

FOR COURT USE ONLY

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ENDORSED
FILED
ALAMEDA COUNTY

AUG 31 2016

CLERK OF THE SUPERIOR COURT
By: D. OLIVER, Deputy

SUPERIOR COURT OF CALIFORNIA, COUNTY OF Alameda
STREET ADDRESS: 1225 Fallon Street
MAILING ADDRESS:
CITY AND ZIP CODE: Oakland, CA 94612
BRANCH NAME:

CASE NAME:
The People of the State of California, et al. v. Jaber, et al.

CIVIL CASE COVER SHEET
 Unlimited (Amount demanded exceeds \$25,000)
 Limited (Amount demanded is \$25,000 or less)

Complex Case Designation
 Counter **Joinder**
Filed with first appearance by defendant (Cal. Rules of Court, rule 3.402)

CASE NUMBER: 1616828447
JUDGE:
DEPT:

Items 1-6 below must be completed (see instructions on page 2).

1. Check one box below for the case type that best describes this case:

Auto Tort

- Auto (22)
- Uninsured motorist (46)

Other PI/PD/WD (Personal Injury/Property Damage/Wrongful Death) Tort

- Asbestos (04)
- Product liability (24)
- Medical malpractice (45)
- Other PI/PD/WD (23)

Non-PI/PD/WD (Other) Tort

- Business tort/unfair business practice (07)
- Civil rights (08)
- Defamation (13)
- Fraud (16)
- Intellectual property (19)
- Professional negligence (25)
- Other non-PI/PD/WD tort (35)

Employment

- Wrongful termination (36)
- Other employment (15)

Contract

- Breach of contract/warranty (06)
- Rule 3.740 collections (09)
- Other collections (09)
- Insurance coverage (18)
- Other contract (37)

Real Property

- Eminent domain/inverse condemnation (14)
- Wrongful eviction (33)
- Other real property (26)

Unlawful Detainer

- Commercial (31)
- Residential (32)
- Drugs (38)

Judicial Review

- Asset forfeiture (05)
- Petition re: arbitration award (11)
- Writ of mandate (02)
- Other judicial review (39)

Provisionally Complex Civil Litigation (Cal. Rules of Court, rules 3.400-3.403)

- Antitrust/Trade regulation (03)
- Construction defect (10)
- Mass tort (40)
- Securities litigation (28)
- Environmental/Toxic tort (30)
- Insurance coverage claims arising from the above listed provisionally complex case types (41)

Enforcement of Judgment

- Enforcement of judgment (20)

Miscellaneous Civil Complaint

- RICO (27)
- Other complaint (not specified above) (42)

Miscellaneous Civil Petition

- Partnership and corporate governance (21)
- Other petition (not specified above) (43)

2. This case is is not complex under rule 3.400 of the California Rules of Court. If the case is complex, mark the factors requiring exceptional judicial management:

- a. Large number of separately represented parties
- b. Extensive motion practice raising difficult or novel issues that will be time-consuming to resolve
- c. Substantial amount of documentary evidence
- d. Large number of witnesses
- e. Coordination with related actions pending in one or more courts in other counties, states, or countries, or in a federal court
- f. Substantial postjudgment judicial supervision

3. Remedies sought (check all that apply): a. monetary b. nonmonetary; declaratory or injunctive relief c. punitive

4. Number of causes of action (specify): 3

5. This case is is not a class action suit.

6. If there are any known related cases, file and serve a notice of related case. (You may use form CM-015.)

Date: August 31 2016

Patrick W. Bears

(TYPE OR PRINT NAME)


(SIGNATURE OF PARTY OR ATTORNEY FOR PARTY)

NOTICE

- Plaintiff must file this cover sheet with the first paper filed in the action or proceeding (except small claims cases or cases filed under the Probate Code, Family Code, or Welfare and Institutions Code). (Cal. Rules of Court, rule 3.220.) Failure to file may result in sanctions.
- File this cover sheet in addition to any cover sheet required by local court rule.
- If this case is complex under rule 3.400 et seq. of the California Rules of Court, you must serve a copy of this cover sheet on all other parties to the action or proceeding.
- Unless this is a collections case under rule 3.740 or a complex case, this cover sheet will be used for statistical purposes only.

INSTRUCTIONS ON HOW TO COMPLETE THE COVER SHEET

To Plaintiffs and Others Filing First Papers. If you are filing a first paper (for example, a complaint) in a civil case, you must complete and file, along with your first paper, the *Civil Case Cover Sheet* contained on page 1. This information will be used to compile statistics about the types and numbers of cases filed. You must complete items 1 through 6 on the sheet. In item 1, you must check one box for the case type that best describes the case. If the case fits both a general and a more specific type of case listed in item 1, check the more specific one. If the case has multiple causes of action, check the box that best indicates the **primary** cause of action. To assist you in completing the sheet, examples of the cases that belong under each case type in item 1 are provided below. A cover sheet must be filed only with your initial paper. Failure to file a cover sheet with the first paper filed in a civil case may subject a party, its counsel, or both to sanctions under rules 2.30 and 3.220 of the California Rules of Court.

To Parties in Rule 3.740 Collections Cases. A "collections case" under rule 3.740 is defined as an action for recovery of money owed in a sum stated to be certain that is not more than \$25,000, exclusive of interest and attorney's fees, arising from a transaction in which property, services, or money was acquired on credit. A collections case does not include an action seeking the following: (1) tort damages, (2) punitive damages, (3) recovery of real property, (4) recovery of personal property, or (5) a prejudgment writ of attachment. The identification of a case as a rule 3.740 collections case on this form means that it will be exempt from the general time-for-service requirements and case management rules, unless a defendant files a responsive pleading. A rule 3.740 collections case will be subject to the requirements for service and obtaining a judgment in rule 3.740.

To Parties in Complex Cases. In complex cases only, parties must also use the *Civil Case Cover Sheet* to designate whether the case is complex. If a plaintiff believes the case is complex under rule 3.400 of the California Rules of Court, this must be indicated by completing the appropriate boxes in items 1 and 2. If a plaintiff designates a case as complex, the cover sheet must be served with the complaint on all parties to the action. A defendant may file and serve no later than the time of its first appearance a joinder in the plaintiff's designation; a counter-designation that the case is not complex, or, if the plaintiff has made no designation, a designation that the case is complex.

CASE TYPES AND EXAMPLES

Auto Tort

- Auto (22)—Personal Injury/Property Damage/Wrongful Death
- Uninsured Motorist (46) (if the case involves an uninsured motorist claim subject to arbitration, check this item instead of Auto)

Other PI/PD/WD (Personal Injury/Property Damage/Wrongful Death) Tort

- Asbestos (04)
 - Asbestos Property Damage
 - Asbestos Personal Injury/Wrongful Death
- Product Liability (not asbestos or toxic/environmental) (24)
- Medical Malpractice (45)
 - Medical Malpractice—Physicians & Surgeons
 - Other Professional Health Care Malpractice
- Other PI/PD/WD (23)
 - Premises Liability (e.g., slip and fall)
 - Intentional Bodily Injury/PD/WD (e.g., assault, vandalism)
 - Intentional Infliction of Emotional Distress
 - Negligent Infliction of Emotional Distress
 - Other PI/PD/WD

Non-PI/PD/WD (Other) Tort

- Business Tort/Unfair Business Practice (07)
- Civil Rights (e.g., discrimination, false arrest) (not civil harassment) (08)
- Defamation (e.g., slander, libel) (13)
- Fraud (16)
- Intellectual Property (19)
- Professional Negligence (25)
 - Legal Malpractice
 - Other Professional Malpractice (not medical or legal)
- Other Non-PI/PD/WD Tort (35)

Employment

- Wrongful Termination (36)
- Other Employment (15)

Contract

- Breach of Contract/Warranty (06)
 - Breach of Rental/Lease Contract (not unlawful detainer or wrongful eviction)
- Contract/Warranty Breach—Seller Plaintiff (not fraud or negligence)
- Negligent Breach of Contract/Warranty
- Other Breach of Contract/Warranty
- Collections (e.g., money owed, open book accounts) (09)
 - Collection Case—Seller Plaintiff
 - Other Promissory Note/Collections Case
- Insurance Coverage (not provisionally complex) (18)
 - Auto Subrogation
 - Other Coverage
- Other Contract (37)
 - Contractual Fraud
 - Other Contract Dispute

Real Property

- Eminent Domain/Inverse Condemnation (14)
- Wrongful Eviction (33)
- Other Real Property (e.g., quiet title) (26)
 - Writ of Possession of Real Property
 - Mortgage Foreclosure
 - Quiet Title
 - Other Real Property (not eminent domain, landlord/tenant, or foreclosure)

Unlawful Detainer

- Commercial (31)
- Residential (32)
- Drugs (38) (if the case involves illegal drugs, check this item; otherwise, report as Commercial or Residential)

Judicial Review

- Asset Forfeiture (05)
- Petition Re: Arbitration Award (11)
- Writ of Mandate (02)
 - Writ—Administrative Mandamus
 - Writ—Mandamus on Limited Court Case Matter
 - Writ—Other Limited Court Case Review
- Other Judicial Review (39)
 - Review of Health Officer Order
 - Notice of Appeal—Labor Commissioner Appeals

Provisionally Complex Civil Litigation (Cal. Rules of Court Rules 3.400–3.403)

- Antitrust/Trade Regulation (03)
- Construction Defect (10)
- Claims Involving Mass Tort (40)
- Securities Litigation (28)
- Environmental/Toxic Tort (30)
- Insurance Coverage Claims (arising from provisionally complex case type listed above) (41)

Enforcement of Judgment

- Enforcement of Judgment (20)
 - Abstract of Judgment (Out of County)
 - Confession of Judgment (non-domestic relations)
 - Sister State Judgment
 - Administrative Agency Award (not unpaid taxes)
 - Petition/Certification of Entry of Judgment on Unpaid Taxes
 - Other Enforcement of Judgment Case

Miscellaneous Civil Complaint

- RICO (27)
- Other Complaint (not specified above) (42)
 - Declaratory Relief Only
 - Injunctive Relief Only (non-harassment)
 - Mechanics Lien
 - Other Commercial Complaint Case (non-tort/non-complex)
 - Other Civil Complaint (non-tort/non-complex)

Miscellaneous Civil Petition

- Partnership and Corporate Governance (21)
- Other Petition (not specified above) (43)
 - Civil Harassment
 - Workplace Violence
 - Elder/Dependent Adult Abuse
 - Election Contest
 - Petition for Name Change
 - Petition for Relief From Late Claim
 - Other Civil Petition

Short Title: **People v. Jaber** Case Number:

CIVIL CASE COVER SHEET ADDENDUM

THIS FORM IS REQUIRED IN ALL NEW UNLIMITED CIVIL CASE FILINGS IN THE SUPERIOR COURT OF CALIFORNIA, COUNTY OF ALAMEDA

Oakland, Rene C. Davidson Alameda County Courthouse (446) Hayward Hall of Justice (447)
 Pleasanton, Gale-Schenone Hall of Justice (448)

Civil Case Cover Sheet Category	Civil Case Cover Sheet Case Type	Alameda County Case Type (check only one)
Auto Tort	Auto tort (22)	<input type="checkbox"/> 34 Auto tort (G) Is this an uninsured motorist case? <input type="checkbox"/> yes <input type="checkbox"/> no
Other PI /PD / WD Tort	Asbestos (04)	<input type="checkbox"/> 75 Asbestos (D)
	Product liability (24)	<input type="checkbox"/> 89 Product liability (not asbestos or toxic tort/environmental) (G)
	Medical malpractice (45)	<input type="checkbox"/> 97 Medical malpractice (G)
	Other PI/PD/WD tort (23)	<input type="checkbox"/> 33 Other PI/PD/WD tort (G)
Non - PI /PD / WD Tort	Bus tort / unfair bus. practice (07)	<input type="checkbox"/> 79 Bus tort / unfair bus. practice (G)
	Civil rights (08)	<input type="checkbox"/> 80 Civil rights (G)
	Defamation (13)	<input type="checkbox"/> 84 Defamation (G)
	Fraud (16)	<input type="checkbox"/> 24 Fraud (G)
	Intellectual property (19)	<input type="checkbox"/> 87 Intellectual property (G)
	Professional negligence (25)	<input type="checkbox"/> 59 Professional negligence - non-medical (G)
Employment	Wrongful termination (36)	<input type="checkbox"/> 38 Wrongful termination (G)
	Other employment (15)	<input type="checkbox"/> 85 Other employment (G) <input type="checkbox"/> 53 Labor comm award confirmation <input type="checkbox"/> 54 Notice of appeal - L.C.A.
Contract	Breach contract / Wrnty (06)	<input type="checkbox"/> 04 Breach contract / Wrnty (G)
	Collections (09)	<input type="checkbox"/> 81 Collections (G)
	Insurance coverage (18)	<input type="checkbox"/> 86 Ins. coverage - non-complex (G)
	Other contract (37)	<input type="checkbox"/> 98 Other contract (G)
Real Property	Eminent domain / Inv Cdm (14)	<input type="checkbox"/> 18 Eminent domain / Inv Cdm (G)
	Wrongful eviction (33)	<input type="checkbox"/> 17 Wrongful eviction (G)
	Other real property (26)	<input checked="" type="checkbox"/> 36 Other real property (G)
Unlawful Detainer	Commercial (31)	<input type="checkbox"/> 94 Unlawful Detainer - commercial
	Residential (32)	<input type="checkbox"/> 47 Unlawful Detainer - residential
	Drugs (38)	<input type="checkbox"/> 21 Unlawful detainer - drugs
Judicial Review	Asset forfeiture (05)	<input type="checkbox"/> 41 Asset forfeiture
	Petition re: arbitration award (11)	<input type="checkbox"/> 62 Pet. re: arbitration award
	Writ of Mandate (02)	<input type="checkbox"/> 49 Writ of mandate
	Other judicial review (39)	Is this a CEQA action (Publ.Res.Code section 21000 et seq) <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> 64 Other judicial review
Provisionally Complex	Antitrust / Trade regulation (03)	<input type="checkbox"/> 77 Antitrust / Trade regulation
	Construction defect (10)	<input type="checkbox"/> 82 Construction defect
	Claims involving mass tort (40)	<input type="checkbox"/> 78 Claims involving mass tort
	Securities litigation (28)	<input type="checkbox"/> 91 Securities litigation
	Toxic tort / Environmental (30)	<input type="checkbox"/> 93 Toxic tort / Environmental
Ins covrg from cmplx case type (41)	<input type="checkbox"/> 95 Ins covrg from complex case type	
Enforcement of Judgment	Enforcement of judgment (20)	<input type="checkbox"/> 19 Enforcement of judgment
		<input type="checkbox"/> 08 Confession of judgment
Misc Complaint	RICO (27)	<input type="checkbox"/> 90 RICO (G)
	Partnership / Corp. governance (21)	<input type="checkbox"/> 88 Partnership / Corp. governance (G)
	Other complaint (42)	<input type="checkbox"/> 68 All other complaints (G)
Misc. Civil Petition	Other petition (43)	<input type="checkbox"/> 06 Change of name
		<input type="checkbox"/> 69 Other petition

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13 Attorneys for Plaintiffs,
14 The People of the State of California and
15 The City of Oakland

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FILED
ALAMEDA COUNTY

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CLERK OF THE SUPERIOR COURT
By: D. OLIVER, Deputy

16 SUPERIOR COURT OF THE STATE OF CALIFORNIA

17 COUNTY OF ALAMEDA

18 UNLIMITED CIVIL CASE

19 THE PEOPLE OF THE STATE OF
20 CALIFORNIA,

21 Plaintiff,

22 THE CITY OF OAKLAND, a municipal
23 corporation,

24 Plaintiff and Real Party in
25 Interest,

26 v.

27 JAD JABER, and SUAD JABER, as
28 individuals of the TRUSTEES OF THE
JABER FAMILY LIVING TRUST U/A
JUNE 24, 1991; NAJEEB SHIHADDEH an
individual; MARY CHRISTINA
SHIHADDEH, an individual; DAOUD
SALFITI, and individual; FAHED
SALFITI, an individual; HAIFA SADFITI;
and DOES ONE through TWENTY
inclusive,

Defendants.

Case No. *As 16828447*

COMPLAINT FOR INJUNCTIVE RELIEF,
DAMAGES, CIVIL PENALTIES AND
OTHER EQUITABLE RELIEF BASED ON:

- (1) TENANT PROTECTION ORDINANCE
[Oakland Municipal Code §8.22.600 et seq.]
- (2) PUBLIC NUISANCE [California Civil
Code §§3479; 3480]
- (3) PUBLIC NUISANCE [Oakland Municipal
Code §§ 1.08 et seq.; 8.24 et seq.]

1 Plaintiffs, the People of the State of California and the City of Oakland, a municipal
2 corporation and a chartered city, (collectively "Plaintiffs") allege:

3 **INTRODUCTION**

4 1. Defendants Jad Jaber and Suad Jaber, as individuals of the Trustees of the Jaber Family
5 Living Trust U/A June 24, 1991, Najeeb Shihadeh, Mary Christina Shihadeh, Daoud Salfiti, Fahed
6 Salfiti, and Haifa Sadfiti and Does One through Twenty (collectively "Defendants") are the
7 owners of the apartment building located at 1620 Fruitvale Avenue. Since assuming ownership of
8 this building in 2007, Defendants allowed numerous health and safety hazards to persist at the
9 property despite repeated complaints from their tenants and notices from the City of Oakland
10 Building Services Division's Code Enforcement Unit ("Code Enforcement") and Alameda County
11 Health Care Services Vector Control ("Vector Control").

12 2. Code Enforcement and Vector Control documented at the property including but not
13 limited to infestations of mice, cockroaches, bedbugs, and other vermin; faulty plumbing; lack of
14 hot water and/or proper water services; damaged ceilings and walls, with significant water leaks
15 and damage therefrom; lack of functioning fire detectors; lack of functioning locks for the
16 building's exterior doors; faulty electrical systems; absence of heat; damaged and dangerous
17 flooring; broken or inoperable windows and broken or inoperable and/or lack of screens; lack of
18 adequate ventilation; accumulated trash in the common areas; raw sewage underneath the building;
19 peeling paint, contaminated with lead; broken appliances; and mold and mildew caused by
20 inadequate insulation and leaks.

21 3. Accordingly, the tenants, who are predominantly low income and speak English as a
22 second language, if at all, were left to live in units that presented health and safety risks to
23 themselves and their children. Defendants' failure to remedy these conditions demonstrates a
24 pattern and practice of violating Oakland's Tenant Protection Ordinance, which is designed to
25 protect tenants from such behavior. Additionally, Defendants' property is a public nuisance to the
26 tenants residing in them and the neighboring properties. Plaintiffs intervene to hold Defendants
27 accountable for their illegal actions and to remedy the numerous habitability issues at the property.

28 ///

1 **PARTIES**

2 4. The City of Oakland is a municipal corporation and a chartered city, organized and
3 existing under the laws of the State of California.

4 5. Defendants Jad Jaber and Suad Jaber, as individuals of the Trustees of the Jaber Family
5 Living Trust U/A June 24, 1991, Najeeb Shihadeh, Mary Christina Shihadeh, Daoud Salfiti, Fahed
6 Salfiti, and Haifa Sadfiti are the owners of 1620 Fruitvale Avenue, Oakland, CA, 94601 with
7 Assessor Parcel Number (“APN”) 33-2119-13.

8 6. Defendants DOES 1 Through 20, whether individual, corporate, associate,
9 representative, alter ego or otherwise, of Defendants, are sued by fictitious names pursuant to
10 California Code of Civil Procedure § 474. Plaintiffs will amend this Complaint to allege the true
11 names and capacities of DOES 1 through 20, when their true identities are ascertained.

12 7. Plaintiffs are informed and believe and based thereon allege that at all times relevant
13 herein each of the Defendants was the agent, servant, employee, subsidiary, affiliate, partner,
14 assignee, successor-in-interest, alter ego, or other representative of each of the remaining
15 Defendants and was acting in such capacity in doing the things herein complained of and alleged.

16 **JURISDICTION**

17 8. This Court is the proper venue because the subject premises, the Defendants’ conduct,
18 and the Plaintiffs’ injuries are all located or occurred within the City of Oakland, Alameda County,
19 California.

20 9. Defendants and other out-of-state participants may be brought before this Court
21 pursuant to the provisions of Code of Civil Procedure § 395.5.

22 **FACTS**

23 10. Defendants Jad Jaber and Suad Jaber, as individuals of the Trustees of the Jaber Family
24 Living Trust U/A June 24, 1991, Najeeb Shihadeh, Mary Christina Shihadeh, Daoud Salfiti, Fahed
25 Salfiti, and Haifa Sadfiti became the owners of 1620 Fruitvale Avenue, a 30 unit property, on or
26 about November 7, 2007. Subsequent to these dates and at all relevant times, Defendants owned,
27 operated, managed, or were responsible for maintaining the property.

28 11. The building was constructed prior to 1979 and are therefore subject to the restrictions

1 and protections of the Residential Rent Adjustment Program (OMC §8.22.010 *et seq.*).

2 12. At all times relevant herein, 1620 Fruitvale Avenue housed tenants with valid rental
3 agreements as defined in OMC § 8.22.340.

4 13. Plaintiffs are informed and believe that the tenants at 1620 Fruitvale Avenue are
5 predominantly to Spanish-speaking families.

6 14. Plaintiffs are informed and believe that the Defendants failed to adequately respond to
7 tenants' requests to respond to maintenance and habitability concerns. As a result tenants were
8 forced to occupy units with unacceptable, and often dangerous, physical conditions.

9 15. During the time Defendants have owned, managed, and controlled the 1620 Fruitvale
10 Avenue, the premises have had had numerous documented habitability violations including but not
11 limited to, those described in paragraph 2. Defendants acted with bad faith against their tenants
12 with regards to the conditions of the properties and by failing to comply with Vector Control and
13 Code Enforcement orders to fix housing issues.

14 **Lack of Compliance with Alameda County Health Care Services Vector Control and City of**
15 **Oakland Code Enforcement Inspection Orders**

16 16. Starting in September 2014, the ongoing problems with cockroaches and bed bugs at
17 1620 Fruitvale Avenue resulted in the tenants reporting the issue to Vector Control.

18 17. On October 9, 2014 Vector Control verified that multiple units at 1620 Fruitvale
19 Avenue were infested with cockroaches. Vector Control also noticed that there were open vents
20 that provided access to animals and rodents.

21 18. Starting on October 13, 2014 Vector Control attempted to contact Defendants multiple
22 times by phone and by email to notify them about the cockroach infestation and the need to inspect
23 the units. Vector Control stressed that the tenants needed to be provided adequate notice so that
24 they could prepare for treatment. Vector Control also notified Defendants that the open vents
25 needed to be repaired.

26 19. On December 23, 2014 Vector Control verified bed bugs were present at 1620
27 Fruitvale Avenue.

28 20. On January 5, 2015 Vector Control notified Defendant Najeeb Shihadeh that bed bugs

1 were present in unit 26 and 32 and that they and the adjacent units needed to be treated.

2 21. On January 20, 2015 Vector Control contacted Defendant Najeeb Shihadeh about bed
3 bug treatment. Defendant informed Vector Control that the units would be treated. No treatments
4 occurred.

5 22. On March 23, 2015 Vector Control issued a notice of violation to Defendants about the
6 lack of treatment.

7 23. In June 2015, due to Defendants' lack of response and repairs to habitability complaints
8 the tenants living at 1620 Fruitvale Avenue reported the conditions on the premises to Vector
9 Control and Code Enforcement.

10 24. On June 8, 2015 Vector Control and Code Enforcement verified multiple habitability
11 issues on the premises of 1620 Fruitvale Avenue.

12 25. On June 9, 2015 Code Enforcement issued a notice of violation informing Defendants
13 that the following conditions existed at the property: broken pipe causing sewage backup,
14 plumbing work in process without permits, dryer venting in laundry room in basement is detached
15 and does not vent to the exterior causing potential fire hazard, heavy accumulation of dryer lint in
16 crawl space nearby laundry room, cockroaches, bed bugs, bed bug bites on tenants, missing
17 window in common area, exterior light at rear stairway on second floor inoperable, kitchen sink
18 not sealed in unit and leaks when counter gets wet.

19 26. The notice of violation referenced in paragraph 34 gave Defendants 30 days to remedy
20 the numerous violations of Oakland's municipal code.

21 27. On June 12, 2015 Vector Control reached out to Defendant Najeeb Shihadeh about
22 violations at the premises. Defendant Najeeb Shihadeh informed Vector Control that pest
23 treatments would begin on June 16, 2016. Vector Control advised Defendant again to give the
24 tenants adequate notice so they could have time to prepare for the treatment and someone would
25 be present for the treatment.

26 28. On June 16, 2015 Vector Control returned to the premises. Vector Control was notified
27 by the tenants that the tenants were verbally notified the night before about the treatment.
28 Multiple tenants reported they did not have time to clean and clear their unit and pest control was

1 unable to treat the units.

2 29. On July 22, 2015 Code Enforcement inspected units 3, 5, 6, 25, 26, 32, 33, 34, and 35
3 at 1620 Fruitvale Avenue and found multiple health and safety violations in each unit and the
4 common areas of the building.

5 30. Following inspection, Code Enforcement issued a notice of violation on September 5,
6 2015 informing Defendants that the following conditions existed at the property: lack of heat in
7 units, carpet torn and stretched, cracked plaster and peeling paint at entry, plumbing leaks,
8 plumbing work done without permits, unfinished drywall repair, roaches, cracks in linoleum, lack
9 of smoke detector, holes in walls, water leak damage, cracked walls and ceiling, unapproved and
10 missing electrical lighting and fixtures, peeling paint, lack of ventilation, lack of hot water, broken
11 window frames, missing security bars on windows.

12 31. The notice of violation referenced in paragraph 39 gave Defendants 30 days to remedy
13 the numerous violations of Oakland's municipal code.

14 32. On November 5, 2015 Code Enforcement re-inspected 1620 Fruitvale Avenue after
15 providing more than 30 days of notice for Defendant to abate the habitability issues in the units
16 and common areas.

17 33. Code Enforcement found that none of the issues in the units were abated and only a few
18 of the issues in the common area were addressed. Multiple units still lacked working smoke
19 detectors.

20 34. On August 1, 2016 Code Enforcement inspected 1620 Fruitvale Avenue after receiving
21 a report that the building caught fire. Code Enforcement inspected the common areas and units at
22 the property. Two units were yellow tagged and tenants were forced to vacate their homes causing
23 them to be displaced.

24 35. Following inspection, Code Enforcement issued a notice of violation on August 3, 2016
25 informing Defendants that each floor had fire damage. The notice also informed Defendants that
26 fire damaged units 3, 5, 23, 25, 33, and 35.

27 36. On August 26, 2016 Code Enforcement inspected some of the units to see the status of
28 the repairs. Code Enforcement found that habitability issues in the building still remained

1 unabated. The heaters in the building were still not working. Windows in the corridors of the
2 building were missing. There are missing locks at the exits allowing easy access for non-residents.
3 There was evidence of a cockroach infestation in a unit.

4 **FIRST CAUSE OF ACTION FOR TENANT PROTECTION ORDINANCE BY CITY OF**
5 **OAKLAND AGAINST ALL DEFENDANTS**

6 **[Oakland Municipal Code Code §8.22.600 et seq. and 15.08 et seq.]**

7 37. Plaintiffs incorporate by reference each preceding paragraph.

8 38. Plaintiffs bring this action pursuant to Oakland Municipal Code (“OMC”) §8.22.600 *et*
9 *seq.* (the “Tenant Protection Ordinance”) in the name of the City of Oakland.

10 39. During the period of approximately 2007 through the present Defendants leased to
11 tenants and continue to lease to tenants, the residential building located at 1620 Fruitvale Avenue.

12 40. Defendants violated OMC §8.22.640(A)(1) of the Tenant Protection Ordinance through
13 their failure to provide housing services required by California statute and local ordinance.

14 41. Defendants violated OMC §8.22.640(A)(2) of the Tenant Protection Ordinance through
15 failing to perform repairs and maintenance required by City of Oakland Building Services
16 Division Code Enforcement Inspectors.

17 42. Defendants violated OMC §8.22.640(A)(3) of the Tenant Protection Ordinance through
18 failing to exercise due diligence in completing repairs and maintenance they undertook by failing
19 to obtain proper permits for work done and by abandoning remedial efforts to abate habitability
20 conditions after basic attempts failed to resolve issues.

21 43. Defendants violated OMC §8.22.640(A)(10) of the Tenant Protection Ordinance by
22 substantially and directly interfering with the tenants’ right to quiet enjoyment of their rental
23 housing units.

24 44. Defendants acted in bad faith against their tenants under OMC §8.22.640(A).

25 45. Defendants engaged in a pattern and practice of harassment, and therefore the City
26 Attorney is exercising her authority pursuant to OMC §8.22.670(A)(2).

27 ///

28 ///

1 **SECOND CAUSE OF ACTION FOR PUBLIC NUISANCE BY ALL PLAINTIFFS**
2 **AGAINST ALL DEFENDANTS**

3 **[California Civil Code §§ 3479; 3480]**

4 46. Plaintiffs incorporate by reference each preceding paragraph.

5 47. Plaintiffs bring this action pursuant to California Civil Code §3479 and 3480 in the
6 name of the People of the State of California.

7 48. Defendants maintain a blight property in the community that has interfered with the
8 tenants' comfortable enjoyment of the building and the neighbors' comfortable enjoyment of their
9 own property. Blighted conditions include broken/missing windows, trash and debris
10 accumulation on the property, the harboring of rats, vectors, and vermin, dilapidated interiors, and
11 lack of secured premises.

12 49. As a direct result of Defendants' conduct, the City of Oakland and the County of
13 Alameda spent time and money responding to the numerous complaints at the property.

14 40. Defendants' conduct was a substantial factor in causing the harm.

15 51. Defendants' actions have permitted and maintained a public nuisance.

16 **THIRD CAUSE OF ACTION FOR PUBLIC NUISANCE BY CITY OF OAKLAND**
17 **AGAINST ALL DEFENDANTS**

18 **[Oakland Municipal Code §§ 1.08; 8.24]**

19 52. Plaintiffs incorporate by reference each preceding paragraph.

20 53. Plaintiffs bring this action pursuant to OMC §§ 1.08 and 8.24 et seq.

21 54. Defendants violated OMC § 8.24.040(C)(3)&(4) by maintaining broken windows and
22 unsecure doors which attract potential intruders and are unsightly to neighbors.

23 55. Defendants violated OMC § 8.24.040(D)(1) by maintaining a property that
24 accumulated rubbish and waste in common areas of the buildings.

25 56. Defendants violated OMC § 8.24.040(D)(3) by maintaining a property that harbored
26 rats, vectors, and vermin.

27 57. Defendants violated OMC § 8.24.040(I)(1) by permitting and maintaining a public
28 nuisance in violation California Civil Code §3479 and 3480 herein described in paragraphs 54-59.

1 58. OMC § 1.08.020(A)(1) authorizes civil penalties to be assessed for violations of OMC
2 Title 8.

3 59. OMC § 1.08.020(A)(3)&4) authorizes civil penalties to be assessed for the occurrence
4 of any public nuisance as established by State law or common law or equity in jurisprudence.

5 **PRAYER FOR RELIEF**

6 Wherefore, Plaintiffs pray that the Court:

7 First Cause of Action

8 60. Order all injunctive relief deemed necessary, which may include but is not limited to
9 the following: perform the designated repairs as directed by City Code Enforcement and County
10 Vector Control inspectors; respond in a timely manner to tenants' requests for repairs; maintain the
11 properties and grounds as required by state and local law; hire a separate property manager and
12 submit proposed candidate for review to the City, pursuant to OMC § 8.22.670(C).

13 61. Order Defendants to pay Plaintiffs punitive or treble actual damages, including mental
14 and emotion distress, pursuant to §8.22.670(B)(1) and (2).

15 62. Award Plaintiffs attorney's fees as authorized by OMC §8.22.670(D)(1).

16 63. Pursuant to the Court's inherent powers of equity, order Defendants to reside at the
17 property as a manger until such time that a property management company can be hired to
18 adequately recognize, respond to, address, and successfully abate uninhabitable conditions and
19 reports of uninhabitable conditions at the property.

20 64. Assess civil penalties pursuant to OMC §§ 1.08 and 8.22 in the amount of \$1,000 per
21 day.

22 Second Cause of Action

23 65. Order all injunctive relief deemed necessary, which may include but is not limited to
24 the following: perform the designated repairs as directed by City Code Enforcement and County
25 Vector Control inspectors; respond in a timely manner to tenants' requests for repairs; maintain the
26 properties and grounds as required by state and local law.

27 Third Cause of Action

28 65. Order all injunctive relief deemed necessary, which may include but is not limited to

1 the following: perform the designated repairs as directed by City Code Enforcement and County
2 Vector Control inspectors; respond in a timely manner to tenants' requests for repairs; maintain the
3 properties and grounds as required by state and local law.

4 66. Assess civil penalties pursuant to OMC §§ 1.08 and 8.22 in the amount of \$1,000 per
5 day.

6 All Causes of Action

7 67. Enter judgment in favor of Plaintiffs and against Defendants.

8 68. Order all other relief as the interests of justice may require.

9 **DEMAND FOR JURY TRIAL**

10 69. Plaintiffs request a trial by jury pursuant to Cal. Const. art. I, §16 and Cal. Code of Civ.
11 Proc. §631(a).

12 DATED: August 30, 2016

13
14
15 BARBARA J. PARKER, City Attorney
16 OTIS MCGEE, Special Counsel
17 MARIA BEE, Special Counsel
18 ANDREW LAH, Deputy City Attorney
19 PATRICK W. BEARS, Attorney
20 SCOTT HUGO, Attorney

21 By: _____
22 Attorneys for the People of the
23 State of California and the City of Oakland
24
25
26
27
28

1 the following: perform the designated repairs as directed by City Code Enforcement and County
2 Vector Control inspectors; respond in a timely manner to tenants' requests for repairs; maintain the
3 properties and grounds as required by state and local law.

4 66. Assess civil penalties pursuant to OMC §§ 1.08 and 8.22 in the amount of \$1,000 per
5 day.

6 All Causes of Action

7 67. Enter judgment in favor of Plaintiffs and against Defendants.

8 68. Order all other relief as the interests of justice may require.

9 **DEMAND FOR JURY TRIAL**

10 69. Plaintiffs request a trial by jury pursuant to Cal. Const. art. I, §16 and Cal. Code of Civ.
11 Proc. §631(a).

12 DATED: August 31, 2016

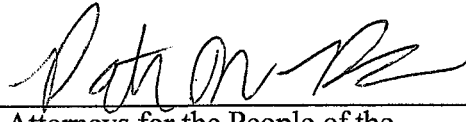
13

14

BARBARA J. PARKER, City Attorney
OTIS MCGEE, Special Counsel
MARIA BEE, Special Counsel
ANDREW LAH, Deputy City Attorney
PATRICK W. BEARS, Attorney
SCOTT HUGO, Attorney

18

19

20 By: 
Attorneys for the People of the
State of California and the City of Oakland

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<p>ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): Barbara J. Parker, City Attorney, SB#69722 Patrick W. Bears, Attorney, SB#294260 One Frank H. Ogawa Plaza, 6th Floor Oakland, CA 94612 TELEPHONE NO.: 510-238-6501 FAX NO. (Optional): 510-238-6500 E-MAIL ADDRESS (Optional): pbears@oaklandcityattorney.org ATTORNEY FOR (Name): The People of the State of California and City of Oakl</p>	<p>FOR COURT USE ONLY</p> <p>ENDORSED FILED ALAMEDA COUNTY</p> <p>AUG 31 2016</p> <p>CLERK OF THE SUPERIOR COURT By: D. OLIVER, Deputy</p>
<p>SUPERIOR COURT OF CALIFORNIA, COUNTY OF Alameda STREET ADDRESS: 1225 Fallon Street MAILING ADDRESS: CITY AND ZIP CODE: Oakland, CA 94612 BRANCH NAME:</p>	<p>CASE NUMBER:  JUDICIAL OFFICER:</p>
<p>PLAINTIFF/PETITIONER: The People of the State of California DEFENDANT/RESPONDENT: Jaber, et al.</p>	<p>DEPT.:</p>
<p>NOTICE OF RELATED CASE</p>	

Identify, in chronological order according to date of filing, all cases related to the case referenced above.

1. a. Title: Lopez v. jaber
 b. Case number: RG15772595
 c. Court: same as above
 other state or federal court (name and address):
 d. Department: 21
 e. Case type: limited civil unlimited civil probate family law other (specify):
 f. Filing date: 6/2/2015
 g. Has this case been designated or determined as "complex?" Yes No
 h. Relationship of this case to the case referenced above (check all that apply):
 involves the same parties and is based on the same or similar claims.
 arises from the same or substantially identical transactions, incidents, or events requiring the determination of the same or substantially identical questions of law or fact.
 involves claims against, title to, possession of, or damages to the same property.
 is likely for other reasons to require substantial duplication of judicial resources if heard by different judges.
 Additional explanation is attached in attachment 1h
 i. Status of case:
 pending
 dismissed with without prejudice
 disposed of by judgment

2. a. Title: Mora v. Jaber
 b. Case number: RG16806249
 c. Court: same as above
 other state or federal court (name and address):
 d. Department: 302

PLAINTIFF/PETITIONER: The People of the State of California DEFENDANT/RESPONDENT: Jaber, et al.	CASE NUMBER:
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2. (continued)

- e. Case type: limited civil unlimited civil probate family law other (specify):
- f. Filing date: 3/3/2016
- g. Has this case been designated or determined as "complex?" Yes No
- h. Relationship of this case to the case referenced above (check all that apply):
 - involves the same parties and is based on the same or similar claims.
 - arises from the same or substantially identical transactions, incidents, or events requiring the determination of the same or substantially identical questions of law or fact.
 - involves claims against, title to, possession of, or damages to the same property.
 - is likely for other reasons to require substantial duplication of judicial resources if heard by different judges.
 - Additional explanation is attached in attachment 2h
- i. Status of case:
 - pending
 - dismissed with without prejudice
 - disposed of by judgment


3. a. Title:

- b. Case number:
- c. Court: same as above
 other state or federal court (name and address):
- d. Department:
- e. Case type: limited civil unlimited civil probate family law other (specify):
- f. Filing date:
- g. Has this case been designated or determined as "complex?" Yes No
- h. Relationship of this case to the case referenced above (check all that apply):
 - involves the same parties and is based on the same or similar claims.
 - arises from the same or substantially identical transactions, incidents, or events requiring the determination of the same or substantially identical questions of law or fact.
 - involves claims against, title to, possession of, or damages to the same property.
 - is likely for other reasons to require substantial duplication of judicial resources if heard by different judges.
 - Additional explanation is attached in attachment 3h
- i. Status of case:
 - pending
 - dismissed with without prejudice
 - disposed of by judgment

4. Additional related cases are described in Attachment 4. Number of pages attached: _____

Date: August 31, 2016

Patrick W. Bears
 (TYPE OR PRINT NAME OF PARTY OR ATTORNEY)


 (SIGNATURE OF PARTY OR ATTORNEY)

PLAINTIFF/PETITIONER: The People of the State of California	CASE NUMBER:
DEFENDANT/RESPONDENT: Jaber, et al.	

**PROOF OF SERVICE BY FIRST-CLASS MAIL
NOTICE OF RELATED CASE**

(NOTE: You cannot serve the Notice of Related Case if you are a party in the action. The person who served the notice must complete this proof of service. The notice must be served on all known parties in each related action or proceeding.)

1. I am at least 18 years old and **not a party to this action**. I am a resident of or employed in the county where the mailing took place, and my residence or business address is *(specify)*:

2. I served a copy of the *Notice of Related Case* by enclosing it in a sealed envelope with first-class postage fully prepaid and *(check one)*:
 - a. deposited the sealed envelope with the United States Postal Service.
 - b. placed the sealed envelope for collection and processing for mailing, following this business's usual practices, with which I am readily familiar. On the same day correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service.

3. The *Notice of Related Case* was mailed:
 - a. on *(date)*:
 - b. from *(city and state)*:

4. The envelope was addressed and mailed as follows:

<ol style="list-style-type: none"> a. Name of person served: Street address: City: State and zip code: 	<ol style="list-style-type: none"> c. Name of person served: Street address: City: State and zip code:
<ol style="list-style-type: none"> b. Name of person served: Street address: City: State and zip code: 	<ol style="list-style-type: none"> d. Name of person served: Street address: City: State and zip code:

Names and addresses of additional persons served are attached. *(You may use form POS-030(P).)*

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date:

<hr/> (TYPE OR PRINT NAME OF DECLARANT)	 <hr/> (SIGNATURE OF DECLARANT)
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