

1 DAVID CHIU, State Bar #189542
City Attorney
2 PETER J. KEITH, State Bar #206482
Chief Attorney
3 Neighborhood and Resident Safety Division
BRITT K. STROTTMAN, State Bar #209595
4 Deputy City Attorney
Fox Plaza
5 1390 Market Street, Seventh Floor
San Francisco, California 94102-5408
6 Telephone: (415) 554-4250
Facsimile: (415) 437-4644
7 E-Mail: britt.strottman@sfcityatty.org

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

10 SUPERIOR COURT OF THE STATE OF CALIFORNIA

11 COUNTY OF SAN FRANCISCO

12 UNLIMITED JURISDICTION

13 CITY AND COUNTY OF SAN
14 FRANCISCO, a charter City and County,
acting by and through the Treasure Island
15 Development Authority; and the PEOPLE OF
THE STATE OF CALIFORNIA, by and
16 through San Francisco City Attorney David
Chiu,

17 Plaintiffs,

18 vs.

19 TIP TOP TRUCKING, LLC, a California
20 Limited Liability Corporation; NEEVE
ENGINEERING INC, a California
21 corporation; JOSEPH LAWRENCE aka JOEY
LAWRENCE, an individual; and DOES 1 to 5,
22 inclusive,

23 Defendants.

Case No.

**COMPLAINT FOR DAMAGES, CIVIL
PENALTIES, AND INJUNCTIVE RELIEF**

[REAL PROPERTY]

Type of Case: (26) Other Real Property

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26 The CITY AND COUNTY OF SAN FRANCISCO, a charter City and County, acting by and
27 through the Treasure Island Development Authority (CITY), and the PEOPLE OF THE STATE OF
28 CALIFORNIA, by and through DAVID CHIU, City Attorney for the City and County of San

1 Francisco (PEOPLE), (collectively, PLAINTIFFS), file their complaint against Defendants, TIP TOP
2 TRUCKING, LLC, a California Limited Liability Corporation; NEEVE ENGINEERING INC, a
3 California corporation; JOSEPH LAWRENCE aka JOEY LAWRENCE, an individual; and DOES 2
4 to 5 (collectively, DEFENDANTS). PLAINTIFFS hereby allege as set forth below:

5 INTRODUCTION

6 1. On May 2, 2019, DEFENDANTS illegally dumped three trailer loads of soil on
7 property owned, operated, or maintained by Plaintiff CITY on Treasure Island, adding to soil they had
8 previously illegally dumped at the same location. The illegal dumping required the CITY to incur
9 around \$200,000 to remove the illegally dumped material and to store and test them for toxicity.
10 DEFENDANTS are obligated to pay these costs under nuisance and trespass law as well as under San
11 Francisco Public Works Code article 26. Furthermore, DEFENDANTS caused a public nuisance and
12 violated the Unfair Competition Law. Plaintiff PEOPLE OF THE STATE OF CALIFORNIA is
13 entitled to recover civil penalties for this misconduct, and the Court should issue an injunction
14 prohibiting DEFENDANTS from further illegal dumping.

15 PARTIES

16 2. Plaintiff People of the State of California, by and through San Francisco City Attorney
17 David Chiu (PEOPLE), brings this action under Code of Civil Procedure Section 731 and Business
18 and Professions Code Section 17204.

19 3. Plaintiff City and County of San Francisco, acting by and through the Treasure Island
20 Development Authority (CITY) is a consolidated charter city and county under the laws of the State of
21 California, which acts through its departments, agencies, and instrumentalities including but not
22 limited to the Treasure Island Development Authority.

23 4. Defendant NEEVE ENGINEERING INC is a California corporation with its primary
24 office at 620 Teresita Blvd. in the City and County of San Francisco. Its status with the California
25 Secretary of State is FTB Suspended.

26 5. Defendant JOSEPH LAWRENCE aka JOEY LAWRENCE (LAWRENCE) is an
27 individual who, on information and belief, resides in the City and County of San Francisco.

1 driver to load soil from LAWRENCE and NEEVE ENGINEERING INC's jobsite and to transport and
2 dump the soil on CITY property without the permission or consent of the CITY.

3 14. Illegal dumping of soil on public property is notoriously difficult to tie to a particular
4 wrongdoer, because dumping soil does not take very long, and the wrongdoer can wait until there is a
5 moment when no one is around to witness the illegal act. Furthermore, when illegally dumped soil is
6 found, it does not bear any markings or indications of where it came from that could be used to tie the
7 dumping to the wrongdoer. In fact, prior to May 2, 2019, soil had been illegally dumped on CITY
8 property near Avenue I and 5th Street on Treasure Island, without the permission or consent of the
9 CITY, and PLAINTIFFS did not know where it came from or who was responsible. Until May 2,
10 2019, PLAINTIFFS did not have cause to suspect or discovery that DEFENDANTS or any of them
11 were responsible illegal dumping on CITY property near Avenue I and 5th Street on Treasure Island.
12 On May 2, 2019, however, a contractor engaged by CITY to clean up the previously dumped soil
13 witnessed the aforementioned TIP TOP TRUCKING, LLC truck dump additional soil at the site. That
14 information spurred an investigation that resulted in PLAINTIFFS' determining that DEFENDANTS
15 were responsible. Because of PLAINTIFFS' delayed discovery of DEFENDANTS' role in illegal
16 dumping prior to May 2, 2019, the limitations period for filing suit against DEFENDANTS for their
17 illegal dumping prior to May 2, 2019, did not begin to run until May 2, 2019.

18 15. CITY undertook measures to clean up the illegally dumped soil and incurred expenses
19 as a result of this unlawful dumping. Among other things, the California Department of Toxic
20 Substances Control ("DTSC") intervened and mandated the CITY to store and test the soil to
21 determine if it was contaminated. It cost the CITY around \$200,000 to remove, store, test, and clean
22 the soil.

23 **FIRST CAUSE OF ACTION**
24 **By CITY against ALL DEFENDANTS**
25 **for Illegal Dumping under S.F. Public Works Code, article 26**

26 16. Plaintiff City hereby incorporates all foregoing paragraphs of this Complaint and makes
27 them part of this First Cause of Action as though fully alleged herein.

28 17. DEFENDANTS and each of them are Responsible Parties who engaged in Illegal
Dumping of Prohibited Materials on Public Property, causing the CITY to incur Costs, as each of

1 those terms is defined in San Francisco Public Works Code article 26, also known as the Illegal
2 Dumping Ordinance.

3 **SECOND CAUSE OF ACTION**
4 **By CITY and PEOPLE against ALL DEFENDANTS**
5 **for Nuisance under Civil Code §§ 3479, 3480, Code of Civil Procedure § 731,**
6 **and S.F. Public Works Code § 1601(a)**

7 18. PLAINTIFFS hereby incorporate all foregoing paragraphs of this Complaint and makes
8 them part of this Second Cause of Action as though fully alleged herein

9 19. DEFENDANTS created a nuisance and a public nuisance. Their illegal dumping is a
10 public nuisance per se pursuant to S.F. Public Works Code article 26, section 1601(a). Pursuant to
11 Civil Code sections 3479 and 3480, DEFENDANTS' activity was offensive to the senses, and
12 interfered with the comfortable enjoyment of life and property, and unlawfully obstructed the free
13 passage or use of public property. DEFENDANTS' activity also affected a considerable number of
14 persons, an entire community, or neighborhood.

15 20. The CITY's property was injuriously affected by the nuisance caused by
16 DEFENDANTS within the meaning of Code of Civil Procedure section 731, entitling the CITY to
17 recover damages. DEFENDANTS' conduct in causing the nuisance was intentional and unreasonable,
18 and it substantially interfered with the CITY's use or enjoyment of this property. The CITY suffered
19 damages from the nuisance caused by DEFENDANTS.

20 21. DEFENDANTS will, unless restrained by this Court, continue the acts complained of.

21 **THIRD CAUSE OF ACTION**
22 **By CITY against ALL DEFENDANTS**
23 **for Trespass**

24 22. Plaintiff CITY hereby incorporates all foregoing paragraphs of this Complaint and
25 makes them part of this Third Cause of Action as though fully alleged herein.

26 23. DEFENDANTS intentionally entered or caused others to enter CITY's property
27 without permission, where they illegally dumped the soil and left it on the CITY's property. This
28 trespass caused the CITY damages.

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FOURTH CAUSE OF ACTION
By PEOPLE against ALL DEFENDANTS
for Violations of the Unfair Competition Law, Business & Prof. Code §§ 17200 et seq.

24. Plaintiff PEOPLE hereby incorporates all foregoing paragraphs of this Complaint and makes them part of this Fourth Cause of Action as though fully alleged herein.

25. Plaintiff PEOPLE is acting to protect the public from unlawful, unfair, and fraudulent business practices, and brings this cause of action in the name of the People of the State of California, pursuant to Business and Professions Code sections 17200 – 17210 (the “UCL”).

26. The violations of law described herein have been and are being carried out wholly or in part within the City and County of San Francisco.

27. The actions of DEFENDANTS are in violation of the laws and public policies of the City and County of San Francisco and the State of California, and are inimical to the rights and interest of the general public. Unless enjoined and restrained by an order of this court, DEFENDANTS will continue to engage in the unlawful and unfair acts and courses of conduct described herein.

28. Through the conduct described above, DEFENDANTS have engaged in unlawful and unfair business practices prohibited by Business and Professions Code Sections 17200-17210 including, but not limited to, the following:

- A. Creating a nuisance;
- B. Committing trespass on public property;
- C. Violating California Penal Code Section 374.3 by illegally dumping on public property;
- D. Violating San Francisco Police Code Article 1, Section 33 by illegally dumping on public property;
- E. Violating San Francisco Public Works Code article 26 by illegally dumping on public property.

29. PEOPLE is informed and believes, and based on such information and belief alleges, that as a direct result of these acts and omissions, DEFENDANTS received benefits which they would not have received if they had not engaged in the violations of the UCL described in this Complaint.

