

**SUPERIOR COURT OF CALIFORNIA
COUNTY OF SAN FRANCISCO**

MINUTES

September 15, 2022

PEOPLE OF THE STATE OF
CALIFORNIA,

PLAINTIFF

VS.

LEONARD LACAYO et al

DEFENDANT

Department: 302

Case Number: CGC-16-553699

Nature of Cause:

PLAINTIFF PEOPLE OF THE STATE
OF CALIFORNIA'S, Motion To
Enforce Injunction Pursuant To
California Business And Professions
Code Section 17207.

Present:

Judge: RICHARD B. ULMER
Reporter: None

Clerk: WILLIAM TRUPEK
Bailiff: Deputy Aquino

Appearing for Plaintiff (s):

Appearing for Defendant(s):

No appearance

No appearance

No appearances. The Court adopts the tentative ruling as follows:

Ample evidence demonstrates that defendants have violated this court's injunction of September 6, 2017.

For example:

- In May 2022, Ms. Hernandez twice called defendants' offices to request her documents back to no avail. (Declaration of Maria A. Hernandez at ¶ 9);

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- In April 2022, Ms. Cruz sought and defendant Leonard Lacayo offered immigration-related services for compensation. (Declaration of Jaritza Zeledon Cruz at ¶¶ 4-7);

- On July 27, 2022, defendant Leonard Lacayo offered Borys Procak, an investigator with the San Francisco City Attorney's Office, immigration-related services for compensation. (Declaration of Borys Procak at ¶ 4);

- On August 1, 2022, defendant Leonard Lacayo offered Christopher Manitsoudis, an investigator with the San Francisco City Attorney's Office, immigration-related services for compensation. (Declaration of Christopher Manitsoudis at ¶ 4).

In response to plaintiff's showing, defendants fail to present any controverting evidence. The court concludes that a civil penalty of \$5,000 is appropriate for these violations. The court sustains the hearsay objection to the portions of the Hernandez declaration that discuss what her husband was allegedly told. (See paragraph 8.)

The court rejects defendants' argument that this motion is an improper contempt application. Plaintiff does not seek to incarcerate defendants and the court has broad discretion to enforce its orders per CCP 187. (See *Kent v. Super. Ct.* (1951) 106 Cal.App.2d 593, 595 ["One method of enforcement is the contempt proceeding [], but a court or judge is not necessarily limited to that method. Section 187 of the Code of Civil Procedure recognizes the power of a court or judge in the exercise of jurisdiction conferred, when the course of proceeding is not specifically pointed out by statute, to adopt any suitable process or mode of proceeding that may appear most conformable to the spirit of the code."].) Moreover, the parties' stipulated injunction expressly contemplated a noticed motion to enforce the injunction. Defendants have therefore waived any right to demand a formal contempt hearing.

The court will execute plaintiff's proposed order but strikes 3:18-20.

Order is signed.

Judge: Richard B. Ulmer; Clerk: W. Trupek; Not Reported (302/RBU)