

FILED
San Francisco County Superior Court

DEC - 8 2023

CLERK OF THE COURT
BY: *Elizabeth*
Deputy Clerk

1 DAVID CHIU, State Bar #189542
City Attorney
2 YVONNE R. MERÉ, State Bar #173594
Chief Deputy City Attorney
3 JENNIFER CHOI, State Bar #184058
Chief Attorney
4 Neighborhood and Resident Safety Division
WADE CHOW, State Bar #168527
5 MEGAN E. RYAN, State Bar #264922
Deputy City Attorneys
6 Fox Plaza
1390 Market Street, Seventh Floor
7 San Francisco, California 94102-5402
Telephone: (415) 554-3978 (Wade Chow)
8 Telephone: (415) 554-3970 (Megan Ryan)
Facsimile: (415) 437-4644
9 E-Mail: wade.chow@sfcityatty.org
E-Mail: megan.ryan@sfcityatty.org

10 Attorneys for Plaintiffs
11 CITY AND COUNTY OF SAN FRANCISCO and
12 PEOPLE OF THE STATE OF CALIFORNIA

13 SUPERIOR COURT OF THE STATE OF CALIFORNIA

14 COUNTY OF SAN FRANCISCO

15 UNLIMITED JURISDICTION

16 CITY AND COUNTY OF SAN
17 FRANCISCO, a Municipal Corporation; and
18 the PEOPLE OF THE STATE OF
19 CALIFORNIA, by and through David Chiu,
City Attorney for the City and County of San
Francisco,

20 Plaintiffs,

21 vs.

22 NAIM JAMALI, in his individual capacity and
as trustee of the NAIM & SANA M JAMALI
23 2013 REVOCABLE TRUST; SANA
JAMALI, in her individual capacity and as
24 trustee of the NAIM & SANA M JAMALI
2013 REVOCABLE TRUST; and DOE ONE
through DOE FIVE,

25 Defendants.
26

Case No. CGC-22-599795

INJUNCTION AFTER TRIAL

Date Action Filed: May 25, 2022
Trial Date: November 27, 2023

1 Good cause appearing, based on the factual findings after trial made by the Court, the Court
2 (Hon. Suzanne Bolanos) issues this Injunction and Order (“INJUNCTION”), pursuant to California
3 Business and Professions Code section 17203, California Health and Safety Code section 17980, San
4 Francisco Building Code section 102A, and San Francisco Planning Code section 176. This
5 INJUNCTION is necessary to correct and remedy violations of the State Housing Law, the Unfair
6 Competition Law, San Francisco Building Code, San Francisco Electrical Code, San Francisco Fire
7 Code, San Francisco Housing Code, and San Francisco Planning Code, to prohibit and abate the public
8 nuisance created thereby, and to bring the property located at 333 Randolph Street, in San Francisco,
9 California (“PROPERTY”), into compliance with San Francisco and State law.

10 **IT IS HEREBY ORDERED, ADJUDGED, DECREED:**

11 **I. GENERAL PROVISIONS**

12 **A. JURISDICTION**

13 1. This Court has jurisdiction over the subject matter of this ACTION and personal
14 jurisdiction over Plaintiffs City and County of San Francisco (“CITY”) and the People of the State of
15 California (jointly “PLAINTIFFS”), Defendant Naim Jamali, in his individual capacity and as trustee
16 of the Naim & Sana M Jamali 2013 Revocable Trust, Defendant Sana Jamali, in her individual
17 capacity and as trustee of the Naim & Sana M Jamali 2013 Revocable Trust (jointly
18 “DEFENDANTS”) (collectively “PARTIES”). This Court also has jurisdiction over the PROPERTY.

19 2. The Court expressly retains jurisdiction to interpret, enforce, or modify this
20 INJUNCTION.

21 3. Any of the PARTIES may apply to the Court at any time, after making a reasonable
22 effort to meet and confer with the other parties, for further orders and directions as may be necessary
23 or appropriate for the interpretation, application, carrying out, modification or termination of these
24 injunctive provisions, and the Court expressly retains jurisdiction to hear and decide such applications.

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1 or application required to correct Planning Code NOV No. 2019-015851ENF, Building Code NOV
2 No. 202012681, and Fire Code NOV No. 1912-0278, within the deadline set by the CITY agency.

3 E. As part of their permitting application to DBI and PLANNING, DEFENDANTS shall
4 submit a construction and tenant relocation plan that provides a proposed plan and timeline for
5 construction phasing and tenant relocation that minimizes tenant displacement. DEFENDANTS shall
6 work with the CITY to incorporate any feedback that further minimizes tenant displacement during
7 construction. To the extent any part of the proposal conflicts with state or local law, state and local law
8 shall govern.

9 F. Upon issuance of a permit to legalize the dwelling units at the PROPERTY and abate
10 Planning Code NOV No. 2019-015851ENF, Building Code NOV No. 202012681, Fire Code NOV
11 No. 1912-0278, and Housing Code NOV 202308224 (“PERMIT”), DEFENDANTS will complete all
12 work under the PERMIT and obtain a Certificate of Final Completion from DBI by no later than
13 twelve (12) months after issuance of the PERMIT. DEFENDANTS will pay all accrued DBI fees and
14 fines associated with Building Code NOV No. 202012681, all accrued SFFD fees and fines associated
15 with Fire Code NOV No. 1912-0278, and all accrued PLANNING fees and fines (including time and
16 material fees) associated with Planning Code NOV No. 2019-015851ENF within the deadlines set by
17 the CITY agencies. DEFENDANTS retain their rights as authorized by law to seek relief from DBI,
18 SFFD, and PLANNING fees and fines.

19 G. DEFENDANTS shall not accept any new tenants for any units at the PROPERTY until
20 all Notices of Violation and Orders of Abatement at the PROPERTY are found to be abated by DBI,
21 SFFD, and PLANNING, and a Final Certificate of Completion is issued by DBI.

22 H. There has been ongoing residential use of all units at the PROPERTY with knowledge
23 by Defendants. Defendants shall operate the units consistent with the CITY’s Residential Rent
24 Stabilization and Arbitration Ordinance, see Administrative Code Chapter 37.

25 I. If a CITY official determines that an inspection of the PROPERTY is necessary or
26 desirable, DEFENDANTS shall provide access and permit CITY inspections of the PROPERTY
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1 within 72 hours of any such written request, or in the case of a situation deemed by a CITY official to
2 pose a health or safety risk, immediately.

3 J. DEFENDANTS are prohibited from engaging in any alteration, construction,
4 modification, or maintenance of the PROPERTY without obtaining all required permits from the
5 CITY in advance of commencing such work.

6 K. If any new Notices of Violation are issued by any CITY agency as related to the
7 PROPERTY during the INJUNCTIVE TERM, DEFENDANTS shall:

8 1. Notify PLAINTIFFS' counsel within five business days of the issuance of the
9 Notice of Violation; and

10 2. Abate the code violations within the time and in the manner specified in the
11 Notice of Violation (including but not limited to obtaining proper permits), or as subsequently directed
12 by the issuing CITY agency.

13 L. Within 5 days of the Court's entry of this INJUNCTION, DEFENDANTS shall furnish
14 a copy of this INJUNCTION to Shatara Architecture, Inc at 890 7th St, San Francisco, California
15 94107. DEFENDANTS shall also furnish a copy of the INJUNCTION to all other architects,
16 engineers, and contractors engaged to perform any work at the PROPERTY within 5 business days of
17 their engagement.

18 **III. ENFORCEMENT**

19 Failure to comply with any of the terms of this INJUNCTION constitutes a violation of this
20 INJUNCTION, for which PLAINTIFFS may seek any remedy provided herein, or available at law or
21 equity, including but not limited to receivership, daily civil penalties pursuant to Business &
22 Professions Code section 17207, or through a contempt proceeding under Health and Safety Code
23 sections 17995.2 *et seq.*

24 PLAINTIFFS shall recover reasonable attorney's fees and costs incurred in enforcing this
25 INJUNCTION pursuant to law, including San Francisco Building Code section 102A.8 and Planning
26 Code section 176. Any such proceeding shall be brought in this Court, or, in case of unavailability,
27 another such department as the Presiding Judge may designate.

1 **IV. NO WAIVER OF RIGHT TO ENFORCE**

2 The failure of PLAINTIFFS or the Court to enforce any provision of this INJUNCTION shall
3 not preclude PLAINTIFFS or the Court from later enforcing the same or any other provision of this
4 INJUNCTION; nor shall such failure be deemed a waiver of such provision or in any way affect the
5 validity of this INJUNCTION. No oral advice, guidance, suggestion or comments by PLAINTIFFS’
6 employees or officials regarding matters covered in this INJUNCTION shall be construed to relieve
7 DEFENDANTS of their obligations hereunder.

8 **V. NOTICE TO SUBSEQUENT INTEREST HOLDERS**

9 Should DEFENDANTS, or their agents, servants, employees, representatives, assigns, or
10 successors and their agents, employees, representatives, assigns, and successors of each of them sell,
11 transfer, or assign the PROPERTY prior to abating the code violations alleged in the COMPLAINT,
12 then DEFENDANTS, or their agents, employees, representatives, assigns, or successors, and their
13 agents, employees, representatives, assigns, or successors of each of them shall:

14 1. Notify the City Attorney's Office, through Deputy City Attorney Wade Chow and
15 Deputy City Attorney Megan Ryan at “wade.chow@sfcityatty.org” and “megan.ryan@sfcityatty.org,”
16 of the proposed sale, transfer, or assignment within ten (10) business days of signing the purchase
17 agreement or any other document transferring or assigning the PROPERTY to the transferee or
18 assignee.

19 2. Identify any personal relationship or previous business relationship between the
20 potential new owner, transferee, or assignee and DEFENDANTS; and

21 3. Prior to opening escrow on or otherwise initiating the sale, transfer, or assignment of
22 the PROPERTY, DEFENDANTS shall provide the potential new owner, transferee, or assignee with a
23 copy of the INJUNCTION, DBI Notice of Violation 202012681, DBI Order of Abatement
24 202012681A, SFFD Order of Abatement No. 1912-0278 (change of use), PLANNING Notice of
25 Violation No. 2019-015851ENF, the latest version of PROPERTY plans submitted to PLANNING by
26 DEFENDANTS, and a copy of all Plan Check Letters provided by PLANNING to DEFENDANTS.
27 Prior to opening escrow on or otherwise initiating the sale, transfer, or assignment of the PROPERTY,

1 DEFENDANTS must disclose to the potential new owner, transferee, or assignee that CITY requires
2 the potential new owner, transferee, or assignee to abate DBI Order of Abatement 202012681A, SFFD
3 Order of Abatement No. 1912-0278 (change of use), and PLANNING Notice of Violation No. 2019-
4 015851ENF within the time frames described in the INJUNCTION.

5 **VI. INTERNAL REVENUE SERVICE REPORTING REQUIREMENTS**

6 In the event the Court awards a monetary judgment in this matter, DEFENDANTS will furnish
7 their federal tax payer identification numbers to CITY for inclusion on IRS Form 1098-F.
8 DEFENDANTS agree to furnish such numbers by providing CITY a completed IRS form W-9,
9 Request for Taxpayer Identification Number and Certification within 21 (twenty-one) days of the
10 Court signing a judgment.

11 **VII. NOTICES**

12 All required notices to PLAINTIFFS shall be sent via electronic mail to both Deputy City
13 Attorney Wade Chow and Deputy City Attorney Megan Ryan at “wade.chow@sfcityatty.org” and
14 “megan.ryan@sfcityatty.org”. All required notices to DEFENDANTS shall be sent via electronic
15 email to Phil Segal and Zubin Khosravi at phil@kernlaw.com and zkhosravi@kernlaw.com.

16 **VIII. RECORDATION**

17 This INJUNCTION shall be recorded against title to the PROPERTY at the Office of the San
18 Francisco Assessor-Recorder’s Office.

19
20 **IT IS SO ORDERED.**

21
22 Dated: 12/8/2023

23 
HON. SUZANNE RAMOS BOLANOS
JUDGE OF THE SUPERIOR COURT

24 City and County of San Francisco v. Naim Jamali
25 San Francisco Superior Court No. CGC-22-599795