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FILED
San Francisco County Superior Court

JUN 29 2018

CLERK OF THE COURT
BY: Stellia Green
Deputy Clerk

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10 SUPERIOR COURT OF THE STATE OF CALIFORNIA
11 COUNTY OF SAN FRANCISCO
12 UNLIMITED JURISDICTION

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

16 Plaintiff,

17 vs.

18 NORTEÑO, a criminal street gang, sued as an
19 unincorporated association, and DOES 1
through 500,

20 Defendants.

Case No. CGC 07-464492

^{mk}
~~PROPOSED~~ ORDER GRANTING PLAINTIFF'S
MOTION TO MODIFY PERMANENT
INJUNCTION RELATED TO NORTEÑO
(California Civil Code §3424, California Code of
Civil Procedure §533)

Date of Injunction: June 17, 2008

22 Plaintiffs PEOPLE OF THE STATE OF CALIFORNIA's Motion to Modify Permanent
23 Injunction Related to Norteño came on regularly for hearing at 9:30 AM on June 29, 2018, in
24 Courtroom 302 of the above-captioned Court. Plaintiff appeared through its counsel of record, Deputy
25 City Attorneys ~~Michael Weiss~~ and Samuel Ray. Defendant NORTEÑO Criminal Street Gang failed to
26 appear despite receiving proper notice of the Motion. The Honorable Harold Koh
27 presiding.

1 Having read and considered the moving papers and evidence filed herein, and no Opposition
2 papers having been filed, Plaintiff's Motion to Modify the June 17, 2008 Permanent Injunction is
3 **GRANTED.**

4 On June 17, 2008, the San Francisco Superior Court issued an "Order For Granting Default
5 Judgment in Form of Permanent Injunction" ("Permanent Injunction") in the present case after finding
6 by clear and convincing evidence that: (1) Defendant NORTEÑO is a criminal street gang as defined
7 by California Penal Code §186.22 and *People v. Englebrecht* (2001) 88 Cal.App.4th 1236, 1258; and
8 (2) Defendant NORTEÑO, through its members, has created substantial and unreasonable public
9 nuisance in the City and County of San Francisco, within the Safety Zone, as defined on Page 2 of the
10 Permanent Injunction and in Exhibit A to the Permanent Injunction. The names of thirty non-party gang
11 members subject to the Permanent Injunction were listed in an Enforcement List, attached as Exhibit B
12 to the Permanent Injunction ("Enforcement List"). The Court authorized future modifications by
13 noticed motion of any party.

14 The Court finds by clear and convincing evidence that **Ernesto Arroyo, Juan Barrera,**
15 **Hector Barrera, Victor Cano, Joshua Deleon, Rocky Deleon, Joseph Fuimano, Antonio Garcia,**
16 **Daniel Gonzalez, Jesus Guerrero, Henry Hernandez, Alex Reyes, Salvador Rodriguez, Miguel**
17 **Sanchez, Daniel Santiago, and Omar Varela** no longer participate in gang-related activity and/or
18 actively contribute to the nuisance in the Safety Zone caused by Defendant NORTEÑO. The names of
19 these sixteen (16) individuals are therefore stricken from the Enforcement List and they are no longer
20 bound by the Permanent Injunction.

21 The Permanent Injunction otherwise remains in full force and effect. This Order in no way
22 alters the Permanent Injunction except to remove the names of the sixteen above-listed non-party
23 individuals on the Enforcement List. The terms contained in the Permanent Injunction, therefore, still
24 applies to Defendant NORTEÑO criminal street gang as well as the remaining eight individual gang
25 members still listed on the Enforcement List.

26 IT IS SO ORDERED

27 Dated: 6/29/18



JUDGE OF THE SUPERIOR COURT
HAROLD KAHN