

1 JOHN A. RUSSO, City Attorney - SB #129729
2 JAMES F. HODGKINS, Supervising Trial Attorney - SB #142561
3 TIVONNA D. STERN, Attorney - SB #259682
4 MAGGIE W. STERN, Attorney - SB #266041
One Frank H. Ogawa Plaza, 6th Floor
Oakland, California 94612
Telephone: (510) 238-3865 Fax: (510) 238-6500
CE03616/730415

**ENDORSED
FILED
ALAMEDA COUNTY**

DEC 21 2010

CLERK OF THE SUPERIOR COURT

~~M. Hayes~~ Deputy

5 Attorneys for Plaintiff, The People of
6 the State of California and Plaintiff
7 and Real Party in Interest,
8 The City of Oakland

9 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**

10 **COUNTY OF ALAMEDA**

11 **UNLIMITED JURISDICTION**

12 THE PEOPLE OF THE STATE OF
13 CALIFORNIA,

14 Plaintiff, and

15 THE CITY OF OAKLAND, a municipal
16 corporation,

17 Plaintiff and Real
18 Party in Interest

v.

19 Hansaben Khatri, individually and doing
20 business as the Economy Inn; Kantilal
21 Khatri, individually; Rajesh Khatri,
22 individually and doing business as the
23 Economy Inn; Rajeshkumar K. Khatri,
24 individually and doing business as the
25 Economy Inn; Roger Katari, individually and
26 doing business as the Economy Inn; and
DOES 1 through 30, inclusive,

Defendants.

Case No.

10552485

**COMPLAINT FOR CIVIL PENALTIES
AND EQUITABLE RELIEF FOR
VIOLATION OF THE RED LIGHT
ABATEMENT ACT. [CALIFORNIA
PENAL CODE § 11225, ET SEQ.]**

1. The People of the State of California as Plaintiff; and City of Oakland
as Plaintiff and Real Party in Interest; (hereinafter referred to collectively as

1 "PLAINTIFFS"), by and through John A. Russo, City Attorney for the City of Oakland,
2 allege against Defendants Hansaben Khatri, Kantilal Khatri, Rajesh Khatri, Rajeshkumar
3 K. Khatri, ROGER KATARI, and DOES 1 through 30, inclusive, the following:

4 INTRODUCTION

5 2. This action arises out of Defendants Hansaben Khatri (hereinafter
6 "Defendant HANSABEN KHATRI"), Kantilal Khatri (hereinafter "Defendant KANTILAL
7 KHATRI"), Rajesh Khatri (hereinafter "Defendant RAJESH KHATRI"), Rajeshkumar K.
8 Khatri (hereinafter "Defendant RAJESHKUMAR KHATRI"), Roger Katari (hereinafter
9 "Defendant ROGER KATARI"), and DOES 1 through 30's (hereinafter referred to
10 collectively as "DEFENDANTS") maintenance and allowance of a public nuisance at the
11 motel commonly known as the Economy Inn, and the property upon which said motel sits.
12 For an extensive period of time, the property at issue, which operates as a transient
13 lodging establishment, has been used for the purposes of assignation and prostitution.
14 The DEFENDANTS have each maintained or permitted the nuisance, and thus, as a
15 result, PLAINTIFFS file this action to enjoin DEFENDANTS from permitting and
16 maintaining the nuisance, to abate the nuisance, and to obtain all additional relief to
17 which PLAINTIFFS are entitled on behalf of the People of the State of California.

18 PARTIES

19 3. PLAINTIFF, City of Oakland (the "City") is a municipal corporation and
20 a charter city organized under California law.

21 4. John A. Russo, City Attorney for the City of Oakland, brings this action
22 in the name of the People of the State of California pursuant to California Penal Code
23 section 11226 and California Code of Civil Procedure section 731.

24 5. The real property subject to this action is:

- 25 a. The building structure, which is operated as the Economy Inn, a
26 motel, located at 122 E. 12th Street, Oakland, California 94606

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and;

b. The parcel of land upon which the motel sits, located in the State of California, County of Alameda, with a situs address of 122 E. 12TH Street, Oakland, 94606-2230. Currently owned by Kantilal Khatri and Rajeshkumar Khatri, having a tax assessor number of 020-0128-009-01 and described in document number 176434, dated 06/1989, and recorded 06/30/1989.

c. The building structure described in subsection (a) above and parcel described in subsection (c) above are hereinafter sometimes referred to collectively as the "Property."

6. Economy Inn is the fictitious business name of the business operating at 122 East 12th Street in Oakland, California.

7. PLAINTIFFS are informed and believe, and on that basis allege that since at least 2003 to the present, Defendant HANSABEN KHATRI has been an owner of the business known as Economy Inn in Oakland.

8. PLAINTIFFS are informed and believe, and on that basis allege, that Defendant RAJESH KHATRI has been at times relevant to this complaint, and may currently still be, an owner of the business known as Economy Inn in Oakland.

9. PLAINTIFFS are informed and believe, and on that basis allege that since at least 2003 to the present, Defendant RAJESHKUMAR KHATRI has been an owner of the business known as Economy Inn in Oakland.

10. PLAINTIFFS are informed and believe, and on that basis allege, that Defendant ROGER KATARI has been at times relevant to this complaint, and may currently still be, an owner of the business known as Economy Inn in Oakland.

11. PLAINTIFFS are informed and believe, and on that basis allege, that since at least 1999 to the present, Defendant KANTILAL KHATRI has been an owner of

1 the Property on which Economy Inn is located.

2 12. PLAINTIFFS are informed and believe, and on that basis allege that
3 since at least 1999 to the present, Defendant RAJESHKUMAR KHATRI has been an
4 owner of the Property on which the Economy Inn is located.

5 13. "DOES 1 through 30" are fictitious names. Their true names and
6 capacities are unknown to PLAINTIFFS. When their true names and capacities are
7 ascertained, PLAINTIFFS will amend this complaint by inserting their true names and
8 capacities. PLAINTIFFS are informed and believe, and based on this information and
9 belief allege, that each of the defendants designated as a DOE is legally responsible as an
10 property owner, business owner, partner, operator, or agent thereof, for the maintenance
11 or allowance of assignation and prostitution at the Property in violation of California Penal
12 Code section 11225(a).

13 JURISDICTION

14 14. This Court has jurisdiction over this matter because the Property on
15 which acts of assignation and prostitution have been committed is located in Oakland,
16 California, and the County of Alameda.

17 STATEMENT OF FACTS

18 15. PLAINTIFFS are informed and believe, and on that basis allege, that
19 the Property, as described in paragraph 5 of this complaint, is used for the purposes of
20 assignation and prostitution, and has been used for such purposes for a time period
21 unknown but at least since 2005 until present.

22 16. The Property is located adjacent to the intersection of 1st Avenue and
23 International Boulevard. The stretch of International Boulevard between 1st Avenue and
24 Seminary Avenue is commonly known as the "Track." The Track is an area where
25 prostitutes walk the streets, mostly along International Boulevard, to solicit customers, also
26 known as "Johns." The prostitutes often take the Johns back to a motel to perform acts of

1 prostitution. Sometimes, prostitutes arrange, over the internet, to meet Johns at a motel
2 along the Track.

3 17. On September 13, 2005, based on incidents and complaints about
4 drug activity and prostitution spanning over a decade, PLAINTIFFS declared the Property
5 a Public Nuisance. Nonetheless, acts of prostitution have continued unabated at the
6 Economy Inn motel.

7 18. On October 25, 2007, Oakland Police Officers arrested a prostitute at
8 the Economy Inn for keeping a house of ill fame (California Penal Code section 315), and
9 for soliciting an act of prostitution, (Penal Code section 647(b)). The prostitute agreed,
10 from the doorway of her room at the Economy Inn, to perform oral sex on an undercover
11 police officer in exchange for money.

12 19. On March 16, 2008, a 17 year-old prostitute, staying at the Economy
13 Inn and working on the Track, was raped by a John near the Economy Inn.

14 20. On May 15, 2008, a minister helping a prostitute escape her pimp was
15 shot by that pimp in the parking lot of the Economy Inn.

16 21. On October 6, 2008, a pimp beat and falsely imprisoned a woman
17 working as his prostitute at the Economy Inn.

18 22. On April 25, 2010, Oakland Police Officers contacted a known
19 prostitute at the Economy Inn, an area known for prostitution, in violation of an order by
20 the court that she stay out of areas of prostitution, also known as a "SOAP" order.

21 23. On April 30, 2010, Oakland Police Officers arrested a known pimp for
22 pimping and pandering at the Economy Inn.

23 24. On June 27, 2010, Oakland Police Officers rescued a 16 year-old girl
24 who was kidnapped, taken to the Economy Inn, and forced into prostitution, by a pimp
25 working out of the Economy Inn.

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1 25. On July 2, 2010, Oakland Police Officers arrested a woman who was
2 working as a prostitute based at the Economy Inn.

3 26. On July 24, 2010, Oakland Police arrested a prostitute for loitering
4 with the intent to prostitute on the Track. The prostitute took the police back to her room at
5 the Economy Inn, which she was working out of with her pimp. The pimp was arrested at
6 the motel during the same incident.

7 27. On July 27, 2010, a 14 year-old girl was raped by two men at the
8 Economy Inn. The responding police believed that the girl was set-up by two pimps,
9 presumably to be indoctrinated as a prostitute.

10 28. Over a number of days in August, 2010, a woman was kidnapped
11 from a gas station in Sacramento and taken to Oakland, where she was forced to work as
12 a prostitute, and was raped by her pimp in a room at the Economy Inn.

13 29. On August 14, 2010, Oakland Police arrested a man in a room with
14 two 14 year-old girls at the Economy Inn. The arresting officer believed that the man was
15 engaged in pimping the two 14 year-old girls.

16 30. On October 5, 2010, a prostitute was arrested for soliciting an act of
17 prostitution from an undercover police officer along the Track. The prostitute had agreed to
18 exchange sex for rental of a room at the Economy Inn.

19 31. On October 28, 2010, Oakland Police rescued a woman who had
20 been kidnapped in San Diego on October 26, 2010, transported to the Economy Inn in
21 Oakland, severely beaten with fists and a whip, burned with a lighter, penetrated vaginally
22 by a foreign object, and forced to solicit acts of prostitution along the Track.

23 32. On December 6, 2010, Oakland Police witnessed a prostitute solicit a
24 John and direct that John to her room at the Economy Inn, in order to engage in an act of
25 prostitution. The prostitute was later arrested along the Track as she attempted to solicit
26 further acts of prostitution.

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2 **DEMAND FOR RELIEF**

3 **WHEREFORE, PLAINTIFFS REQUEST THAT THIS COURT ORDER, ADJUDGE AND**
4 **DECREE AS FOLLOWS:**

5 40. That the Property be declared a public nuisance pursuant to California
6 Penal Code section 11225(a).

7 41. That DEFENDANTS are ordered to immediately abate all conditions
8 that cause or maintain the nuisance at the Properties, pursuant to California Penal Code
9 section 11225 et seq.

10 42. That DEFENDANTS are preliminarily and permanently enjoined from
11 permitting or maintaining the Property as a public nuisance, pursuant to California Penal
12 Code section 11225 et seq.

13 43. That the City of Oakland recovers costs, including the costs incurred
14 from discovery and the Oakland Police Department's investigations, as well as reasonable
15 attorneys' fees, from each of the DEFENDANTS pursuant to California Civil Code section
16 3496(b).

17 44. That DEFENDANTS each pay damages pursuant to California Penal
18 Code section 11225(a).

19 45. That DEFENDANTS each pay a civil penalty in the amount of
20 \$25,000.00 pursuant to California Penal Code section 11230(b).

21 46. That an order of abatement is entered as part of the judgment in this
22 case pursuant to California Penal Code section 11230(a)(1), and that it direct the
23 following:

- 24 a. All fixtures, musical instruments and moveable property used in
25 conducting, maintaining, aiding, or abetting the nuisance be
26 removed from the Property and sold in the manner provided for the

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sale of chattels under execution.

b. That the building at the Property shall be closed against its use for any purpose, and kept closed for a period of one year. In lieu of closing, if the Court finds that any vacancy resulting from closure may create a nuisance or that closure is otherwise harmful to the community, the Court shall order DEFENDANTS to each pay damages in an amount equal to the fair market rental value of the building on the premises for one year to the City of Oakland.

47. That DEFENDANTS each pay the City of Oakland all fees and costs incurred due to the removal and sale of the items described in Paragraph 46(a) above pursuant to California Penal Code section 11230(a)(3).

48. That DEFENDANTS each pay the City of Oakland all costs incurred in closing and keeping closed each of the Properties pursuant to California Penal Code sections 11230(a)(4) and 11231(3).

49. That a receiver is appointed pursuant to California Code of Civil Procedure section 564.

50. That PLAINTIFFS have such further and other relief as the Court deems proper.

DATED: December 21, 2010

JOHN A. RUSSO, City Attorney
JAMES F. HODGKINS, Supervising Trial Attorney
TIVONNA D. STERN, Attorney
MAGGIE W. STERN, Attorney

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