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11 Attorneys for Plaintiff
12 The People of the State of California

13
14 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
15 **COUNTY OF ALAMEDA**

16
17 THE PEOPLE OF THE STATE OF
CALIFORNIA ex rel John A. Russo, City
18 Attorney for the City of Oakland,

19 Plaintiff,

20 v.

21 NORTEÑOS, a criminal street gang sued
as an unincorporated association,
22 ALBERTO ACOSTA, RAUL ACOSTA
(A.K.A. RAUL GUTIERREZ), ROBERT
23 ALARID, LUIS AVALOS, SALVADOR
AVALOS, STEVEN AVALOZ, PEDRO
24 CARDENAS, JR., JOSEPH COOMBS
(A.K.A. JOSÉ GUERRERO, A.K.A.
25 JOSELITO CARRASCO), RUBEN
CORDOVA, ALEX CURIEL, VINCENT
26 DELGUIDICE (A.K.A ANTHONY
DELGUIDICE, A.K.A. MICHAEL
27 DELGUIDICE), ONORATO DELTORO
(A.K.A. FRANK LOPEZ, A.K.A. ARTURO
28 DELTORO, A.K.A. DELTORO

CASE NO. RG10541141

**[PROPOSED] ORDER GRANTING
PRELIMINARY INJUNCTION AGAINST
THE NORTEÑOS GANG**

Date: December 17, 2010
Time: 11:00 a.m.
Dept.: 20

Reservation No.: R-1125508

Action Filed: October 13, 2010
Trial Date: Not Yet Set

BY FAX

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Clerk of the Court

1 ONORATO), VICTOR FLORES,
2 ANTHONY GARCIA (A.K.A. ANTONIO
3 FRANCISCO GONZALEZ, RICARDO
4 MARIO GUERRERO, OMAR GUZMAN,
5 DAVID HERNANDEZ, MARTIN
6 HURTADO, ANTONIO LAMBAREN
7 (A.K.A. ANTONIO MANZO, A.K.A. LUIS
8 LAMBAREN), POOI LAUTAIMI, RUBEN
9 LEAL, JOSE MIGUEL LOPEZ (A.K.A.
10 JOSE JOZOLLAZ), OCTAVIO LUPIEN,
11 ABEL MANZO, JOEY ANTHONY
12 MARTINEZ, CRUZ ANTONIO MENDOZA,
13 ALEX MONDEZ, A.K.A. ALEX
14 MENDOZA, A.K.A. ALEJANDRO
15 VELASQUEZ, MICHAEL MUSCADINE,
16 ANGELO ORTEGA, DAVID PELAYO,
17 VICTOR PERALTA, JAVIER QUINTERO,
18 JOSE RODRIGUEZ, CARLOS ROMERO,
19 RAMON SANCHEZ, LUIS MIGUEL
20 SERRANO, AUGUSTINE VIGIL,
21 KENNETH VIGIL, DAVID WALLACE, and
22 RUBEN ZEPEDA (A.K.A. RUBEN
23 ZEPEDA GOMEZ) and DOE ONE through
24 DOE SEVENTY, inclusive,

25 Defendants.

26 To DEFENDANT NORTEÑOS, a criminal street gang sued as an unincorporated
27 association, ALBERTO ACOSTA, RAUL ACOSTA (A.K.A. RAUL GUTIERREZ),
28 ROBERT ALARID, LUIS AVALOS, SALVADOR AVALOS, STEVEN AVALOZ, PEDRO
CARDENAS, JR., JOSEPH COOMBS (A.K.A. JOSE GUERRERO, A.K.A. JOSELITO
CARRASCO), RUBEN CORDOVA, ALEX CURIEL, VINCENT DELGUIDICE (A.K.A
ANTHONY DELGUIDICE, A.K.A. MICHAEL DELGUIDICE), ONORATO DELTORO
(A.K.A. FRANK LOPEZ, A.K.A. ARTURO DELTORO, A.K.A. DELTORO ONORATO),
VICTOR FLORES, ANTHONY GARCIA (A.K.A. ANTONIO GARCIA), JUAN
FRANCISCO GONZALEZ, RICARDO MARIO GUERRERO, OMAR GUZMAN, DAVID
HERNANDEZ, MARTIN HURTADO, ANTONIO LAMBAREN (A.K.A. ANTONIO MANZO,
A.K.A. LUIS LAMBAREN), POOI LAUTAIMI, RUBEN LEAL, JOSE MIGUEL LOPEZ
(A.K.A. JOSE JOZOLLAZ), OCTAVIO LUPIEN, ABEL MANZO, JOEY ANTHONY
MARTINEZ, CRUZ ANTONIO MENDOZA, ALEX MONDEZ, A.K.A. ALEX MENDOZA,

1 A.K.A. ALEJANDRO VELASQUEZ, MICHAEL MUSCADINE, ANGELO ORTEGA, DAVID
2 PELAYO, VICTOR PERALTA, JAVIER QUINTERO, JOSE RODRIGUEZ, CARLOS
3 ROMERO, RAMON SANCHEZ, LUIS MIGUEL SERRANO, AUGUSTINE VIGIL,
4 KENNETH VIGIL, DAVID WALLACE, and RUBEN ZEPEDA (A.K.A. RUBEN ZEPEDA
5 GOMEZ):

6 1. On December 17, 2010, this Court heard the People's Motion for an Order
7 to Show Cause re: Preliminary Injunction. Having reviewed and considered all papers
8 filed in support of the Motion, as well as any papers filed in opposition to the Motion, and
9 having heard argument on the matter, the Court finds that this is a proper case for
10 issuance of an order to show cause, and that the moving party, the People are likely to
11 succeed on the merits.

12 Accordingly, YOU ARE HEREBY ORDERED to personally appear before
13 Department 20 of the above-entitled Court, located at 1221 Oak Street, Oakland,
14 California, on _____, 2010, at _____ to show cause, if you have
15 any, why this Court should not issue a preliminary injunction enjoining and restraining
16 you from engaging in or performing, directly or indirectly, any of the following activities in
17 a "Safety Zone" (a map of which is included as Exhibit A), located in the City of Oakland
18 and described as follows:

19 The eastern boundary starts at Brookdale Avenue, at the
20 intersection of Brookdale Avenue and High Street, then running
21 north along Brookdale Avenue to 35th Avenue and continuing
22 north to Fruitvale Avenue, then moving in a westerly direction
23 along Fruitvale Avenue, then continuing north along Brookdale
24 Avenue to 22nd Avenue, then east along 22nd Avenue to E.
25 28th Street, then continuing north along E. 28th Street to 21st
26 Avenue, then moving westerly along 21st Avenue all the way to
27 E 12th Street, then moving southwest along 23rd Avenue until
28 29th Avenue, then moving south via Glascock Street to
Lancaster Street, then moving in an easterly direction along
Lancaster Street to E. 7th Street, then moving south along E. 7th
Street, to Fruitvale Avenue, then west along Fruitvale to

1 Alameda Avenue, then continuing south along Alameda
2 Avenue to Howard Street and then to High Street, then moving
3 in an easterly direction along High Street to Foothill Boulevard,
4 then moving south along Foothill Boulevard to 48th Avenue,
5 then moving east along 48th Avenue to Melrose Avenue,
6 then moving north along Melrose Avenue to 42nd Avenue to
7 High Street, then moving east along High Street to the
8 starting point at Brookdale Avenue and High Street.

9 **a. No Gang Association:** Driving, standing, sitting, walking, gathering or
10 appearing, anywhere in public view or any place accessible to the public, with any known
11 member of the Norteños gang as said term is defined by law, including but not limited to
12 those members identified by name in this Order, is prohibited except when members are
13 directly traveling to or from the following locations and where their presence is desired or
14 required: (1) inside a school attending class or on school business; (2) inside a church or
15 other place of worship; (3) at a location where they are actively engaged in a legitimate
16 business, employment, trade, training, profession or occupation; (4) at a location where
17 they're attending counseling sessions, seeking social services, or attending community
18 meetings at community centers or other established organizations;

19 **b. No Witness Intimidation:** Confronting, intimidating, annoying, harassing,
20 threatening, challenging, provoking, assaulting or battering any person known to be a
21 witness to any activity of NORTEÑOS gang, known to be a victim of any activity of
22 NORTEÑOS gang, or known to have complained about any activity of NORTEÑOS gang
23 is prohibited;

24 **c. No Firearms, Imitation Firearms, or Dangerous Weapons:** (1)
25 Possessing any firearm, imitation firearm, ammunition, or illegal weapon as defined in
26 Penal Code section 12020, (2) knowingly remaining in the presence of anyone who is in
27 possession of such firearm, imitation firearm, ammunition or illegal weapon, or (3)
28 knowingly remaining in the presence of such firearm, imitation firearm, ammunition or
29 illegal weapon, anywhere in public view or anyplace accessible to the public is prohibited;

///

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

4 **e. Stay Away From Drugs:** (1) Participating in the illegal sale, possession, or
5 use of any controlled substance as defined in Health and Safety Code section 11007, or
6 related paraphernalia, as defined in Health and Safety Code Section 11364, including but
7 not limited to rolling papers and pipes used for illegal drug use, (2) knowingly remaining
8 in the presence of anyone illegally selling, possessing, or using any controlled substance
9 or such related paraphernalia, (3) knowingly remaining in the presence of any controlled
10 substance or such related paraphernalia, other than inside a location which legally stores
11 and sells such items; (4) driving under the influence of any controlled substance, or (5)
12 without a prescription, being under the influence of any controlled substance in public is
13 prohibited;

14 **f. No Trespassing:** Being present on or in any property not open to the
15 general public, except (1) with the prior written consent of the owner, owner's agent, or
16 the person in lawful possession of the property, or (2) in the presence of and with the
17 voluntary consent of the owner, owner's agent, or the person in lawful possession of the
18 property is prohibited;

19 **g. No Gang Signs, Gang Symbols or Gang Clothing:** Flashing hand signs,
20 meaning the use of one's hands or finger or fingers, to form the numbers "14," or "15";
21 wearing clothing hats or an accessory that contains red in whole or part that is visible to
22 the public, or publicly displaying by any means the following gang symbols, the numbers
23 "14", "XIV," "X4" "XXIV," "15", "XV", or "X5", the letter "N" or "M," the words, phrases or
24 acronyms for the following words or phrases, "Norte, " "Norteno" "Bridge Avenue
25 Norteños," the "Mitchell Street Norteños" (MSN), the "Untouchables" (UNT),
26 "Quince/Norteños E-15th", "Norteños on the Rise" (NOR), "Raza United Norteños"
27 (RUN), "Fruitvale Gangsters" (FVG), "36th Ave Locos" (TSL), "38th Ave Locos" (TEL),
28 and "51st Ave Locos" (FFL), with the exception of wearing a uniform that must be worn

1 while one is engaged in lawful employment or coming to and from the place of lawful
2 employment;

3 **h. Obey Time Restriction:** Being present in a public place or in any place
4 accessible to the public, between the hours of 10:00 p.m. on any day and 5:00 a.m. of
5 the following day or going directly to or from those public places is prohibited, unless (1)
6 actively engaged in a legitimate business, trade, profession, occupation, political event or
7 educational program requiring the enjoined person's presence, (2) actively engaged in a
8 lawful entertainment event, or (3) in response to a legitimate emergency, such as a fire,
9 natural disaster, automobile accident, medical emergency or situation that requires the
10 being present in public to address a serious situation involving injury or loss of life. For
11 purposes of this provision, "public place" means any place to which the public has
12 access, including but not limited to sidewalks, alleys, streets, highways, parks and the
13 common areas of schools, hospitals, office buildings, and transport facilities. For
14 purposes of this provision, "entertainment event" means an amusement activity that
15 occurs at a commercial establishment and includes only events for which admission is
16 charged, such as movies, plays, public performances or sporting events.

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

23 **j. No Gang Recruitment:** Taking any action to recruit gang members for
24 Defendant NORTEÑOS Gang and its cliques (list them), or making any threats or
25 promises to shoot, stab, strike, hit, batter, injure, assault, disturb the peace, or destroy
26 the personal property of anyone, as an incentive to join the gang and its cliques is
27 prohibited;

28 ///

1 **k. No Prevention of Any Person From Leaving the Gang:** Making any
2 threats or doing anything threatening, including without limitation shooting, striking,
3 battering, destroying the personal property or disturbing the peace (1) to prevent a
4 person from leaving the Norteños gang or (2) to any person known to have left the
5 Norteños gang; and

6 **i. No Loitering as Prohibited by Health and Safety Code section 11352:**
7 Loitering in a public place in a manner and under circumstances manifesting the purpose
8 and intent to commit an offense specified in Chapter 6 of the Health and Safety Code,
9 commencing with Section 11400, in accordance with Health and Safety Code Section
10 11532(b) is prohibited.

11 **m. Expedited Administrative Process ("Opt Out"):** The People will provide
12 an Expedited Administrative Process ("Opt Out provision") for persons to dispute that
13 they are gang members, or who wish to show they are no longer gang members.
14 Through this process the People wish to facilitate removal of persons from the scope of
15 this injunction so long as they can show, based upon specific, verifiable criteria that they
16 are not gang members.

17 The information that will be considered during the administrative process will
18 include but not be limited to evidence indicating the person is no longer a gang member
19 of the Norteño gang, or any of the sub-cliques, including but not limited to, Bridge
20 Avenue Norteños, the Mitchell Street Norteños (MSN), the Untouchables (UNT),
21 Quince/Norteños E-15th, Norteños on the Rise (NOR), Raza United Norteños (RUN),
22 Fruitvale Gangsters (FVG), 36th Ave Locos (TSL), 38th Ave Locos (TEL), and 51st Ave
23 Locos (FFL), and has not violated the provisions of any injunction which may be issued in
24 this Action for a period of two years following service. Additional evidence that will be
25 considered include but is not limited to a showing that for one year the person (1) has
26 maintained gainful employment, (2) has actively pursued employment, (3) has been
27 enrolled in an education or job training program, or (4) has regularly participated in civic,
28 cultural or community activities. Based on the recommendation by the administrative

1 hearing officer and advisors that the person has fully complied with the terms of the
2 injunction as stated above, the People will agree not to oppose a person's request to the
3 Court to be removed from the injunction.

4 **2. BRIEFING SCHEDULE:** The following service and briefing schedule shall
5 apply:

6 **Personal Service.** Plaintiff, the People of the State of California, shall serve this
7 Order to Show Cause on Defendant NORTEÑOS, a criminal street gang and
8 unincorporated association, and ALBERTO ACOSTA, RAUL ACOSTA (A.K.A. RAUL
9 GUTIERREZ), ROBERT ALARID, LUIS AVALOS, SALVADOR AVALOS, STEVEN
10 AVALOZ, PEDRO CARDENAS, JR., JOSEPH COOMBS (A.K.A. JOSE GUERRERO,
11 A.K.A. JOSELITO CARRASCO), RUBEN CORDOVA, ALEX CURIEL, VINCENT
12 DELGUIDICE (A.K.A ANTHONY DELGUIDICE, A.K.A. MICHAEL DELGUIDICE),
13 ONORATO DELTORO (A.K.A. FRANK LOPEZ, A.K.A. ARTURO DELTORO, A.K.A.
14 DELTORO ONORATO), VICTOR FLORES, ANTHONY GARCIA (A.K.A. ANTONIO
15 GARCIA), JUAN FRANCISCO GONZALEZ, RICARDO MARIO GUERRERO, OMAR
16 GUZMAN, DAVID HERNANDEZ, MARTIN HURTADO, ANTONIO LAMBAREN (A.K.A.
17 ANTONIO MANZO, A.K.A. LUIS LAMBAREN), POOI LAUTAIMI, RUBEN LEAL, JOSE
18 MIGUEL LOPEZ (A.K.A. JOSE JOZOLLAZ), OCTAVIO LUPIEN, ABEL MANZO, JOEY
19 ANTHONY MARTINEZ, CRUZ ANTONIO MENDOZA, ALEX MONDEZ, A.K.A. ALEX
20 MENDOZA, A.K.A. ALEJANDRO VELASQUEZ, MICHAEL MUSCADINE, ANGELO
21 ORTEGA, DAVID PELAYO, VICTOR PERALTA, JAVIER QUINTERO, JOSE
22 RODRIGUEZ, CARLOS ROMERO, RAMON SANCHEZ, LUIS MIGUEL SERRANO,
23 AUGUSTINE VIGIL, KENNETH VIGIL, DAVID WALLACE, and RUBEN ZEPEDA (A.K.A.
24 RUBEN ZEPEDA GOMEZ).

25 **Additional Service By Mail.** Plaintiff shall also mail a copy of the above
26 OSC/Service Documents to Defendant NORTEÑOS; however, because Plaintiff has
27 been unable to find an address of record or a last known address for Defendant
28 NORTEÑOS, Plaintiff is authorized to mail the documents to NORTEÑOS by mailing the

1 documents to NORTEÑOS in care of the address of record or last known address of
2 three (3) or more of the above-listed Designated Gang Members and individual
3 Defendants.

4 Service on all Defendants by personal service, and the additional service by mail,
5 as outline above, shall all be completed by _____, 2010.

6 Plaintiff shall file in this Court, proof of service of this OSC by _____,
7 2010.

8 Any opposition papers to this OSC shall be filed and served on Plaintiff no later
9 than _____, 2010 by personal delivery, express mail, or

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

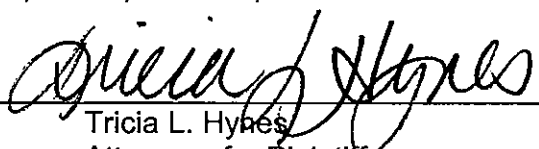
13

14 IT IS SO ORDERED

15 Dated: _____
16 Judge of the Superior Court

17 Submitted on December 1, 2010 by:

18 MEYERS, NAVE, RIBACK, SILVER & WILSON

19
20 By: 
21 Tricia L. Hynes
Attorneys for Plaintiff

22 1545435.1

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