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JOHN A. RUSSO, City Attorney (SBN 129729)  
RANDOLPH W. HALL, Chief Assistant City Attorney (SBN 080142)  
JAMES F. HODGKINS, Supervising Trial Attorney (SBN 142561)  
ETHAN NASR, Attorney for the City of Oakland (SBN 241382)  
One Frank H. Ogawa Plaza, 6<sup>th</sup> Floor  
Oakland, California 94612  
Telephone: (510) 238-4483 Fax: (510) 238-6500  
CE02843/380300

CLERK OF THE SUPERIOR COURT

DEPUTY

Attorneys for the People of the State of California  
and the City of Oakland

SUPERIOR COURT OF THE STATE OF CALIFORNIA

COUNTY OF ALAMEDA

THE PEOPLE OF THE STATE OF  
CALIFORNIA, and

THE CITY OF OAKLAND, a municipal  
corporation,

Plaintiffs and Real  
Party In Interest,

v.

ELIZABETH ANN WILLIAMS, an individual,  
and DOES 1 through 20, inclusive,

Defendants.

Case No. **RC06291303**

COMPLAINT FOR INJUNCTIVE RELIEF,  
ABATEMENT OF NUISANCE, UNFAIR  
BUSINESS PRACTICES, AND OTHER  
EQUITABLE RELIEF

(Unlimited Civil Case)

The People of the State of California as plaintiff and the City of Oakland, as plaintiff  
and Real Party in Interest, allege:

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

2. Defendants DOES 1 through 20 are sued as fictitious names, their names  
and capacities being unknown to plaintiffs. When their true names and capacities are

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2 ascertained, plaintiffs will amend this complaint.

3 3. Whenever reference is made to an act performed by defendant ELIZABETH  
4 ANN WILLIAMS, such allegations indicate defendant, her agents, managers,  
5 representatives, employees or DOES One through Twenty inclusive, who performed or  
6 authorized such acts while engaged in the operation, management, direction or control of  
7 the defendant's affairs, acting within the scope of their duties.

8 4. Defendants own or are responsible for the maintenance and repair of (or  
9 have owned and have been responsible for) the following thirteen residential rental  
10 properties (hereinafter "the Properties") located in Oakland, California which contain at  
11 least fifty habitable units:

<b>Address</b>	<b>Accessor's Parcel Number</b>
915 24th Street	005-0431-005-03
859 Mead Avenue	003-0013-019-00
866 Mead Avenue	003-0009-004-00
877 27th Street	003-0005-023-00
3007 Martin Luther King Jr Way	009-0709-004-00
3322 Martin Luther King Jr Way	009-0726-027-00
3309 Harrison Street	010-0809-007-00
732 Apgar Street	012-0963-020-00
915 Apgar Street	012-0956-019-00
845 37th Street	012-0948-034-00
910 37th Street	012-0957-007-00
707 39th Street	012-0963-031-00
1051 72nd Avenue	041-4146-006-00

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22 5. The owner of record of all of the real properties listed above is ELIZABETH  
23 ANN WILLIAMS and DOES 1-20. (Exhibits 1 – 13.)

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25 **PRELIMINARY ALLEGATIONS**

26 6. Plaintiffs incorporate by reference Paragraphs 1 through 5 as though fully set

1  
2 forth herein.

3 7. ELIZABETH WILLIAMS purchased the Properties listed in paragraph 4  
4 between 1986 and 1999 and has owned them continuously since purchase.

5 8. The condition of the Properties indicates that defendants have postponed  
6 maintenance for years. City code enforcement records indicate receipt of multiple tenant  
7 and community complaints regarding code violations at nearly all of defendants' properties  
8 listed in paragraph four, including but not limited to: non-functioning toilets, natural gas  
9 leaks, broken windows, non-operating smoke detectors, broken heating units, and  
10 infestations of rats, mice and roaches. Tenants who notify defendants of these code  
11 violations find that repairs are denied until the City requires repair. Tenants further report  
12 that the repairs that are made are frequently only cosmetic, meant to pass inspection and  
13 not address the cause of the problem. That is, although code violation repairs are  
14 expected to be completed upon notification by the City, code enforcement records show  
15 that defendants only made repairs after multiple contacts from the City.

16 9. Through this practice, defendants maintain their properties below State and  
17 City habitability standards, utilize City inspectors as unpaid property managers, and  
18 superficially repair only the noted violations in violation notices to minimal standards.

19 10. In June 2006, the City of Oakland inspected twelve of the Properties owned  
20 and managed by defendants. Based upon violations of local and state housing codes, the  
21 City has determined that several of these rental units are substandard to the point of being  
22 unfit for human habitation. Furthermore, the City has determined that the condition of  
23 these units is detrimental to the public health and safety.

24 11. All thirteen of the Properties have previous complaints and inspection  
25 violations. City inspectors have observed the same type of violations, such as  
26 accumulated trash, unsecured vacant units, broken windows, building without permits, and

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2 broken bathroom fixtures, repeatedly through ELIZABETH WILLIAMS' years of ownership  
3 of these properties, illustrating defendants' pattern and practice of negligent and improper  
4 maintenance and/or repair.

5 **FIRST CAUSE OF ACTION**

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7 **Against ELIZABETH WILLIAMS, and DOES 1 through 20**  
8 **VIOLATIONS OF THE OAKLAND MUNICIPAL CODE AND**  
9 **THE CALIFORNIA HEALTH AND SAFETY CODE**

10 12. Plaintiffs incorporate by reference Paragraphs 1 through 11 as though fully  
11 set forth herein.

12 13. City of Oakland brings this action pursuant to Section 401(6) of the Oakland  
13 City Charter, which authorizes the City Attorney to commence an action to abate or  
14 remove a violation and restrain and enjoin any person from violating any provisions of the  
15 Municipal Code, or other applicable laws, rules, and regulations.

16 14. Defendants ELIZABETH WILLIAMS and DOES 1 through 20 are legally  
17 responsible for the maintenance and repair of the Properties.

18 15. Defendants ELIZABETH WILLIAMS and DOES 1 through 20 inclusive, have  
19 maintained the Properties in substandard conditions as set forth in Health and Safety  
20 Code § 17920 by allowing the dangerous conditions to persist unabated, which include,  
21 but are not necessarily limited to, the following:

- 22 A. Inadequate sanitation due to non-functioning lavatories, a lack of hot  
23 and cold running water to plumbing fixtures, and a lack of adequate  
24 heating;
- 25 B. Nuisance activity due to illegal drug-related activity on the Properties,  
26 general dilapidation, and the accumulation of garbage on the  
Properties;

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- C. Fire, health, and safety hazards due to an accumulation of weeds, vegetation, junk, dead organic matter, debris, and similar materials or conditions on the Properties;
- D. Inadequate maintenance that has left the buildings or portions thereof unsafe for habitation.

16. ELIZABETH WILLIAMS and DOES 1 through 20 inclusive have been cited for violations of the Oakland Municipal Code by engaging in acts or practices which include, but are not necessarily limited to, the following:

- A. Defendants maintain the Properties in unsanitary conditions which result in the accumulation of debris, filth, rubbish, garbage, rodents, vermin and other offensive matter;
- B. Defendants have failed to obtain valid permits, inspection approvals, or other conditions of permits;
- C. Defendants have failed to repair or remove unsafe materials and appliances, resulting in existing and continuing hazard to life, limb, property, and public welfare;
- D. Defendants have failed to provide occupants with hot and cold running water necessary for normal operation of the units, resulting in unsafe and unsanitary conditions;
- E. Defendants lack of maintenance and repairs decrease the housing services to tenants, effectively serving as an unauthorized increase in rent.

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**SECOND CAUSE OF ACTION**

**Against ELIZABETH WILLIAMS and DOES 1 through 20  
MAINTENANCE OF A PUBLIC NUISANCE**

17. Plaintiffs incorporate by reference Paragraphs 7 through 16 as though fully set forth herein.

18. Plaintiffs bring this action pursuant to California Code of Civil Procedure § 731 in the name of the People of the State of California to abate a public nuisance. This action is also brought under Oakland Municipal Code Chapter 15.08.

19. Defendants' maintenance of the Properties, or lack thereof, constitutes a continuing public nuisance. (CA. Civ. Code §§ 3479, 3480.) That is, Defendants' properties adversely affect not only the tenants who must live in the above described uninhabitable conditions but also the surrounding community. The condition of the Properties is injurious to health, offensive to the senses, and unlawfully obstructs the free use of the Properties as well as neighboring properties.

20. Defendants' maintenance of the Properties in the condition described in this complaint is a continuing public nuisance as described in Oakland Municipal Code §§ 15.08.340B, C, and D and 15.08.170 and California Civil Code §§ 3479 and 3480 and is a nuisance per se.

21. The City has repeatedly notified defendants of the hazardous conditions of the Properties, which are violations of the Oakland Municipal Code. However, defendants have failed to abate these hazardous conditions, correct the violations, or demonstrated any intention to permanently correct them.

22. Defendants' properties are frequently the target of police surveillance and undercover narcotics operations due to neighbor complaints and drug hotline calls. The drug activity at several of defendants' properties has led to numerous arrests for narcotics

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2 related activity on defendants' properties.

3 23. The City has received numerous letters from neighbors of defendants'  
4 properties complaining of blight, trash, drug activity, prostitution, and other nuisance  
5 activity associated with defendants' properties.

6 24. Unless stopped by this Court, defendants will continue to maintain the  
7 Properties in the above-described substandard and dangerous condition and continue to  
8 cause irreparable injury to the public's health, safety and welfare.

9 25. Plaintiffs have no adequate remedy at law.

10 26. Plaintiffs are informed and believe that defendants will not correct these  
11 violations or abate the nuisance within a reasonable period of time. If it becomes  
12 necessary for plaintiffs to correct the violations or abate the nuisance, the City of Oakland  
13 will incur substantial costs.

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15 **THIRD CAUSE OF ACTION**

16 **Against ELIZABETH WILLIAMS and DOES 1 through 20**  
17 **VIOLATIONS OF OAKLAND'S RENT CONTROL ORDINANCE**

18 27. Plaintiffs incorporate by reference the allegations of paragraphs 7 through 26  
19 as though fully set forth herein.

20 28. The City Attorney has standing under Oakland Municipal Code § 8.22.150C  
21 to bring an action for injunctive relief and/or damages for violations of the Rent Ordinance.

22 29. Defendants have breached the implied warranty of habitability established by  
23 the act of renting residential property. Cal. Civ. Code §§ 1929, 1941. They have failed to  
24 provide the housing services they have agreed to provide and are required by law to  
25 provide their tenants. A decrease in housing services constitutes an increase in rent.  
26 (Oakland Municipal Code Section 8.22.070F.) By breaching the implied warranty of

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2 habitability, defendants illegally increased their tenants' rent. (OMC Section 8.22.070F,  
3 Cal. Civ. Code Section 1942.5.)

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5 **FOURTH CAUSE OF ACTION**

6 **Against ELIZABETH WILLIAMS and DOES 1 through 20**  
7 **UNLAWFUL BUSINESS PRACTICES**  
8 **(Business and Professions Code § 17200 et seq.)**

9 30. Plaintiffs incorporate by reference Paragraphs 7 through 29 as though fully  
10 set forth herein.

11 31. Pursuant to Business and Professions Code § 17204, the Oakland City  
12 Attorney's Office has obtained the consent of the Alameda County District Attorney to file  
13 this action.

14 32. Within four years prior to the filing of this complaint, defendants ELIZABETH  
15 WILLIAMS and DOES 1 through 20 inclusive, have engaged in unfair competition as  
16 defined in Business and Professions Code § 17200 through acts or practices which  
17 include, but are not necessarily limited to, the following:

- 18 A. Defendants maintain the Properties in substandard, dangerous,  
19 unhealthy and unsanitary condition;
- 20 B. Defendants are systematically unresponsive to tenants' requests for  
21 necessary repairs;
- 22 C. Defendants, on the rare occasion that they perform repairs, do so in  
23 an untimely and unworkmanlike manner;
- 24 D. Defendants engage in the course of conduct more specifically set  
25 forth in paragraphs 7 through 29 of this complaint.  
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E. Defendants, unless restrained, will continue to engage in these unlawful business practices.

**PRAYER**

WHEREFORE plaintiffs pray for judgment as follows:

1. That pursuant to Business and Professions Code §§ 17203, 17535, and the court's inherent equity powers, defendants, and each of them, and their employees, agents, salesmen, representatives, successors, assigns and all other persons, corporations or other entities acting under, by, through or on behalf of said defendants, or acting in concert or participation with or for them with actual or constructive notice of this injunction, be permanently enjoined from engaging in or performing, directly or indirectly, unlawful business acts or practices as defined in Business and Professions Code § 17200 including, but not limited to, the acts or practices alleged in this complaint.

2. Pursuant to Business and Professions Code § 17206 the court assess a civil penalty in the amount of Two Thousand Five Hundred Dollars (\$2,500) for each violation to Business and Professions Code § 17200 alleged in the Fourth Cause of Action and that each violation be deemed a separate violation for each day that such violation has existed. Plaintiff requests that a civil penalty of no less than five hundred thousand dollars (\$500,000) be imposed against each defendant.

3. That defendants be ordered to abate all conditions which cause the nuisance, or alternatively, that plaintiff City of Oakland or its contractors be authorized to perform the work and recover the costs from defendants, their successors, heirs and assigns.

4. That defendants be ordered to pay their tenants' actual and special damages under *Civil Code* § 1942.4.

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5. For an order that defendants not be allowed to take deductions for interest, taxes, expenses, depreciation or amortization paid or incurred with respect to the Properties in the relevant taxable year(s), pursuant to *Revenue and Taxation Code* § 17274 and § 24436.5, and *Health and Safety Code* § 17980.7(b)(1).

6. That the abstract of the judgment in this case constitutes a prior lien over any that may be held on the Properties.

7. That plaintiffs recover costs of this suit from defendants, their successors, heirs and assigns, including attorneys' fees, and expenses for inspection, investigation, enforcement, and prosecution.

8. Defendants be ordered to make full restitution of all money or other property that may have been acquired by their violations of Business and Professions Code § 17200.

9. Plaintiff have such other and further relief as the nature of the case may require and the court deems appropriate and just.

JOHN A. RUSSO, City Attorney  
RANDOLPH W. HALL, Chief Assistant City Attorney  
JAMES F. HODGKINS, Supervising Trial Attorney  
ETHAN NASR, Attorney for the City of Oakland

By:  10/2/06

Attorneys for Plaintiff and Real Party in Interest  
CITY OF OAKLAND