

MAR 03 2010

CLERK OF THE SUPERIOR COURT
BY [Signature] DEPUTY

1 JOHN A. RUSSO, City Attorney, SBN 129729
BARBARA J. PARKER, Chief Assist. City Atty, SBN 069722
2 ROCIO V. FIERRO, Supervising Atty, SBN 139565
PELAYO A. LLAMAS, JR., Deputy City Atty, SBN 162046
3 One Frank H. Ogawa Plaza, 6th Floor
Oakland, California 94612
4 Telephone: (510) 238-6621 Fax: (510) 238-6500
/603238

5 Attorneys for Plaintiff People of the
6 State of California

MAR 02 2010

7
8 SUPERIOR COURT OF THE STATE OF CALIFORNIA
9 COUNTY OF ALAMEDA

10 THE PEOPLE OF THE STATE OF
CALIFORNIA ex rel John A. Russo, City
11 Attorney for the City of Oakland,

12 Plaintiff,

13 v.

14 NORTH SIDE OAKLAND, a criminal street
gang sued as an unincorporated
15 association, and DOE ONE through DOE
SEVENTY, inclusive,

16 Defendants.

Case No. RG10498901

~~Proposed~~ Order to Show Cause re
Preliminary Injunction Against The
North Side Oakland Criminal Street
Gang

Date: March 3, 2010

Time: ~~8:00 a.m.~~ 1:00 p.m.

Department: 20

Action Filed: February 18, 2010

Trial Date: none assigned

18 At the above time and place, this Court heard the *Ex Parte* Application of Plaintiff,
19 the People of the State of California, for an Order to Show Cause re: Preliminary
20 Injunction. Having reviewed and considered all papers filed in support of the Application,
21 as well as any papers filed in opposition to the Application, and having heard argument on
22 the matter, the Court finds that this is a proper case for issuance of an order to show
23 cause, that applicant is likely to succeed on the merits, and hereby orders as follows:

24 1. IT IS HEREBY ORDERED that defendant North Side Oakland, a criminal
25 street gang sued as an unincorporated association, shall appear in Department 20 of
26 the above-entitled Court located at 1221 Oak Street, Oakland, California, on

1 April 22, 2010 2:00 ~~a.m.~~ p.m. to show cause, if there be any, why defendant
2 North Side Oakland, a criminal street gang sued as an unincorporated association, and all
3 members of defendant North Side Oakland, should not be enjoined and restrained from
4 engaging in or performing, directly or indirectly, any of the following activities in a "Safety
5 Zone," (a map of which is included as page 3), located in the City of Oakland described as
6 follows:

7 Starting at 37th Street and Martin Luther King, Jr. Way, then west on 37th
8 Street until Adeline Street; then north on Adeline Street until 53rd Street;
9 then west on 53rd Street until Boyer Street; then north along Boyer Street
10 and along the northerly line as it continues along Vallejo Street until 66th
11 Street; then east on 66th Street until Herzog Street; then south on Herzog
12 Street until Alcatraz Street; then east on Alcatraz Street until Market
13 Street; then southeast on Market Street until 61st Street; then east on 61st
14 Street until Dover Street; then north on Dover Street until Fairview Street;
15 then east on Fairview Street and along the easterly line as it continues
16 along 66th Street until Telegraph Avenue; then south on Telegraph Avenue
17 until 60th Street; then east on 60th Street until Canning Street; then south
18 on Canning Street until 58th Street; then west on 58th Street until
19 Telegraph Avenue; then south on Telegraph Avenue until 49th Street; then
20 west on 49th Street until Shattuck Avenue; then north on Shattuck Avenue
21 until 52nd Street; then west on 52nd Street until Martin Luther King, Jr. Way;
22 then south on Martin Luther King, Jr. Way until the starting point at 37th
23 Street, and extending 100 yards to the outside of each of those boundary
24 streets.

25 [continued on page 4]
26

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

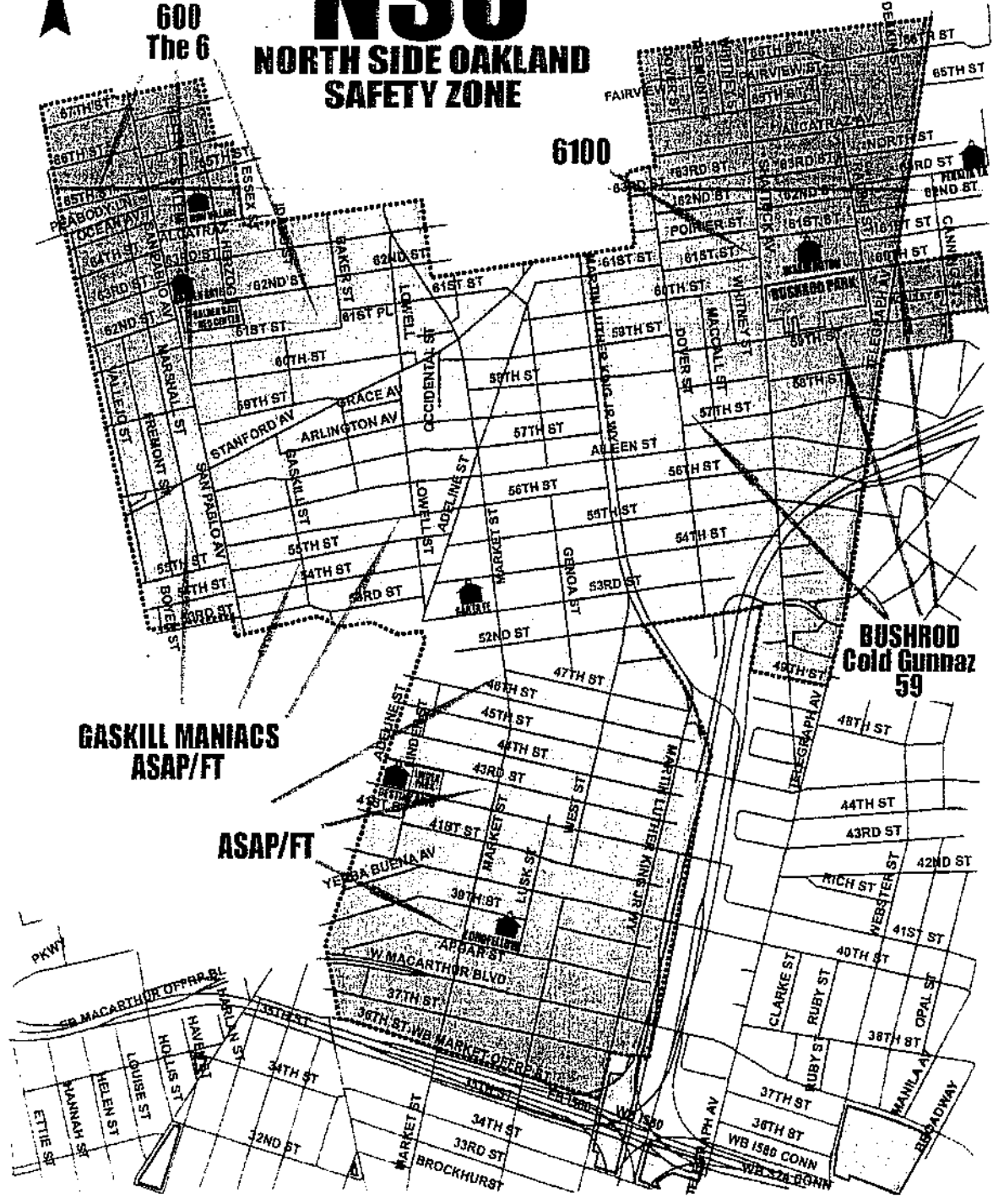


NSO

**NORTH SIDE OAKLAND
SAFETY ZONE**

**600
The 6**

6100



1
2
3 a. **No Gang Association:** Driving, standing, sitting, walking, gathering or
4 appearing, anywhere in public view or any place accessible to the public, with any known
5 member of the North Side Oakland gang, is prohibited, except when: (1) when all
6 individuals are inside a school attending class or on school business, and (2) when all
7 individuals are inside a church, provided however that this prohibition against associating
8 shall apply to all claims of travel to or from any of those locations;

9 b. **No Intimidation:** Confronting, intimidating, annoying, harassing, threatening,
10 challenging, provoking, assaulting or battering any person known to be a witness to any
11 activity of North Side Oakland, known to be a victim of any activity of North Side Oakland,
12 or known to have complained about any activity of North Side Oakland;

13 c. **No Firearms, Imitation Firearms, or Dangerous Weapons:** Anywhere in
14 public view or anyplace accessible to the public, (1) possessing any firearm, imitation
15 firearm, ammunition, or illegal weapon as defined in Penal Code section 12020, (2)
16 knowingly remaining in the presence of anyone who is in possession of such firearm,
17 imitation firearm, ammunition or illegal weapon, or (3) knowingly remaining in the presence
18 of such firearm, imitation firearm, ammunition or illegal weapon;

19 d. **No Graffiti or Graffiti Tools:** Damaging, defacing, or marking any public
20 property or private property of another, or possessing any spray paint container, felt tip
21 marker, or other graffiti tool as defined in Penal Code section 594.2;

22 e. **Stay Away From Drugs:** Without a valid prescription, (1) selling,
23 possessing, or using any controlled substance or related paraphernalia, as defined in
24 Health and Safety Code Section 11364, including but not limited to rolling papers and
25 pipes used for illegal drug use, (2) knowingly remaining in the presence of anyone selling,
26 possessing, or using any controlled substance or such related paraphernalia, (3)

1 knowingly remaining in the presence of any controlled substance or such related
2 paraphernalia; (4) driving under the influence of any controlled substance, or (5) being
3 under the influence of drugs in public;

4 f. **No Trespassing:** Being present on or in any property not open to the
5 general public, except (1) with the prior written consent of the owner, owner's agent, or the
6 person in lawful possession of the property, or (2) in the presence of and with the
7 voluntary consent of the owner, owner's agent, or the person in lawful possession of the
8 property;

9 g. **Obey Time Restriction:** Being present in public view, in a public place or in
10 any place accessible to the public, between the hours of 10:00 p.m. on any day and 5:00
11 a.m. of the following day, unless (1) going directly to, returning directly from, or actively
12 engaged in a legitimate business, trade, profession or occupation requiring the enjoined
13 person's presence, (2) going directly to, returning directly from, or actively engaged in a
14 lawful, non-gang related entertainment event, or (3) actively involved in a legitimate
15 emergency, such as a fire, natural disaster, automobile accident or situation that requires
16 immediate action to prevent serious bodily injury or loss of life. For purposes of this
17 provision, "entertainment event" means an amusement activity that occurs at a
18 commercial establishment and includes only events for which admission is charged, such
19 as movies, plays, public performances or sporting events;

20 h. **Obey All Laws:** Failing to obey all laws that (1) prohibit violence and
21 threatened violence, including murder, robbery by force or fear, assault and battery, (2)
22 prohibit interference with the property rights of others including robbery, theft, driving or
23 taking a vehicle without the owner's consent, and vandalism, or (3) prohibit the
24 commission of acts which create a nuisance including the illegal sale of controlled
25 substances and blocking the sidewalk or street;

26

1 i. **No Gang Recruitment.** Taking any action to recruit gang members for
2 Defendant North Side Oakland Criminal Street Gang and its cliques, or making any threats
3 or promises to shoot, stab, strike, hit, batter, injure, assault, disturb the peace, or destroy
4 the personal property of anyone, as an incentive to join Defendant gang; and

5 j. **No Loitering as Prohibited by Health and Safety Code section 11352:**
6 Loitering in a public place in a manner and under circumstances manifesting the purpose
7 and with the intent to commit an offense specified in Chapter 6 of the Health and Safety
8 Code, commencing with Section 11400, in accordance with Health and Safety Code
9 Section 11532(b); and

10 2. **BRIEFING SCHEDULE:** The following service and briefing schedule shall
11 apply:

12 **Personal Service** Plaintiff shall serve its complaint, summons, this Order to Show
13 Cause, points and authorities, and evidence in support (collectively, the "OSC/Service
14 Documents") on defendant North Side Oakland by the following methods:

15 **Personal Service on Designated Gang Members:** By personal service of a copy
16 of the OSC/Service Documents on any three (3) or more of the following "**Designated**
17 **Gang Members**":

- | | | |
|----|--------------------|-----------------------------|
| 18 | • Stephon Anthony | • Roy Johnson, Jr. |
| 19 | • Rafael Campbell | • Bao Viet Ngo |
| | • Marcelus Collins | • Anthony Price |
| 20 | • Derris Dillard | • Christopher Patrick aka |
| | • Brian Downing | Terrence Stone, Christopher |
| 21 | • Darrel Easley | Farley or Patrick Farley |
| | • Donta Easley | • Anthony Smith |
| 22 | • Tyrone Elebeck | • Lucious Taylor |
| | • Samuel Flowers | • Eric Tullis |
| 23 | • Tyrone Jackson | • Yancie Young |
| 24 | • Chanzae Johnson | |

25 **Additional Service By Mail:** Plaintiff shall also mail a copy of the above
26 OSC/Service Documents to defendant North Side Oakland; however, because Plaintiff has

1 been unable to find an address of record or a last known address for defendant North Side
2 Oakland, Plaintiff is authorized to mail the documents to North Side Oakland by mailing
3 the documents to North Side Oakland in care of the address of record or last known
4 address of five (5) or more of the above-listed Designated Gang Members;

5 Service on defendant North Side Oakland, by personal service on three Designated
6 Gang Members, and the additional service by mail, as outlined above, shall all be
7 completed by MARCH 29, 2010.


8 Plaintiff shall file in this Court, proof of service of this OSC by
9 APRIL 5, 2010.

10 Any opposition papers to the OSC shall be filed and served on Plaintiff no later than
11 APRIL 8, 2010 by personal delivery, express mail, or

12 Any reply papers to such opposition shall be filed and served on Defendants no
13 later than APRIL 14, 2010 by personal delivery, express mail, or courier, to
14 the same defendants on whom this OSC was served.

15 IT IS SO ORDERED

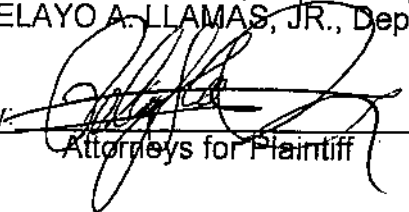
16
17 Dated: MARCH 3, 2010


18 Judge of the Superior Court

Robert B. Freedman

19 Submitted on March 1, 2010 by:

20 JOHN A. RUSSO, City Attorney
21 BARBARA J. PARKER, Chief Assistant City Attorney
22 ROCIO V. FIERRO, Supervising Deputy City Attorney
23 Pelayo A. LLAMAS, JR., Deputy City Attorney

24 By: 
Attorneys for Plaintiff

25
26