposed KOP/Chopper City Safety
4 Zone is attached hereto as Exhibit A and incorporated as part of this Complaint. The rectangular
5 area marked in pink on the left side of the map is the KOP/Chopper City Safety Zone.

6 35. Included in the KOP/Chopper City Safety Zone is an area controlled by a smaller
7 criminal street gang, Turkwood. While Turkwood is not named as a party, their member are closely
8 allied with KNOCK OUT POSSE and CHOPPER CITY. Turkwood members are so strongly
9 aligned with defendant CHOPPER CITY that for purposes of this lawsuit, a member of Turkwood is
10 a member of defendant CHOPPER CITY and subject to this lawsuit against CHOPPER CITY.

11 36. For years, and at all times herein mentioned, Defendants KNOCK OUT POSSE and
12 CHOPPER CITY have perpetuated a public nuisance within the geographical area covered by the
13 KOP/Chopper City Safety Zone. Although KNOCK OUT POSSE, CHOPPER CITY and Turkwood
14 criminal street gangs all claim certain sections within the KOP/Chopper City Safety Zone as their
15 territory, all three gangs use the entire KOP/Chopper City Safety Zone for their criminal and other
16 nuisance activities. Through their members, Defendants KNOCK OUT POSSE and CHOPPER
17 CITY have created a public nuisance within the KOP/Chopper City Safety Zone by engaging in
18 street-level drug sales, and other criminal and nuisance activity designed to support and protect their
19 drug dealing criminal enterprise and other nuisance and criminal activities.

20 37. Plaintiff, by this action, seeks to designate this same area a nuisance-free
21 KOP/Chopper City Safety Zone. Plaintiff seeks to enjoin Defendants KNOCK OUT POSSE and
22 CHOPPER CITY and their members (including persons who participate in or act in concert with this
23 association) from committing their gang-related crime and their gang-related nuisance activity
24 within the KOP/Chopper City Safety Zone.

25 **EDDY ROCK'S PROPOSED SAFETY ZONE**

26 38. The proposed Safety Zone for EDDY ROCK is bordered by and includes Ellis Street
27 to the north, Gough Street to the east, Turk Street to the south, and Webster Street to the west. The
28 Safety Zone includes the sidewalk on each of these boundary streets and extends 100 yards to the

1 outside of each of these boundary streets. This zone includes the Plaza East Public Housing
2 Complex. A map of the proposed Eddy Rock Safety Zone is attached hereto as Exhibit A and
3 incorporated as part of this Complaint. The rectangular area marked in pink on the right side of the
4 map is the Eddy Rock Safety Zone.

5 39. For years, and at all times herein mentioned, Defendant EDDY ROCK has
6 perpetuated a public nuisance within the geographical area covered by the Eddy Rock Safety Zone.
7 Through its members, Defendant EDDY ROCK has created a public nuisance within the Eddy Rock
8 Safety Zone by engaging in street-level drug sales, and other criminal and nuisance activity designed
9 to support and protect its drug dealing criminal enterprise and other nuisance and criminal activities.

10 40. Plaintiff, by this action, seeks to designate this same area a nuisance-free Eddy Rock
11 Safety Zone. Plaintiff seeks to enjoin Defendant EDDY ROCK and its members (including persons
12 who participate in or act in concert with this association) from committing their gang-related crime
13 and their gang-related nuisance activity within the Eddy Rock Safety Zone.

14
15 **DEFENDANTS' CREATION AND MAINTENANCE OF A PUBLIC NUISANCE WITHIN
THE DESIGNATED SAFETY ZONES: DRUG DEALING**

16 41. Defendants KNOCK OUT POSSE, CHOPPER CITY, and EDDY ROCK, through
17 their members, operate a drug dealing enterprise on the public streets and sidewalks within their
18 claimed territories (designated as two Safety Zones for purposes of this Injunction).

19 42. Defendants KNOCK OUT POSSE, CHOPPER CITY and EDDY ROCK regularly
20 possess, transport, and sell controlled substances, including cocaine, and marijuana, within the two
21 Safety Zones. Members of Defendants KNOCK OUT POSSE, CHOPPER CITY and EDDY ROCK
22 have been repeatedly arrested for possession, possession for sales, and sales of controlled substances
23 within the two Safety Zones. Numerous members have suffered convictions stemming from their
24 arrests for drug possession, possession for sales and sales within the two Safety Zones.

25 43. Within the two Safety Zones, Defendants assert the right to sell narcotics within each
26 of their claimed territories, to the exclusion of all other criminal street gangs. A well-guarded,
27 fiercely defended territory is critical to the success of Defendants' drug-dealing enterprise because it
28 gives them a safe haven and all but guarantees that they will earn a profit without having to compete

1 for customers. Defendants KNOCK OUT POSSE, CHOPPER CITY, and EDDY ROCK promote
2 and maintain their drug dealing enterprise by fiercely defending their territory from rival gang
3 members through violence. Defendants also prevent residents from seeking police intervention
4 against their activities by instilling fear in them through violence.

5 44. At all times herein mentioned, Defendants KNOCK OUT POSSE, CHOPPER CITY,
6 and EDDY ROCK, through their conduct and the conduct of their members in conjunction with their
7 drug dealing enterprises, have created a dangerous, fearful, and unsightly atmosphere within the
8 KOP/Chopper City Safety Zone and Eddy Rock Safety Zone, which is injurious to health, indecent
9 or offensive to the senses, is an obstruction to the unfettered use of property, and interferes with the
10 comfortable enjoyment of life or property.

11 **DEFENDANTS' CREATION AND MAINTENANCE OF A PUBLIC NUISANCE**
12 **WITHIN THE DESIGNATED SAFETY ZONES: VIOLENT CRIMES**

13 45. Defendants KNOCK OUT POSSE, CHOPPER CITY and EDDY ROCK commit the
14 majority of the violence that occurs within the two Safety Zones against community members or
15 actual or perceived members of rival gangs, in an effort to protect their territories. Other violence is
16 committed by rival gang members in retaliation or to show disrespect toward Defendants.

17 46. Defendants KNOCK OUT POSSE, CHOPPER CITY and EDDY ROCK are
18 suspected of orchestrating, directing, causing, inviting, participating in, committing and/or being the
19 target of numerous homicides within the two Safety Zones within the last six years. Many of the
20 homicides reflect the ongoing retaliatory violence between Defendants KNOCK OUT POSSE and
21 CHOPPER CITY and their archrival, Defendant EDDY ROCK.

22 47. Violent homicides committed by or against members of Defendants KNOCK OUT
23 POSSE, CHOPPER CITY and EDDY ROCK within the two Safety Zones create an atmosphere of
24 fear and apprehension for the residents and the community, which is injurious to health, indecent or
25 offensive to the senses, an obstruction to the free use of property, and interferes with the comfortable
26 enjoyment of life or property.

27 48. Defendants KNOCK OUT POSSE, CHOPPER CITY and EDDY ROCK are also
28 responsible for numerous shootings and other aggravated assaults committed within the two zones

1 within the last six years. The shootings and aggravated assaults within the two zones have been
2 perpetrated by KNOCK OUT POSSE, CHOPPER CITY and EDDY ROCK against rival gang
3 members or innocent bystanders, including those perceived as rival gang members. Shootings, and
4 aggravated assaults within the two Safety Zones have also been perpetrated by rival gang members
5 against members of Defendants KNOCK OUT POSSE, CHOPPER CITY, EDDY ROCK or
6 innocent bystanders mistaken for Defendants. By shooting and assaulting rival gang members or
7 perceived rival gang members within the two Safety Zones, Defendants KNOCK OUT POSSE,
8 CHOPPER CITY and EDDY ROCK have created a dangerous, fearful, and unsightly atmosphere in
9 the neighborhood, which is injurious to health, indecent or offensive to the senses, is an obstruction
10 to the free use of property, and interferes with the comfortable enjoyment of life or property.

11
12 **DEFENDANTS' CREATION AND MAINTENANCE OF A PUBLIC NUISANCE WITHIN
THE DESIGNATED SAFETY ZONES: GRAFFITI**

13 49. At all times herein mentioned, the majority of graffiti vandalism committed against
14 private and public property within the KOP/Chopper City Safety Zone and the Eddy Rock Safety
15 Zone is committed by members of Defendants KNOCK OUT POSSE, CHOPPER CITY and EDDY
16 ROCK.

17 50. At all times herein mentioned, Defendants KNOCK OUT POSSE, CHOPPER CITY
18 and EDDY ROCK have used, and continue to use, graffiti vandalism against private and public
19 property to communicate to the neighborhood and to rival gangs that they "claim" each of their
20 territories contained in the two Safety Zones as their exclusive safe haven for criminal street gang
21 sales of controlled substances.

22 51. Defendants KNOCK OUT POSSE, CHOPPER CITY and EDDY ROCK use graffiti
23 vandalism to show their omnipresence within each of their Safety Zones, to establish their
24 dominance of the area, and to intimidate neighbors from reporting its crimes and nuisance conduct.

25 52. At all times herein mentioned, Defendants KNOCK OUT POSSE, CHOPPER CITY
26 and EDDY ROCK have used and continue to use graffiti markers and spray paint cans to deface
27 homes and other buildings, sidewalks, walls, gates, and streets within each of their Safety Zones.

1 53. At all times herein mentioned, Defendants KNOCK OUT POSSE, CHOPPER CITY
2 and EDDY ROCK'S graffiti vandalism has resulted in visual blight, and has created a dangerous,
3 fearful, and unsightly atmosphere within the two Safety Zones, which is injurious to health, indecent
4 or offensive to the senses, is an obstruction to the free use of property, and interferes with the
5 comfortable enjoyment of life or property.

6 54. At all times herein mentioned, Defendants KNOCK OUT POSSE, CHOPPER CITY
7 and EDDY ROCK'S graffiti vandalism has resulted in real financial losses as private and public
8 property owners have been forced to spend time and money to repeatedly abate gang graffiti within
9 each of the two Safety Zones. Defendants' graffiti vandalism has also decreased property values.

10 55. In sum, at all times herein mentioned, Defendants KNOCK OUT POSSE, CHOPPER
11 CITY and EDDY ROCK have conducted, and continue to conduct, their business in a manner that
12 has created, and continues to create, a public nuisance within the KOP/Chopper City Safety Zone
13 and the Eddy Rock Safety Zone.

14 56. Defendants KNOCK OUT POSSE, CHOPPER CITY, and EDDY ROCK'S conduct
15 within each of their Safety Zones has resulted in conditions that are injurious to health, indecent or
16 offensive to the senses, obstruct the free use of property, and interferes with the comfortable
17 enjoyment of life or property, in violation of the California Civil Code.

18 57. Defendants KNOCK OUT POSSE, CHOPPER CITY, and EDDY ROCK'S conduct
19 within each of their Safety Zones amounts to unfair and unlawful business practices, in violation of
20 the California Business and Professions Code.

21 58. Plaintiff is informed and believes that Defendants KNOCK OUT POSSE, CHOPPER
22 CITY and EDDY ROCK have profited and continue to profit from businesses that are operated in
23 violation of state law.

24 59. When appropriate, Plaintiff will move the Court to amend this Complaint to include
25 any conditions discovered after the filing of this Complaint.

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1 **FIRST CAUSE OF ACTION: PUBLIC NUISANCE**

2 **COUNT ONE**
3 **NUISANCE CAUSED BY CRIMINAL STREET GANG**
4 **(Penal Code Section 186.22a (a))**

5 60. Plaintiff hereby incorporates by reference Paragraph 1 through 59 as though fully set
6 forth herein.

7 61. As described above, at all times herein mentioned, Defendants KNOCK OUT
8 POSSE, CHOPPER CITY, and EDDY ROCK have used each of their Safety Zones to commit
9 offenses listed in subdivision (e) of Section 186.22 of the California Penal Code, including, but not
10 limited to: assault with a deadly weapon, assault with force likely to produce great bodily injury,
11 robbery, burglary, homicide, and the sale, possession for sale, and transportation of controlled
12 substances, creating "a nuisance which shall be enjoined, abated, and prevented," within the meaning
13 of Section 186.22a (a) of the California Penal Code.

14 62. At all times herein mentioned, Defendants knew or should have known that their
15 conduct was creating nuisances in each of their Proposed Safety Zones, as alleged in the Complaint,
16 but failed to take reasonable steps to abate the public nuisance.

17 63. Unless enjoined, Defendants will continue to operate their illegal business enterprises
18 and commit other criminal acts in each of their Safety Zones.

19 64. Plaintiff has no adequate remedy at law in that damages are insufficient to protect the
20 public from the present danger and harm caused by the conditions described above. Unless
21 injunctive relief is granted to enjoin Defendants, the public will suffer irreparable injury and damage.

22 65. Unless these public nuisances are abated, the community, the neighborhood, and the
23 residents of San Francisco and the citizens of the State of California will suffer irreparable injury and
24 damage, in that said conditions will continue to be injurious to the enjoyment of life and the free use
25 of property by said residents and citizens.

26 **COUNT TWO**
27 **GENERAL PUBLIC NUISANCE STATUTE**
28 **(Civil Code Sections 3479, 3480)**

66. Plaintiff hereby incorporates by reference Paragraph 1 through 65 as though fully set
forth herein.

1 67. As described above, Defendants KNOCK OUT POSSE, CHOPPER CITY and
2 EDDY ROCK are now, and for a considerable period of time, and all times pertinent to the
3 allegations in this Complaint, have been, conducting illegal business enterprises and committing
4 criminal acts within both Safety Zones, in a manner constituting a continuing public nuisance within
5 the meaning of California Civil Code Sections 3479 and 3480. The practices described above are
6 injurious to the health and safety of the residents and merchants in each of their Safety Zones, are
7 offensive to the senses, and interfere with the comfortable enjoyment of life and property. The
8 practices described above affect a considerable number of persons and an entire community or
9 neighborhood.

10 68. At all times herein mentioned, Defendants knew or should have known that their
11 conduct was creating a public nuisance in each of their Safety Zones, as alleged in the Complaint,
12 but failed to take reasonable steps to abate the public nuisances.

13 69. Unless enjoined, Defendants will continue to operate their illegal business enterprises
14 and commit other criminal acts in each of their Safety Zones.

15 70. Plaintiff has no adequate remedy at law in that damages are insufficient to protect the
16 public from the present danger and harm caused by the conditions described above. Unless
17 injunctive relief is granted to enjoin Defendants, the public will suffer irreparable injury and damage.

18 71. Unless these public nuisances are abated, the community, the neighborhood, and the
19 residents of San Francisco and the citizens of the State of California will suffer irreparable injury and
20 damage, in that said conditions will continue to be injurious to the enjoyment of life and the free use
21 of property by said residents and citizens.

22 **SECOND CAUSE OF ACTION:**
23 **UNFAIR AND UNLAWFUL BUSINESS PRACTICES**
 (Business and Professions Code Sections 17200-17210)

24 72. Plaintiff hereby incorporates by reference Paragraphs 1 through 71 and makes them a
25 part of this Second Cause of Action, as though fully set forth herein.

26 73. Plaintiff, acting to protect the public as consumers and competitors from unlawful
27 practices, bring this cause of action in the public interest in the name of the People of the State of
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1 California, pursuant to California Business and Professions Code Section 17200-17210 (hereinafter,
2 "Unfair Competition Law" or "UCL").

3 74. Defendants KNOCK OUT POSSE, CHOPPER CITY, and EDDY ROCK operate
4 street level drug dealing enterprises within each of their Safety Zones in the City and County of San
5 Francisco, State of California, in violation of state law.

6 75. Defendants' actions are in violation of the laws and public policies of the State of
7 California and are inimical to the rights and interest of the general public. Unless restrained and
8 enjoined by an order of this Court, Defendants will continue to engage in the unlawful and unfair
9 acts and courses of conduct described herein.

10 76. Through the conduct described herein, Defendants have engaged in the following
11 unlawful and unfair business practices, in violation of the UCL: possession, transportation, and sale
12 of controlled substances, including cocaine, and marijuana; homicides; shootings; burglaries,
13 aggravated assaults; graffiti vandalism; threats; intimidation; loitering; and trespassing.

14 77. As a direct and proximate result of the foregoing acts and practices, Defendants
15 received income and/or other benefits, which they would not have received if they had not engaged
16 in the violations of the UCL described herein.

17 78. Plaintiff is informed and believes that Defendants' unlawful business practices have
18 been perpetrated against one or more elderly or disabled persons.

19 79. Plaintiff has no adequate remedy at law in that damages are insufficient to protect the
20 public from the present danger and harm caused by the conditions described in this Complaint.
21 Unless enjoined by this Court, Defendants will continue to engage in unlawful and unfair business
22 practices. Unless injunctive relief is granted to enjoin Defendants' unlawful business practices,
23 Plaintiff will suffer irreparable injury and damage.

24 80. Defendants are subject to civil penalties of up to \$2,500 per violation of the Business
25 and Professions Code for each act of unfair or unlawful business practice.

26 81. Defendants are subject to additional civil penalties of up to \$2,500 for each act of
27 unlawful or unfair business practice perpetrated against one or more elderly or disabled persons.

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1 **PRAYER FOR RELIEF**

2 WHEREFORE, Plaintiff prays that judgment be entered in favor of Plaintiff and against
3 Defendants KNOCK OUT POSSE Criminal Street Gang, CHOPPER CITY Criminal Street Gang
4 and EDDY ROCK Criminal Street Gang as follows:

5 **AS TO DEFENDANTS KNOCK OUT POSSE AND**
6 **CHOPPER CITY CRIMINAL STREET GANGS**

7 1. For a judicial declaration that Defendants KNOCK OUT POSSE Criminal Street
8 Gang and CHOPPER CITY Criminal Street Gang are criminal street gangs within the meaning of
9 Penal Code Section 186.22;

10 2. For a judicial declaration that Defendants KNOCK OUT POSSE Criminal Street
11 Gang, and CHOPPER CITY Criminal Street Gang, their members, associates, affiliates, recruits and
12 agents, be declared to have created a public nuisance within the Knock Out Posse/ Chopper City
13 Safety Zone, in violation of California Penal Code Section 186.22a(a), California Civil Code
14 Sections 3479 and 3480 and California Business and Professions Code Section 17200-17210;

15 3. For a judicial declaration that the KOP/Chopper City Safety Zone is where
16 Defendants KNOCK OUT POSSE Criminal Street Gang, and CHOPPER CITY Criminal Street
17 Gang have created the nuisance, and designating the same as the Knock Out Posse/Chopper City
18 Safety Zone;

19 4. For an Order enjoining and restraining Defendants KNOCK OUT POSSE and
20 CHOPPER CITY and their members, associates, affiliates, recruits, and agents, and anyone acting
21 on their behalf, from committing crimes or any conduct amounting to a nuisance, within the Knock
22 Out Posse/Chopper City Safety Zone, in accordance with Penal Code Section 186.22a (a), Civil
23 Code Sections 3479, 3480, and 3491, Code of Civil Procedure Section 731, and Business and
24 Professions Code Section 17206.

25 5. For an Injunction, enjoining and restraining Defendants KNOCK OUT POSSE and
26 CHOPPER CITY, their members, associates, affiliates, recruits and agents, from engaging in or
27 performing, directly or indirectly, *any* of the following activities *within* the Knock Out
28 Posse/Chopper City Safety Zone:

1 a. INTIMIDATION. Confronting, intimidating, annoying, harassing, threatening,
2 challenging, provoking, assaulting, or battering any person known to Defendants KNOCK OUT
3 POSSE and CHOPPER CITY, their members, associates, affiliates, recruits or agents, to be a
4 witness to, a victim of, or a complainant of any activity of the KNOCK OUT POSSE or CHOPPER
5 CITY Criminal Street Gangs;

6 b. GUNS OR DANGEROUS WEAPONS. (1) possessing any gun, firearm,
7 ammunition, or illegal weapon as defined in Penal Code Section 12020, (2) knowingly remaining in
8 the presence of anyone who is in possession of such gun, firearm, ammunition or illegal weapon, or
9 (3) knowingly remaining in the presence of such gun, firearm, ammunition, or illegal weapon;

10 c. GRAFFITI or GRAFFITI TOOLS. Damaging, defacing, or marking any public or
11 private property of another, or possessing spray paint cans, felt tip marker, or other graffiti tools as
12 defined in Penal Code Section 594.2;

13 d. POSSESSION AND SALE OF DRUGS. Selling, possessing, or using any controlled
14 substance or related paraphernalia, as defined in Health and Safety Code Section 11364, including,
15 but not limited to, rolling papers, smoking pipes of any kind, crack vials, and syringes, (2)
16 knowingly remaining in the presence of anyone selling, possessing, or using any controlled
17 substance or related paraphernalia, or (3) knowingly remaining in the presence of any controlled
18 substance or such related paraphernalia;

19 e. TRESPASSING. Being present on any private property, including San Francisco
20 Housing Authority property, except (1) with the prior, written consent of the owner or the owner's
21 agent, or (2) in the physical presence of the owner or owner's agent, or person in lawful possession
22 of the property;

23 f. GANG SIGNS AND GANG SYMBOLS. Flashing gang signs or showing any gang
24 symbols, including but not limited to: "Knock Out Posse", "KOP", "KO", "567", "1600", "Uptown",
25 "Chopper City", "Choppa City", "223", "1800", the "okay" hand sign, the "C" hand sign and the
26 "thumbs up" hand sign.

27 g. ASSOCIATION. Standing, sitting, walking, driving, gathering, or appearing
28 anywhere in the public view or any place accessible by or to the public, with any known member of

1 the KNOCK OUT POSSE or CHOPPER CITY Criminal Street Gang, excluding: 1) when all
2 individuals are inside a school in class or on school business; and 2) when all individuals are inside a
3 church. This prohibition against associating with other KNOCK OUT POSSE and CHOPPER CITY
4 gang members applies to all travel to or from school or church, and to any congregating before
5 school or church or after school or church.

6 h. LOITERING. Loitering in a public place in a manner and under circumstances
7 manifesting the purpose and with the intent to commit an offense specified in Chapter 6 of the
8 Health and Safety Code, commencing with Section 11400, in accordance with Health and Safety
9 Code Section 11532(b);

10 i. GANG RECRUITMENT. Do not take any action to recruit gang members for
11 Defendants KNOCK OUT POSSE or CHOPPER CITY Criminal Street Gangs, or make any threats
12 or promises to shoot, stab, strike, hit, batter, injure, assault, disturb the peace, or destroy the personal
13 property of anyone, as an incentive to join KNOCK OUT POSSE or CHOPPER CITY gangs;

14 j. STOPPING MEMBERS FROM LEAVING GANG. Do not take any action to stop a
15 gang member from leaving Defendants KNOCK OUT POSSE or CHOPPER CITY Criminal Street
16 Gangs, or make any threats or promises to shoot, stab, strike, hit, batter, injure, assault, disturb the
17 peace or destroy the personal property of anyone, as an incentive not to leave KNOCK OUT POSSE
18 or CHOPPER CITY gangs; and

19 k. VIOLATION OF LAW: Do not violate any laws, including, but not limited to, laws
20 prohibiting homicide, robbery, assault, battery, burglary, theft, auto theft, vandalism, graffiti,
21 mischief, trespass, loitering with intent to commit a narcotics offense, possession, use,
22 transportation, and sales of controlled substances.

23 6. Plaintiff additionally requests that the Court grant such other and further relief as this
24 Court should find just and proper.

25 **AS TO DEFENDANT EDDY ROCK CRIMINAL STREET GANG**

26 1. For a judicial declaration that Defendant EDDY ROCK Criminal Street Gang is a
27 criminal street gang within the meaning of Penal Code Section 186.22;

1 2. For a judicial declaration that Defendant EDDY ROCK Criminal Street Gang, its
2 members, associates, affiliates, recruits, and agents, be declared to have created a public nuisance
3 within the Eddy Rock Safety Zone, in violation of California Penal Code Section 186.22a(a),
4 California Civil Code Sections 3479 and 3480 and California Business and Professions Code Section
5 17200-17210;

6 3. For a judicial declaration that the Eddy Rock Safety Zone is where Defendant EDDY
7 ROCK Criminal Street Gang has created the nuisance, and designating the same as the Eddy Rock
8 Safety Zone;

9 4. For an Order enjoining and restraining Defendant EDDY ROCK and its members,
10 associates, affiliates, recruits, and agents, and anyone acting on its behalf, from committing crimes
11 or any conduct amounting to a nuisance, within the Eddy Rock Safety Zone, in accordance with
12 Penal Code Section 186.22a (a), Civil Code Sections 3479, 3480, and 3491, Code of Civil Procedure
13 Section 731, and Business and Professions Code Section 17206.

14 5. For an Injunction, enjoining and restraining Defendant EDDY ROCK, its members,
15 associates, affiliates, recruits and agents, from engaging in or performing, directly or indirectly, *any*
16 of the following activities *within* the Eddy Rock Safety Zone:

17 a. INTIMIDATION. Confronting, intimidating, annoying, harassing, threatening,
18 challenging, provoking, assaulting, or battering any person known to Defendant EDDY ROCK, its
19 members, associates, affiliates, recruits or agents, to be a witness to, a victim of, or a complainant of
20 any activity of the EDDY ROCK Criminal Street Gang;

21 b. GUNS OR DANGEROUS WEAPONS. (1) possessing any gun, firearm,
22 ammunition, or illegal weapon as defined in Penal Code Section 12020, (2) knowingly remaining in
23 the presence of anyone who is in possession of such gun, firearm, ammunition or illegal weapon, or
24 (3) knowingly remaining in the presence of such gun, firearm, ammunition, or illegal weapon;

25 c. GRAFFITI or GRAFFITI TOOLS. Damaging, defacing, or marking any public or
26 private property of another, or possessing spray paint cans, felt tip marker, or other graffiti tools as
27 defined in Penal Code Section 594.2;

28

1 d. POSSESSION AND SALE OF DRUGS. Selling, possessing, or using any controlled
2 substance or related paraphernalia, as defined in Health and Safety Code Section 11364, including,
3 but not limited to, rolling papers, smoking pipes of any kind, crack vials, and syringes, (2)
4 knowingly remaining in the presence of anyone selling, possessing, or using any controlled
5 substance or related paraphernalia, or (3) knowingly remaining in the presence of any controlled
6 substance or such related paraphernalia;

7 e. TRESPASSING. Being present on any private property, including San Francisco
8 Housing Authority property, except (1) with the prior, written consent of the owner or the owner's
9 agent, or (2) in the physical presence of the owner or owner's agent, or person in lawful possession
10 of the property;

11 f. GANG SIGNS AND GANG SYMBOLS. Flashing gang signs or showing any gang
12 symbols, including but not limited to: "Eddy Rock", "OC", "Paypa Bound", "Downtown", "ER",
13 "E", "PB", "37", "72", "1200" and "rock" symbol.

14 g. ASSOCIATION. Standing, sitting, walking, driving, gathering, or appearing
15 anywhere in the public view or any place accessible by or to the public, with any known member of
16 the EDDY ROCK Criminal Street Gang, excluding: 1) when all individuals are inside a school in
17 class or on school business; and 2) when all individuals are inside a church. This prohibition against
18 associating with other EDDY ROCK gang members applies to all travel to or from school or church,
19 and to any congregating before school or church or after school or church.

20 h. LOITERING. Loitering in a public place in a manner and under circumstances
21 manifesting the purpose and with the intent to commit an offense specified in Chapter 6 of the
22 Health and Safety Code, commencing with Section 11400, in accordance with Health and Safety
23 Code Section 11532(b);

24 i. GANG RECRUITMENT. Do not take any action to recruit gang members for
25 Defendant EDDY ROCK Criminal Street Gang, or make any threats or promises to shoot, stab,
26 strike, hit, batter, injure, assault, disturb the peace, or destroy the personal property of anyone, as an
27 incentive to join EDDY ROCK Criminal Street Gang;


1 j. STOPPING MEMBERS FROM LEAVING GANG. Do not take any action to stop a
2 gang member from leaving Defendant EDDY ROCK Criminal Street Gang, or make any threats or
3 promises to shoot, stab, strike, hit, batter, injure, assault, disturb the peace or destroy the personal
4 property of anyone, as an incentive not to leave EDDY ROCK Criminal Street Gang; and

5 k. VIOLATION OF LAW: Do not violate any laws including, but not limited to, laws
6 prohibiting homicide, robbery, assault, battery, burglary, theft, auto theft, vandalism, graffiti,
7 mischief, trespass, loitering with intent to commit a narcotics offense, possession, use,
8 transportation, and sales of controlled substances.

9 6. Plaintiff additionally requests that the Court grant such other and further relief as this
10 Court should find just and proper.

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12 Dated: June 20, 2007

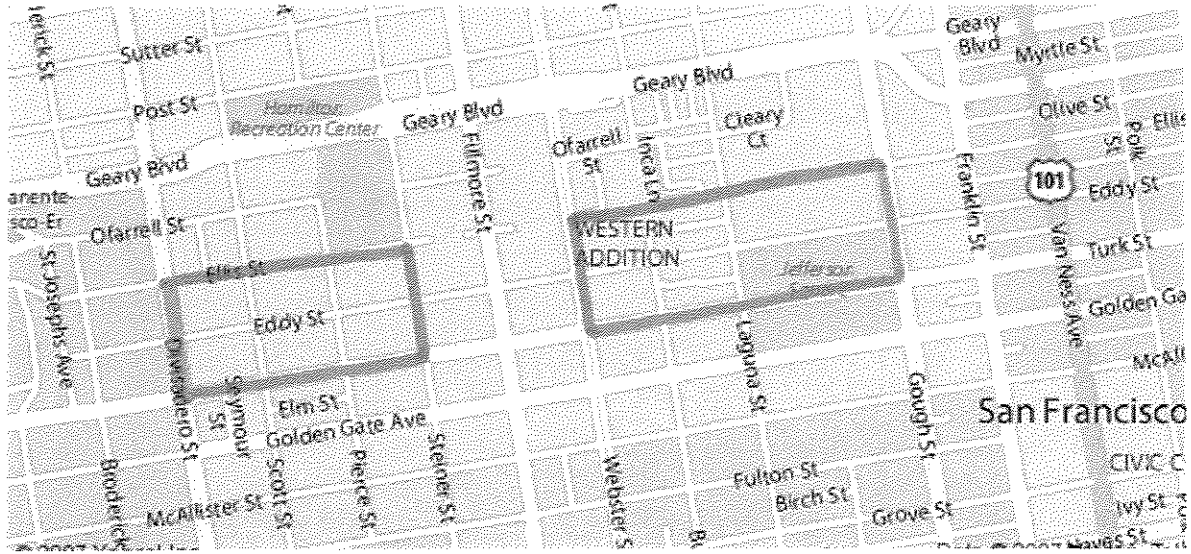
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18 JILL CANNON
19 Attorneys for Plaintiff
PEOPLE OF THE STATE OF CALIFORNIA

20
21 By: 
22 JENNIFER E. CHOI
23 Attorneys for Plaintiff
PEOPLE OF THE STATE OF CALIFORNIA

EXHIBIT A

MAP OF PROPOSED ZONES



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