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ENDORSED
FILED
San Francisco County Superior Court

JUL 12 2007

GORDON PARK-LI, Clerk
BY: JOCELYN C. ROQUE
Deputy Clerk

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. 464-493

ORDER TO SHOW CAUSE RE:
PRELIMINARY INJUNCTION

Hearing Date: July 12, 2007
Hearing Judge: Busch
Time: 11:00 a.m.
Place: Department 301

Date Action Filed: June 21, 2007
Trial Date: Not yet set

Upon a reading of Plaintiff's Complaint on file in the above-entitled action, the Memorandum of Points and Authorities and Declarations submitted therewith, it appears to the satisfaction of this Court that this is a proper case for granting an Order to Show Cause re: Preliminary Injunction.

IT IS SO ORDERED that Defendants CHOPPER CITY Criminal Street Gang and KNOCK OUT POSSE Criminal Street Gang appear in Department 301 of this Court, located at 400 McAllister Street, San Francisco, California, on **September 18, 2007, at 9:30 a.m.**, to show cause, if any is had, why Defendants, all of their members and associates, and all persons acting under, in

1 concert with, for the benefit of, at the direction of, or in association with Defendants, should not be
2 commanded by Order of this Court and required during the pendency of this action to be enjoined
3 and restrained from engaging in any of the following activities in the Chopper City/Knock Out Posse
4 Safety Zone:

5 1. **Intimidation:** Confronting, intimidating, annoying, harassing, threatening,
6 challenging, provoking, assaulting, or battering any person known to Defendants KNOCK OUT
7 POSSE and CHOPPER CITY, their members, associates, affiliates, recruits or agents, to be a
8 witness to, a victim of, or a complainant of any activity of the KNOCK OUT POSSE or CHOPPER
9 CITY Criminal Street Gangs;

10 2. **Guns or Dangerous Weapons:** (1) possessing any gun, firearm, ammunition, or
11 illegal weapon as defined in Penal Code Section 12020, (2) knowingly remaining in the presence of
12 anyone who is in possession of such gun, firearm, ammunition or illegal weapon, or (3) knowingly
13 remaining in the presence of such gun, firearm, ammunition, or illegal weapon;

14 3. **Graffiti or Graffiti Tools:** Damaging, defacing, or marking any public or private
15 property of another, or possessing spray paint cans, felt tip marker, or other graffiti tools as defined
16 in Penal Code Section 594.2;

17 4. **Possession and Sale of Controlled Substances:** Selling, possessing, or using any
18 controlled substance or related paraphernalia, as defined in Health and Safety Code Section 11364,
19 including, but not limited to, rolling papers, smoking pipes of any kind, crack vials, and syringes, (2)
20 knowingly remaining in the presence of anyone selling, possessing, or using any controlled
21 substance or related paraphernalia, or (3) knowingly remaining in the presence of any controlled
22 substance or such related paraphernalia;

23 5. **Trespassing:** Being present on any private property, including San Francisco
24 Housing Authority property, except (1) with the prior, written consent of the owner or the owner's
25 agent, or (2) in the physical presence of the owner or owner's agent, or person in lawful possession
26 of the property;

1 6. **Gang Signs and Gang Symbols:** Flashing gang signs or showing any gang
2 symbols, including but not limited to: "Knock Out Posse", "KOP", "KO", "567", "1600", "Uptown",
3 "Chopper City", "Choppa City", "223", "1800", the "okay" hand sign, the "C" hand sign and the
4 "thumbs up" hand sign.

5 7. **Association:** Standing, sitting, walking, driving, gathering, or appearing anywhere in
6 the public view or any place accessible by or to the public, with any known member of the KNOCK
7 OUT POSSE or CHOPPER CITY Criminal Street Gang, excluding: 1) when all individuals are
8 inside a school in class or on school business; and 2) when all individuals are inside a church. This
9 prohibition against associating with other KNOCK OUT POSSE and CHOPPER CITY gang
10 members applies to all travel to or from school or church, and to any congregating before school or
11 church or after school or church.

12 8. **Loitering:** Loitering in a public place in a manner and under circumstances
13 manifesting the purpose and with the intent to commit an offense specified in Chapter 6 of the
14 Health and Safety Code, commencing with Section 11400, in accordance with Health and Safety
15 Code Section 11532(b);

16 9. **Gang Recruitment:** Taking any action to recruit gang members for Defendants
17 KNOCK OUT POSSE or CHOPPER CITY Criminal Street Gangs, or making any threats or
18 promises to shoot, stab, strike, hit, batter, injure, assault, disturb the peace, or destroy the personal
19 property of anyone, as an incentive to join KNOCK OUT POSSE or CHOPPER CITY gangs;

20 10. **Stopping Members from Leaving Gang:** Stopping a gang member from leaving
21 Defendants KNOCK OUT POSSE or CHOPPER CITY Criminal Street Gangs, or making any
22 threats or promises to shoot, stab, strike, hit, batter, injure, assault, disturb the peace or destroy the
23 personal property of anyone, as an incentive not to leave KNOCK OUT POSSE or CHOPPER CITY
24 gangs; and

25 11. **Violation of Laws:** Violating any laws, including, but not limited to, laws
26 prohibiting homicide, robbery, assault, battery, burglary, theft, auto theft, vandalism, graffiti,
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1 mischief, trespass, loitering with intent to commit a narcotics offense, possession, use,
2 transportation, and sales of controlled substances.

3 **IT IS ALSO ORDERED** that Defendant EDDY ROCK Criminal Street Gang appear in
4 Department 301 of this Court, located at 400 McAllister Street, San Francisco, California, on
5 **September 18, 2007, at 9:30 a.m.**, to show cause, if any is had, why Defendant, all of its members
6 and associates, and all persons acting under, in concert with, for the benefit of, at the direction of, or
7 in association with Defendants, should not be commanded by Order of this Court and required
8 during the pendency of this action to be enjoined and restrained from engaging in any of the
9 following activities in the Eddy Rock Safety Zone:

10 1. **Intimidation:** Confronting, intimidating, annoying, harassing, threatening,
11 challenging, provoking, assaulting, or battering any person known to Defendant EDDY ROCK, its
12 members, associates, affiliates, recruits or agents, to be a witness to, a victim of, or a complainant of
13 any activity of the EDDY ROCK Criminal Street Gang;

14 2. **Guns or Dangerous Weapons:** (1) possessing any gun, firearm, ammunition, or
15 illegal weapon as defined in Penal Code Section 12020, (2) knowingly remaining in the presence of
16 anyone who is in possession of such gun, firearm, ammunition or illegal weapon, or (3) knowingly
17 remaining in the presence of such gun, firearm, ammunition, or illegal weapon;

18 3. **Graffiti or Graffiti Tools:** Damaging, defacing, or marking any public or private
19 property of another, or possessing spray paint cans, felt tip marker, or other graffiti tools as defined
20 in Penal Code Section 594.2;

21 4. **Possession and Sale of Controlled Substances:** Selling, possessing, or using any
22 controlled substance or related paraphernalia, as defined in Health and Safety Code Section 11364,
23 including, but not limited to, rolling papers, smoking pipes of any kind, crack vials, and syringes, (2)
24 knowingly remaining in the presence of anyone selling, possessing, or using any controlled
25 substance or related paraphernalia, or (3) knowingly remaining in the presence of any controlled
26 substance or such related paraphernalia;

27 5. **Trespassing:** Being present on any private property, including San Francisco
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1 Housing Authority property, except (1) with the prior, written consent of the owner or the owner's
2 agent, or (2) in the physical presence of the owner or owner's agent, or person in lawful possession
3 of the property;

4 **6. Gang Signs and Gang Symbols:** Flashing gang signs or showing any gang
5 symbols, including but not limited to: "Eddy Rock", "OC", "Paypa Bound", "Downtown", "ER",
6 "E", "PB", "37", "72", "1200" and "rock" symbol.

7 **7. Association:** Standing, sitting, walking, driving, gathering, or appearing anywhere in
8 the public view or any place accessible by or to the public, with any known member of the EDDY
9 ROCK Criminal Street Gang, excluding: 1) when all individuals are inside a school in class or on
10 school business; and 2) when all individuals are inside a church. This prohibition against associating
11 with other EDDY ROCK gang members applies to all travel to or from school or church, and to any
12 congregating before school or church or after school or church.

13 **8. Loitering:** Loitering in a public place in a manner and under circumstances
14 manifesting the purpose and with the intent to commit an offense specified in Chapter 6 of the
15 Health and Safety Code, commencing with Section 11400, in accordance with Health and Safety
16 Code Section 11532(b);

17 **9. Gang Recruitment:** Taking any action to recruit gang members for Defendant
18 EDDY ROCK Criminal Street Gang, or making any threats or promises to shoot, stab, strike, hit,
19 batter, injure, assault, disturb the peace, or destroy the personal property of anyone, as an incentive
20 to join EDDY ROCK Criminal Street Gang;

21 **10. Stopping Members from Leaving Gang:** Taking any action to stop a gang member
22 from leaving Defendant EDDY ROCK Criminal Street Gang, or making any threats or promises to
23 shoot, stab, strike, hit, batter, injure, assault, disturb the peace or destroy the personal property of
24 anyone, as an incentive not to leave EDDY ROCK Criminal Street Gang; and

25 **11. Violation of Laws:** Violating any laws including, but not limited to, laws prohibiting
26 homicide, robbery, assault, battery, burglary, theft, auto theft, vandalism, graffiti, mischief, trespass,
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1 loitering with intent to commit a narcotics offense, possession, use, transportation, and sales of
2 controlled substances.

3 **IT IS FURTHER ORDERED** that:

4 1. Due to the fact that Plaintiff has been unable to find a published address or phone
5 number for Defendants CHOPPER CITY Criminal Street Gang, EDDY ROCK Criminal Street
6 Gang and KNOCK OUT POSSE Criminal Street Gang, service shall be conducted as follows:

7 a. Plaintiff shall endeavor to personally serve this Order to Show Cause and all
8 moving papers on as many members of Defendants as possible, but shall personally serve at least
9 three members of each Defendant, designated for service (see Exhibit B to Plaintiff's Memorandum
10 of Points and Authorities), and as authorized by California Code of Civil Procedure § 416.40 (c) *and*

11 ~~Corporations Code § 18220~~; and

12 b. Plaintiff shall publish the following notice in the San Francisco Chronicle
13 newspaper and the Examiner newspaper once a week for four consecutive weeks:

14 TO: DEFENDANTS CHOPPER CITY CRIMINAL STREET GANG,
15 EDDY ROCK CRIMINAL STREET GANG, AND KNOCK OUT
16 POSSE CRIMINAL STREET GANG, re: People v. Chopper City,
Eddy Rock, and Knock Out Posse, San Francisco Superior Court Case
17 No. CGC 07 464493:

18 YOU ARE HEREBY NOTIFIED that the Honorable Peter Busch of
19 the San Francisco Superior Court has issued an Order to Show Cause
20 as to why a civil gang injunction should not issue against you to
21 prohibit you from continuing to create, maintain, and/or contribute to a
22 public nuisance within the Chopper City/Knock Out Posse Safety
23 Zone and the Eddy Rock Safety Zone. The "Chopper City/Knock Out
24 Posse Safety Zone includes Turk Street to the South, Divisadero Street
25 to the West, Ellis Street to the North, and Steiner Street to the East, in
26 the City and County of San Francisco. The Eddy Rock Safety Zone
27 includes Turk Street to the South, Webster Street to the West, Ellis
28 Street to the North and Gough Street to the East, in the City and
County of San Francisco. The Court has ordered you to appear for the
hearing on the Order to Show Cause on SEPTEMBER 18, 2007, at
9:30 a.m. in Department 301 of the San Francisco Superior Court, 400
McAllister Street, San Francisco, California. At that time, the People
will ask the Court to issue a Preliminary Injunction against you based
on all appropriate legal authority and evidence as cited in the moving
papers, and any further evidence and argument as might properly come
before the Court. If you intend to appear at the September 18, 2007
hearing to oppose the issuance of a Preliminary Injunction, Opposition
papers must be filed by no later than September 5, 2007. Copies of the
People's moving papers can be obtained by contacting the Office of the

1 City Attorney at (415) 554-3800. Information can also be obtained at
2 "sfgov.org/site/cityattorney";

3 c. Plaintiff shall also post the same notice within the Chopper City/Knock Out
4 Posse Safety Zone and the Eddy Rock Safety Zone; the notices shall be posted in the same locations
5 as the notice of the Ex Parte Hearing, as described in the "Declaration of San Francisco Police
6 Department Officer David Do re: Notice of 7/12/07 Ex Parte Hearing" and "Declaration of San
7 Francisco Police Department Officer Michael Nelson re: Notice of 7/12/07 Ex Parte Hearing" filed
8 herein;

9 d. Upon the completion of the above items, service on Defendants shall be
10 deemed complete.

11 **IT IS FURTHER ORDERED** that:

12 1. Plaintiff must complete personal service of this Order to Show Cause and all moving
13 papers on at least three designated members of each Defendant by close of business on **August 17,**
14 **2007**. Proof of Service must be delivered to the Court on the day of the hearing on the Order to
15 Show Cause re: Preliminary Injunction.

16 2. Plaintiff must complete the four consecutive weeks of publication of notice of the
17 hearing on the Order to Show Cause in the San Francisco Chronicle newspaper and the Examiner
18 newspaper by close of business on August 17, 2007.

19 3. Plaintiff must post copies of this same notice in the Chopper City/Knock Out Posse
20 Safety Zone and the Eddy Rock Safety Zone by close of business on **July 20, 2007**.

21 4. The parties shall then adhere to the following briefing schedule:

- 22 • Any Opposition Brief must be filed and personally served on the Office of the City
23 Attorney by close of business on **September 5, 2007**.
- 24 • Any Reply Brief must be filed on **September 11, 2007**. The Reply Brief shall be
25 served on any party that has filed an Opposition Brief.
- 26 • Hearing to be held at **9:30 a.m.** on **September 18, 2007**.

27 Dated:

JUL 12 2007

PETER J. BUSCH

PETER J. BUSCH
JUDGE OF THE SUPERIOR COURT