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**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
and Real Party in Interest,
7 City of Oakland

8 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
9 **COUNTY OF ALAMEDA**
10 **UNLIMITED JURISDICTION**

11
12 THE PEOPLE OF THE STATE OF
13 CALIFORNIA,

14 Plaintiff, and

15 CITY OF OAKLAND, a Municipal
16 Corporation,

17 Plaintiff and Real Party in Interest

18 v.

19 Kalpesh K. Balsara, individually and doing
business as the Sage Motel; Sukh Shanti
Lodging, Inc., a corporation,
20 and doing business as the Sage Motel;
and DOES 1 through 30, inclusive,

21 Defendants.
22

Case No.

RA **10552472**

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

23 1. John A. Russo, City Attorney for the City of Oakland, and acting on
24 the behalf and in the name of the People of the State of California; and City of Oakland, a
25 municipal corporation and a chartered city (hereinafter referred to collectively as
26 "PLAINTIFFS"), allege against Defendants Kalpesh K. Balsara, Sukh Shanti Lodging, Inc.,

1 and DOES 1 through 30 (hereinafter referred to collectively as "DEFENDANTS"), inclusive
2 the following:

3 INTRODUCTION

4 2. This action arises out of Defendants Kalpesh K. Balsara (hereinafter
5 "Defendant BALSARA"), Sukh Shanti Lodging, Inc. (hereinafter Defendant "SUKH
6 SHANTI LODGING"), and DOES 1 through 30's maintenance and allowance of a public
7 nuisance at the motel known as the Sage Motel, and the property on which the motel sits,
8 located at 4844 MacArthur Boulevard in Oakland, California. For an extensive period of
9 time, the property at issue, which operates as a transient lodging establishment, has been
10 used for the purpose of prostitution. The DEFENDANTS have each maintained or
11 permitted the nuisance, and thus, as a result, PLAINTIFFS file this action to enjoin the
12 DEFENDANTS from permitting and maintaining the nuisance, to abate the nuisance, and
13 to obtain all additional relief to which PLAINTIFFS are entitled.

14 PARTIES

15 3. John A. Russo, City Attorney for the City of Oakland, brings this action
16 in the name of the People of the State of California pursuant to California Penal Code
17 section 11226 and California Code of Civil Procedure section 731.

18 4. Plaintiff and Real Party in Interest City of Oakland (hereinafter "City")
19 is a municipal corporation and a chartered city organized and existing under the laws of
20 the State of California.

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

22 a. The building structure, which operates as the Sage Motel, a motel,
23 located at 4844 MacArthur Boulevard, Oakland, California 94619;

24 and

25 b. The parcel of land upon which the Sage Motel sits, located in the
26 State of California, County of Alameda, with a situs address of

1 4844 MacArthur Boulevard, Oakland, California 94619-2730.
2 Currently owned by Defendant BALSARA, having an Alameda
3 County Assessor's Parcel Number of 037-2552-031-02, and
4 described in document number 59073 dated January 26, 2001 and
5 recorded February 15, 2001.

6 c. The building structure described in subsection (a) above and
7 parcel described in subsection (b) above are referred to
8 collectively as the "Property."

9 6. The Sage Motel is the fictitious business name of the business
10 operating at 4844 MacArthur Boulevard in Oakland, California.

11 7. PLAINTIFFS are informed and believe, and based on this information
12 and belief allege, that since at least 2001 to the present, Defendant BALSARA has been
13 an owner of the Property on which the Sage Motel is located.

14 8. PLAINTIFFS are informed and believe, and based on this information
15 and belief allege, that since at least 2001-2006, and 2007 to the present, Defendant
16 BALSARA has been an owner of the business known as the Sage Motel in Oakland,
17 California.

18 9. PLAINTIFFS are informed and believe, and based on this information
19 and belief allege, that since at least 2006 to the present, Defendant SUKH SHANTI
20 LODGING, a corporation filed with the California Secretary of State, has been an owner or
21 agent of the Sage Motel in Oakland, California.

22 10. "DOES 1 through 30" are fictitious names. Their true names and
23 capacities are unknown to PLAINTIFFS. When their true names and capacities are
24 ascertained, PLAINTIFFS will amend this complaint by inserting their true names and
25 capacities. PLAINTIFFS are informed and believe, and based on this information and
26 belief allege, that each of the defendants designated as a DOE is legally responsible as a

1 property owner, business owner, partner, operator, or agent thereof, for the maintenance
2 or allowance of prostitution on the Property in violation of California Penal Code section
3 11225(a).

4 **JURISDICTION**

5 11. This Court has jurisdiction over this matter because the Property on
6 which acts of prostitution have regularly been committed is located in Oakland, California
7 in Alameda County.

8 **FACTUAL BACKGROUND**

9 12. PLAINTIFFS are informed and believe, and based on this information
10 and belief allege, that the Property as described in paragraph 5 of this complaint, is used
11 for the purpose of prostitution, and has been used for such purpose for an unknown time
12 period but since at least 2009 to the present.

13 13. The Property is located within an area known to have a high
14 concentration of prostitution activity. Indeed, the Sage Motel is a place known to be
15 commonly used for the purpose of prostitution. The Oakland Police Department
16 (hereinafter "OPD") has made a number of arrests of prostitutes and customers of
17 prostitutes, also known as "Johns," in the area in which the Sage Motel is located.

18 14. On May 12, 2009, OPD officers arrested a prostitute at the Sage
19 Motel for soliciting an act of prostitution after she arranged to have sex with an undercover
20 officer at the Sage Motel for money.

21 15. On May 20, 2009, OPD officers arrested an underage prostitute at the
22 Sage Motel for soliciting an act of prostitution after she arranged to have sex with an
23 undercover officer for money, and instructed him to meet her at the Sage Motel.

24 16. On July 30, 2010, an individual picked up two prostitutes in Oakland
25 at 29th Avenue and East 12th Street, and brought the prostitutes to the Sage Motel to
26 receive sexual services.

1 **DEMAND FOR RELIEF**

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

4 24. That the Property is declared a public nuisance pursuant to California
5 Penal Code section 11225(a).

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

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

12 27. That the City recovers costs, including the costs incurred from
13 discovery and OPD's investigations, as well as reasonable attorneys' fees, from each of
14 the DEFENDANTS pursuant to California Civil Code section 3496(b).

15 28. That DEFENDANTS each pay damages pursuant to California Penal
16 Code section 11225(a).

17 29. That DEFENDANTS each pay a civil penalty in the amount of
18 \$25,000.00 pursuant to California Penal Code section 11230(b).

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

22 a. All fixtures, musical instruments and moveable property used in
23 conducting, maintaining, aiding, or abetting the nuisance be
24 removed from the buildings at the Property and sold in the manner
25 provided for the sale of chattels under execution.

26 b. That the building at the Property shall be closed against its use for

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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 buildings on the premises for one year to the City.

31. That DEFENDANTS each pay the City all fees and costs incurred due to the removal and sale of the items described in Paragraph 30(a) above pursuant to California Penal Code section 11230(a)(3).


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

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

34. 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 STERN, Attorney

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