

1 DENNIS J. HERRERA, State Bar #139669
City Attorney
2 OWEN J. CLEMENTS, State Bar #141805
Chief of Special Litigation
3 MACHAELA M. HOCTOR, State Bar #194400
Deputy City Attorney
4 Fox Plaza
1390 Market Street, Sixth Floor
5 San Francisco, California 94102-5408
Telephone: (415) 554-3850
6 Facsimile: (415) 437-4644
E-Mail: machaela.hoctor@sfgov.org
7

8 Attorneys for Plaintiff
PEOPLE OF THE STATE OF CALIFORNIA

9 SUPERIOR COURT OF THE STATE OF CALIFORNIA
10 COUNTY OF SAN FRANCISCO
11 UNLIMITED JURISDICTION

12 PEOPLE OF THE STATE OF
13 CALIFORNIA, *ex rel.* Dennis J. Herrera,
City Attorney for the City and County of
14 San Francisco,

15 Plaintiff,

16 vs.

17 OAKDALE MOB, a criminal street gang
18 sued as an unincorporated association; and
DOES 1—500,

19 Defendants.
20
21

Case No. 06-456517

ORDER TO SHOW CAUSE RE:
PRELIMINARY INJUNCTION;
TEMPORARY RESTRAINING ORDER

Hearing Date: November 22, 2006
Hearing Judge: Hon. Peter Busch
Time: 9:30 a.m.
Place: Dept. 301

Date Action Filed: September 27, 2006
Trial Date: Not Yet Known

22 After the hearing in this matter on October 30, 2006, upon considering the arguments of
23 counsel and papers filed in this action to date, it appears to the satisfaction of this Court that this is a
24 proper case for granting an Order to Show Cause re: Preliminary Injunction and the issuance of a
25 Temporary Restraining Order.

26 **ORDER TO SHOW CAUSE re PRELIMINARY INJUNCTION**
27
28

ENDORSED
FILED
San Francisco County Superior Court

OCT 30 2006

GORDON HAN-LI, Clerk
BY: DONNA K. LOK
Deputy Clerk

1 IT IS ORDERED that the above-named Defendant appear in Department 301 of this Court,
2 located at 400 McAllister Street, San Francisco, California, on November 22, 2006, then and there
3 to show cause, if any is had, why defendant OAKDALE MOB, and all of its members, should not
4 be commanded by Order of the Court and required during the pendency of this action to be enjoined
5 and restrained from engaging in any of the following activities in a Safety Zone, located in the City
6 and County of San Francisco, bounded by Griffith Street to the east, Palou Avenue to the south,
7 Ingalls Street to the west, and Navy Road to the north, continuing straight beyond the end of Navy
8 Road to where it would intersect with Ingalls Street, and including both sides of those four
9 boundaries streets:

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

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

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

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

1 5. **No Trespassing:** Being present on or in any property not open to the general
2 public, including the San Francisco Housing Authority and AIMCO, except (1) with the
3 prior written consent of the owner, owner's agent, or the person in lawful possession of the
4 property, or (2) in the presence of and with the voluntary consent of the owner, owner's
5 agent, or the person in lawful possession of the property;

6 6. **Do Not Associate:** Standing, sitting, walking, driving, gathering or appearing,
7 anywhere in public view or any place accessible to the public, with any known member of
8 OAKDALE MOB, but not including: (1) when all individuals are inside a school attending
9 class or on school business; and (2) when all individuals are inside a church; provided
10 however that this prohibition against associating shall apply to all claims of travel to or from
11 any of those locations;

12 7. **Do Not Loiter with the Intent to Commit a Narcotics-Related Offense as**
13 **Proscribed in Health and Safety Code Section 11532:** Loitering in a public place in a
14 manner and under circumstances manifesting the purpose and with the intent to commit an
15 offense specified in Chapter 6 of the Health and Safety Code, commencing with Health and
16 Safety Code section 11350, and Chapter 6.5 of the Health and Safety Code, commencing
17 with Section 11400, in accordance with Health and Safety Code Section 11532(b);

18 8. **Obey Curfew:** Being outside between the hours of 10:00 p.m. on any day and
19 sunrise on the following day, unless (1) going to or from a legitimate religious event,
20 meeting or appointment, such as a medical appointment, (2) actively engaged in a legitimate
21 business, trade, profession or occupation which requires such presence, or (3) involved in a
22 legitimate emergency situation that requires immediate attention;

23 9. **Don't Force Any Person To Join The OAKDALE MOB Gang:** Do not make
24 any threats or do anything threatening, including without limitation to strike, batter, destroy
25 the personal property, or disturb the peace, to cause a person to join the OAKDALE MOB
26 criminal street gang;

1 **10. Don't Prevent Any Person From Leaving The OAKDALE MOB Gang:** Do
2 not make any threats or do anything threatening, including without limitation to shoot,
3 strike, batter, destroy the personal property, or disturb the peace (1) to prevent a person from
4 leaving the OAKDALE MOB criminal street gang or (2) to any person known to have left
5 the OAKDALE MOB criminal street gang; and

6 **11. Obey All Laws:** Obey all laws that (1) prohibit violence and threatened violence
7 including murder, rape, robbery by force or fear, assault and battery, (2) prohibit
8 interference with the property rights of others including trespass, theft, driving or taking a
9 vehicle without the owner's consent, and vandalism, or (3) prohibit the commission of acts
10 which create a nuisance including the illegal sale of controlled substances, loitering with the
11 intent to commit a narcotics-related offense, and blocking the sidewalk.

12 **IT IS FURTHER ORDERED** that:

13 12. The People shall serve this Order to Show Cause on Defendant OAKDALE
14 MOB by posting within the safety zone and personally serving three or more of its 22
15 members designated for service, to wit: Laurice Barrett, Larry Benjamin, Deonte Bennett,
16 Gregory Bennett, Shaun Britton, Geary Brown, Kerry Dawson, Daniel Dennard, Namone
17 Green, Darren Harrell, Shanteak Harris, aka Kincaid, Antonio Johnson, Curtis Jones, Ellis
18 McGhee, Michael Metcalf, Demauriae Nolan, James Powell, DeShawn Range, Sean
19 Robinson, Charles Rollins, Joseph Willis, and Daven Woolfolk, on or before October 31,
20 2006;

21 13. Opposition, if any, shall be personally served on counsel for the People and filed
22 with this Court, on or before November 15, 2006;

23 14. The People's Reply, if any, shall be personally served and filed with this Court
24 on or before November 20, 2006;

25 15. Proof of service must be delivered to the Court on the day of the hearing on the
26 Order to Show Cause re: Preliminary Injunction.

1 **TEMPORARY RESTRAINING ORDER**

2 Furthermore, after the hearing in this matter on October 30, 2006, it appears to the
3 satisfaction of this Court that this is a proper case for granting a Temporary Restraining Order in
4 this matter.

5 IT IS ORDERED that the twenty-two (22) OAKDALE MOB gang members previously
6 designated for service in this proceeding, to wit: Laurice Barrett, Larry Benjamin, Deonte Bennett,
7 Gregory Bennett, Shaun Britton, Geary Brown, Kerry Dawson, Daniel Dennard, Namone Green,
8 Darren Harrell, Shanteak Harris, aka Kincaid, Antonio Johnson, Curtis Jones, Ellis McGhee,
9 Michael Metcalf, Demauriae Nolan, James Powell, DeShawn Range, Sean Robinson, Charles
10 Rollins, Joseph Willis, and Daven Woolfolk, are enjoined and restrained from engaging in any of
11 the following activities in the Safety Zone, located in the City and County of San Francisco,
12 bounded by Griffith Street to the east, Palou Avenue to the south, Ingalls Street to the west, and
13 Navy Road to the north, continuing straight beyond the end of Navy Road to where it would
14 intersect with Ingalls Street, and including both sides of those four boundaries streets:

15 1. **No Intimidation:** Confronting, intimidating, annoying, harassing, threatening,
16 challenging, provoking, assaulting or battering any person known to be a witness to, known
17 to be a victim of, or known to have complained about any activity of OAKDALE MOB;

18 2. **No Guns or Dangerous Weapons:** Anywhere in public view or anyplace
19 accessible to the public, (1) possessing any gun, ammunition, or illegal weapon as defined in
20 Penal Code Section 12020, (2) knowingly remaining in the presence of anyone who is in
21 possession of such gun, ammunition or illegal weapon, or (3) knowingly remaining in the
22 presence of such gun, ammunition or illegal weapon;

23 3. **No Graffiti or Graffiti Tools:** Damaging, defacing, or marking any public
24 property or private property of another, or possessing any spray paint can, felt tip marker, or
25 other graffiti tool as defined in Penal Code Section 594.2;

26 4. **Stay Away From Drugs:** Without a prescription, (1) selling, possessing, or
27 using any controlled substance or related paraphernalia, including but not limited to rolling
28

1 papers and pipes used for illegal drug use, (2) knowingly remaining in the presence of
2 anyone selling, possessing, or using any controlled substance or such related paraphernalia,
3 or (3) knowingly remaining in the presence of any controlled substance or such related
4 paraphernalia;

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

10 **6. Do Not Associate:** Standing, sitting, walking, driving, gathering or appearing,
11 anywhere in public view or any place accessible to the public, with any known member of
12 OAKDALE MOB, but not including: (1) when all individuals are inside a school attending
13 class or on school business; (2) when all individuals are inside a church; (3) when two or
14 fewer individuals are gainfully employed and working under the personal supervision of
15 someone who is not one of the 22 designated members;
16 provided, however, that this prohibition against associating shall apply to all claims of travel
17 to or from any of those locations;

18 **7. Do Not Loiter with the Intent to Commit a Narcotics-Related Offense as**
19 **Proscribed in Health and Safety Code Section 11532:** Loitering in a public place in a
20 manner and under circumstances manifesting the purpose and with the intent to commit an
21 offense specified in Chapter 6 of the Health and Safety Code, commencing with Health and
22 Safety Code section 11350, and Chapter 6.5 of the Health and Safety Code, commencing
23 with Section 11400, in accordance with Health and Safety Code Section 11532(b);

24 **8. [Curfew: deleted];**

25 **9. Don't Force Any Person To Join The OAKDALE MOB Gang:** Do not make
26 any threats or do anything threatening, including without limitation to strike, batter, destroy
27

1 the personal property, or disturb the peace, to cause a person to join the OAKDALE MOB
2 criminal street gang;

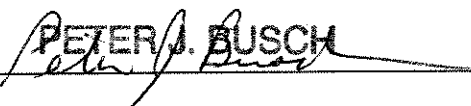
3 **10. Don't Prevent Any Person From Leaving The OAKDALE MOB Gang:** Do
4 not make any threats or do anything threatening, including without limitation to shoot,
5 strike, batter, destroy the personal property, or disturb the peace (1) to prevent a person from
6 leaving the OAKDALE MOB criminal street gang or (2) to any person known to have left
7 the OAKDALE MOB criminal street gang; and

8 **11. Obey All Laws:** Obey all laws that (1) prohibit violence and threatened violence
9 including murder, rape, robbery by force or fear, assault and battery, (2) prohibit
10 interference with the property rights of others including trespass, theft, driving or taking a
11 vehicle without the owner's consent, and vandalism, or (3) prohibit the commission of acts
12 which create a nuisance including the illegal sale of controlled substances, loitering with the
13 intent to commit a narcotics-related offense, and blocking the sidewalk.

14 **12.** No person shall be held in contempt of this Order unless that person was
15 personally served with this Order prior to the act of contempt.

16 **13.** No bond is required pursuant to Code of Civil Procedure section 529(b)(3).

17 Dated: *October 30, 2006*

18 

19 JUDGE OF THE SUPERIOR COURT

20 PETER J. BUSCH