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No Fee GC §6103

8 SUPERIOR COURT OF CALIFORNIA

9 COUNTY OF SAN DIEGO

10 THE PEOPLE OF THE STATE OF
CALIFORNIA and CITY OF SAN DIEGO, a
11 municipal corporation,

12 Plaintiffs,

13 v.

14 PPNP LLC, a California Limited Liability
Company;
15 NIRUBEN PRAVINKUMAR BHAKTA, an
individual;
16 VINI HOSPITALITY LLC, a California
Limited Liability Company, doing business as
17 MAIN STREET MOTEL;
RAHUL NATVARLAL ARYA, an individual;
18 NISHA RAHUL ARYA, an individual; and
DOES 1 through 50, inclusive,

19 Defendants.
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Case No.

UNLIMITED JURISDICTION

COMPLAINT FOR INJUNCTION,
CIVIL PENALTIES, AND OTHER
EQUITABLE RELIEF

- 1) VIOLATIONS OF THE RED LIGHT ABATEMENT LAW (CAL. PENAL CODE §§ 11225, et seq.);
- 2) MAINTENANCE OF A PUBLIC NUISANCE (CALIFORNIA CIVIL CODE SECTIONS 3479 AND 3480)
- 3) VIOLATIONS OF THE SAN DIEGO MUNICIPAL CODE; AND
- 4) VIOLATION OF THE CALIFORNIA UNFAIR COMPETITION LAW (CALIFORNIA BUSINESS AND PROFESSIONS CODE §§ 17200-17210)

23 Plaintiffs the People of the State of California and City of San Diego, a municipal
24 corporation, appearing by and through their attorneys, Mara W. Elliott, City Attorney, and
25 Gabriela S. Brannan, Chief Deputy City Attorney and Han Hershman, Deputy City Attorney,
26 allege the following based upon information and belief:

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JURISDICTION AND VENUE

1. Plaintiffs the People of the State of California and City of San Diego, a municipal corporation (Plaintiffs), by this action and pursuant to California Penal Code section 11226, California Code of Civil Procedure sections 526 and 731, San Diego Municipal Code sections 12.0202 and 121.0311, and California Business and Professions Code sections 17203, 17204, and 17206, seek a preliminary injunction and permanent injunction prohibiting Defendants from using or maintaining a property in violation of state and local law provisions, as a public nuisance which is a threat to the health, safety, and welfare of the public, and to enjoin Defendants from engaging in unfair competition. Plaintiffs also seek civil penalties, costs, and other equitable relief for Defendants' violation of the law.

2. The omission or commission of acts and violations of law by Defendants as alleged in this Complaint occurred within the City of San Diego, State of California. Defendants, at relevant times mentioned in this Complaint, have transacted business within the City of San Diego or are residents of San Diego County, within the State of California, or both.

3. Venue properly lies within the County of San Diego because the violations of law alleged occurred within the County of San Diego.

THE PARTIES

4. Plaintiff the People of the State of California brings this action by and through Mara W. Elliott, City Attorney for the City of San Diego.

5. Plaintiff City of San Diego is a municipal corporation and charter city, organized and existing under the laws of the State of California.

6. Defendant PPNP LLC, is a California limited liability company, and at all times relevant to this action, was and is the owner of record of the property located at 3494 Main Street, San Diego, CA 92113 (Property) where the violations alleged in this Complaint exist.

7. Defendant Niruben Pravinkumar Bhakta, is an individual and resident of the County of San Diego, and at all times relevant to this action, was and is the Chief Executive Officer of PPNP LLC, a California limited liability company, and the owner of record of the Property.

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1 8. Defendant Vini Hospitality LLC, a California limited liability company (Vini
2 Hospitality), at all times relevant to this action, operated a business at the Property by the name of
3 the Main Street Motel.

4 9. Defendant Rahul Natvarlal Arya (Rahul Arya), is an individual and resident of the
5 County of San Diego, and at all times relevant to this action was and is a member of Vini
6 Hospitality LLC, doing business at the Property as the Main Street Motel.

7 10. Defendant Nisha Rahul Arya (Nisha Arya), is an individual and resident of the County
8 of San Diego, and at all times relevant to this action was and is a member of Vini Hospitality,
9 doing business at the Property as the Main Street Motel.

10 11. Defendants DOES 1 through 50, inclusive, are sued as fictitious names, under the
11 provisions of California Code of Civil Procedure section 474, their true names and capacities are
12 unknown to Plaintiffs. Plaintiffs are informed and believe that each Defendant, DOES 1 through
13 50, is either responsible, in whole or in part, for the violations and conduct alleged, or has, or
14 claims to have, an interest in the Property, the exact nature of which is presently unknown to
15 Plaintiffs. When the true names and capacities are ascertained, Plaintiffs will seek leave of court
16 to amend this Complaint and insert in lieu of such fictitious names the true names and capacities
17 of the fictitiously named Defendants.

18 **PROPERTY**

19 12. The legal address of the property where violations of state and local law are occurring
20 and a public nuisance is being maintained is 3494 Main Street, San Diego, California, 92113, also
21 identified as Assessor's Parcel Numbers 550-520-14-00 and 550-520-08-00, according to the San
22 Diego County Recorder's Quitclaim Deed document number 2014-0168911, recorded on April
23 28, 2014.

24 13. The legal description of the Property is:

25 LOTS 21 TO 29, INCLUSIVE, IN BLOCK 252, WEST
26 ARLINGTON, ACCORDING TO MAP THEREOF NO. 1645,
27 FILED IN THE OFFICE OF THE RECORDER OF SAN DIEGO
28 COUNTY, AUGUST 21, 1914.

COMMONLY KNOWN AS 3494 MAIN STREET, SAN DIEGO,
CA 92113.

1 14. Defendant Bhakta acquired the Property via a Grant Deed on January 5, 1982. The
2 Property was quitclaimed to PPNP, LLC, a California Limited Liability Company on April 28,
3 2014, per document No. 2014-0168911 filed with the San Diego County Recorder's Office.

4 15. The Property is located in the Barrio Logan Planned District, Subdistrict D in the
5 Barrio Logan neighborhood of the City of San Diego.

6 16. The Property was originally developed as a motel use and is located in the Barrio
7 Logan Planned District Subdivision D zone in the Barrio Logan neighborhood in the City of San
8 Diego. The Property consists of three buildings and a parking lot.

9 **STATEMENT OF FACTS**

10 17. On or about September 10, 2015, Defendant PPNP entered into a 10-year lease
11 agreement to lease the Property to Defendants Rahul Arya and Nisha Arya.

12 18. Beginning on or about October 12, 2015, Defendants Vini Hospitality, Rahul Arya,
13 and Nisha Arya, began operating the Main Street Motel business from the Property.

14 19. The San Diego Police Department (SDPD) frequently receives community complaints
15 regarding prostitution activity occurring at the premises. This includes reports of scantily dressed
16 females walking on the public street adjacent to the Main Street Motel waiving down vehicles.
17 Surrounding business owners and their patrons also report seeing used condoms on the sidewalks
18 near the business.

19 20. From January 1, 2019 through February 3, 2023, there have been 229 calls for service
20 to the SDPD requiring officers to expend over 1,216 hours of out-of-service time at the Property.
21 Most of the reported incidents have been requests to investigate prostitution and human
22 trafficking activity, drug activity, and violent disturbing the peace incidents.

23 21. On or about January 21, 2021, at 9:18 a.m., SDPD received a call for service to
24 investigate a drug overdose in a motel room at the Property. When officers arrived, the male was
25 unconscious. Paramedics treated the male and transported him to a hospital.

26 22. On or about January 23, 2021, at 4:56 p.m., SDPD received another call to investigate
27 a drug overdose in a motel room.

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1 23. On or about January 28, 2021, officers with the San Diego Human Trafficking
2 Taskforce conducted an undercover demand reduction detail. An undercover female police officer
3 dressed in casual attire was contacted by several males. Eight suspects were cited.

4 24. On or about January 31, 2021, SDPD received a call to investigate a guest who was
5 threatening to injure herself. Officers responded and transported the female guest to County
6 Mental Health hospital.

7 25. On or about the late evening on February 25, 2021, SDPD received a call to
8 investigate three females walking in the middle of the street next to the motel who were waiving
9 down vehicles and blocking the road causing traffic issues.

10 26. On or about February 27, 2021, SDPD received a call to investigate two subjects who
11 were physically fighting in the lobby of the motel.

12 27. On or about June 3, 2021, officers with the San Diego Human Trafficking Taskforce
13 conducted an undercover demand reduction detail. An undercover female police officer dressed in
14 casual attire was contacted by several males. Three suspects were cited.

15 28. On or about June 5, 2021, SDPD received a call to investigate a fight occurring inside
16 a motel room. The reporting party indicated the suspect had a gun.

17 29. On or about July 10, 2021, SDPD received a call to investigate a male threatening the
18 reporting party with a gun. Officers responded to the Property and contacted the suspect who
19 admitted to engaging in prostitution at the motel.

20 30. On or about July 19, 2021, SDPD officers contacted a female who was wearing a bra
21 and shorts that revealed the lower part of her buttocks. The female was observed waiving at cars
22 near the motel, walking in the middle of street, and obstructing traffic. Officers contacted the
23 female.

24 31. On or about July 26, 2021, at 9:25 p.m., SDPD observed three females wearing
25 revealing clothing and waiving at passing vehicles near the motel. The females were observed
26 approaching drivers in the middle of the street. Officers contacted the females.

27 32. On or about July 29, 2021, an undercover SDPD officer was contacted by a female
28 who offered to engage in prostitution for \$100 and indicated she had a room at the Property.

1 Officers determined that the female advertised on a prostitution website as engaging in
2 prostitution from the motel.

3 33. On or about August 18, 2021, SDPD officers conducted surveillance at the motel and
4 observed females escorting males into motel rooms. The males would enter the motel rooms and
5 exit about 20 minutes later.

6 34. On or about August 11, 2021, SDPD Vice officers met with Defendant Rahul Arya at
7 the Property. Officers informed Defendant about the prevalence of prostitution activity occurring
8 on the premises and asked for assistance in abating this illegal activity. Defendant Arya indicated
9 that he could not address the criminal activity because he did not have control over motel guests
10 or visitors. He was also reluctant to share property ownership contact information.

11 35. On or about August 23, 2021, SDPD officers contacted a female at 10:15 p.m. who
12 was wearing a bikini with high heels and flagging down passing vehicles near the motel. Officers
13 contacted the female.

14 36. SDPD contacted a second female who was exposing her entire breast area. The female
15 was observed waving at vehicles in the middle of the street and speaking with motorists. When
16 officers contacted the female she had a motel room key.

17 37. On or about August 24–25, 2021, SDPD Vice officers conducted surveillance near the
18 motel and observed females waiving down vehicles and escorting drivers into motel rooms at the
19 Property. The females and males were seen exiting the motel rooms about 20 minutes later and
20 the females would again waive at vehicles to obtain more clients. This activity was observed to
21 occur throughout the night.

22 38. On or about September 18, 2021, SDPD received a call to investigate possible
23 prostitution activity occurring in the motel’s parking lot.

24 39. On or about November 6, 2021, SDPD received a call from a male who reported being
25 robbed by a female. The victim stated that the female took his wallet and kicked him out of the
26 room threatening to have her pimp beat him up.

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1 40. On or about December 2, 2021, SDPD officers observed two females standing in the
2 middle of the street with exposed body parts. Officers contacted the females who admitted to
3 staying at the Main Street Motel.

4 41. On or about December 15, 2021 at 9:00 a.m., SDPD officers observed two females in
5 the middle of the street behind the motel flagging down motorists. The females wore see through
6 clothing exposing their bodies. Officers contacted the females who admitted to staying at the
7 Main Street Motel.

8 42. On or about December 26, 2021, SDPD officers observed a female wearing revealing
9 clothing waiving at passing motorists in the rain. Officers contacted the female.

10 43. On or about December 29, 2021, SDPD received a call from a female who reported
11 being kidnapped and brought to the motel by a male with a gun. When officers arrived at the
12 motel, the female refused to speak with officers.

13 44. On or about January 26, 2022, SDPD officers observed a female with exposed
14 buttocks waiving at vehicles at 7 a.m. When officers contacted the female she stated that she
15 advertised on prostitution websites as offering sexual services from the motel.

16 45. On or about February 7, 2022 at 7:00 p.m., SDPD officers observed a female wearing
17 a black thong and heels waiving at passing vehicles. Officers contacted the female who had a
18 Main Street Motel room key on her person.

19 46. On or about February 21, 2022 at 2:10 a.m., SDPD officers observed a female walking
20 in the middle of the street near the motel wearing a bikini with her buttocks and breast exposed.

21 47. On or about February 22, 2022, SDPD received a call to investigate males dropping
22 off 7–10 females at the motel, many who were nude or wearing lingerie. The reporting party
23 indicated that some of the females appeared underage. When officers arrived a few hours later the
24 females were not located.

25 48. In or about March and April 2022, several pimps were arrested for forcing females,
26 including several underage victims, to perform commercial sex from the motel at the Property. A
27 picture of the Main Street Motel was included in online prostitution advertisements.

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1 49. On or about April 8, 2022, SDPD received a call from a motel employee for assistance
2 in removing a guest who was bringing unregistered guests to the leased motel room. The
3 employee indicated the subject threatened him with a knife.

4 50. On or about April 18–19, 2022, SDPD officers conducted surveillance near the motel
5 and observed several females standing in the stairways and leaning over the awnings at the motel.
6 Several females were also observed escorting males into different motel rooms and exiting about
7 20 minutes later.

8 51. On or about April 18, 2022, officers with the San Diego Human Trafficking Taskforce
9 conducted an undercover demand reduction detail. An undercover female police officer dressed in
10 casual attire was contacted by several males. Nine suspects were cited.

11 52. On or about May 31, 2022, SDPD officers conducted surveillance near the motel and
12 observed females dressed in revealing clothing waiving at motorists, speaking with drivers, and
13 instructing clients to park in the motel parking lot. The females would then escort the males into
14 motel rooms and the males were observed exiting minutes later.

15 53. On or about June 7, 2022, SDPD officers conducted surveillance and observed several
16 females wearing revealing clothes walking in front of the motel waiving at vehicles.

17 54. Plaintiffs have no adequate remedy at law other than this action. Defendants are
18 blatantly and willfully in violation of state and local laws and will continue to maintain the
19 unlawful use of the Property in the future unless the Court enjoins and prohibits such conduct.
20 Absent injunctive relief, the People of the State of California and the City will be irreparably
21 harmed, and the ongoing violations and nuisance will continue to harm the public, safety, and
22 welfare of the citizens of San Diego.

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2 FIRST CAUSE OF ACTION

3 VIOLATION OF THE RED LIGHT ABATEMENT LAW
4 (CALIFORNIA PENAL CODE SECTIONS 11225–11235)
5 ALLEGED BY PLAINTIFF THE PEOPLE OF THE STATE
6 OF CALIFORNIA AGAINST ALL DEFENDANTS

7 55. Plaintiff the People of the State of California incorporates by reference all allegations
8 contained in paragraphs 1 through 54 of this Complaint as though set forth here in their entirety.

9 56. California Penal Code section 11225, subdivision (a)(1), provides, in pertinent part,
10 that: “[E]very building or place used for the purpose of . . . prostitution . . . is a nuisance which
11 shall be enjoined, abated, and prevented, and for which damages may be recovered, whether it is
12 a public or private nuisance.”

13 57. California Penal Code section 11225, subdivision (b)(1), also provides in part, that:
14 “[E]very building or place used for the purpose of human trafficking, and every building or place
15 in or upon which acts of human trafficking are held or occur, is a nuisance which shall be
16 enjoined, abated, and prevented.”

17 58. Plaintiff the People of the State of California, by and through Mara W. Elliott, City
18 Attorney for the City of San Diego, pursuant to the authority granted by California Penal Code
19 section 11226, brings this action to abate a nuisance caused by prostitution and human trafficking
20 activity.

21 59. Beginning on an exact date unknown to Plaintiff, but since at least January 28, 2021,
22 and continuing to the present, the buildings located at the Property have been used for prostitution
23 activity and for the purpose of human trafficking.

24 60. The high number of calls for service to the police department related to prostitution
25 and human trafficking activity constitutes a public nuisance. Despite Defendants Rahul Arya and
26 Nisha Arya’s knowledge of the nuisance activity at the Property, they have refused to address the
27 issues, thus the public nuisance continues.

28 61. From January 28, 2021, to the present, law enforcement officers observed prostitution
activity occurring from the Property and made at least 32 prostitution related arrests.

1 brought in the name of people of the State of California to abate a public nuisance . . . by the city
2 attorney of any town or city in which such nuisance exists.”

3 70. Beginning on an exact date unknown to Plaintiff, but since at least January 28, 2021,
4 and continuing to the present, Defendants have maintained a continuing public nuisance at the
5 Property by maintaining and allowing prostitution activity and human trafficking to occur.

6 71. Law enforcement frequently receives community complaints regarding prostitution
7 activity occurring at the premises. This includes reports of scantily dressed females walking on
8 the public street adjacent to the Main Street Motel waiving down vehicles. Surrounding business
9 owners and their patrons also report seeing used condoms on the sidewalks near the business.

10 72. From January 28, 2021, to the present, law enforcement officers observed prostitution
11 activity occurring from the Property and made at least 32 prostitution related arrests. Several
12 pimps were also arrested in 2022 for forcing females including several underage victims to
13 perform commercial sex from the motel located at the Property.

14 73. The high numbers of calls for service to law enforcement related to the Property also
15 constitutes a public nuisance. Most of the reported incidents have been requests to investigate
16 prostitution and human trafficking activity, drug activity, and violent disturbing the peace
17 incidents. Several drug overdoses have also occurred on the premises.

18 74. Defendants’ maintenance of the Property in the condition described above
19 constitutes a continuing public nuisance as defined by California Civil Code sections 3479 and
20 3480. The Property adversely affects the entire community and neighborhood. The Property is
21 injurious to the health, safety, and welfare of the residents and families who live in the
22 community and interferes with the comfortable use and enjoyment of life and property. Plaintiff
23 has no plain, speedy, or adequate remedy at law. Therefore, unless Defendants are restrained by
24 this Court, Plaintiff is informed and believes that Defendants will continue to maintain this
25 nuisance and thereby cause irreparable injury and harm to the public’s health, safety, and welfare.

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III

THIRD CAUSE OF ACTION

**VIOLATIONS OF THE SAN DIEGO MUNICIPAL CODE
ALLEGED BY PLAINTIFF CITY OF SAN DIEGO AGAINST
ALL DEFENDANTS**

75. Plaintiff City of San Diego incorporates by reference all allegations in paragraphs 1 through 74 of this Complaint as though fully set forth here in their entirety.

76. Defendants are each a “Responsible Person”¹ within the meaning of SDMC section 11.0210 for allowing and maintaining violations of the SDMC at the Property.

77. Defendants are also strictly liable for all code violations existing at the Property pursuant to SDMC section 121.0311 and applicable California law.

78. SDMC section 121.0302(b)(4) states that it is unlawful “[t]o maintain or allow the existence of any condition that creates a public nuisance.” Beginning on an exact date unknown to Plaintiff, but since at least January 28, 2021, and continuing to the present, Defendants have maintained a public nuisance at the Property, in violation of SDMC section 121.0302(b)(4).

79. Plaintiff City of San Diego has no adequate remedy at law, and unless Defendants are enjoined and restrained by an order of this Court, Defendants will continue to violate the SDMC, thereby causing irreparable injury and harm to the public’s health, safety, and general welfare.

IV

FOURTH CAUSE OF ACTION

**VIOLATION OF CALIFORNIA BUSINESS AND
PROFESSIONS CODE SECTION 17200 (UNFAIR
COMPETITION) ALLEGED BY PLAINTIFF THE PEOPLE
OF THE STATE OF CALIFORNIA AGAINST ALL
DEFENDANTS**

80. Plaintiff the People of the State of California incorporates by reference all allegations in paragraphs 1 through 79 of this Complaint as though fully set forth here in their entirety.

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¹ Municipal Code section 11.0210 defines “Responsible Person” as “[a] person who a Director determines is responsible for causing or maintaining a public nuisance or a violation of the Municipal Code or applicable state codes. The term ‘Responsible Person’ includes but is not limited to a property owner, tenant, person with a Legal Interest in real property or person in possession of real property.”

1 81. California Business and Professions Code section 17200 defines unfair competition to
2 include “any unlawful, unfair or fraudulent business act or practice.”

3 82. As the Unfair Competition Law (UCL) contains no express intent, knowledge, or
4 negligence requirement, the UCL “imposes strict liability.” *Rothschild v. Tyco Int’l, Inc.*, 83 Cal.
5 App. 4th 488, 494 (2000). Liability may be established without showing that Defendant intended
6 to injure anyone. *See id.* (citing to *State Farm Fire & Casualty Co. v. Superior Court*, 45 Cal.
7 App. 4th 1093, 1102 (1996), disapproved of on another point in *Cel-Tech Communications, Inc.*
8 *v. Los Angeles Cellular Telephone Co.*, 20 Cal. 4th 163, 184–87 (1999)).

9 83. California Business and Professions Code section 17204 authorizes a city attorney of a
10 city having a population in excess of 750,000 to bring a civil enforcement action on behalf of the
11 people of the State of California.

12 84. Plaintiff the People of the State of California, by and through Mara W. Elliott, City
13 Attorney for the City of San Diego, a city with a population in excess of 750,000, pursuant to the
14 authority granted by California Business and Professions Code section 17204, brings this suit
15 both on behalf of, and for the benefit of, the People, to redress unfair and deceptive acts or
16 practices and unfair methods of competition to ensure that individuals and entities doing business
17 in the State, and more particularly in the City of San Diego, comply with all governing laws.

18 85. A civil enforcement action can be brought against “[a]ny person who engages, has
19 engaged, or proposes to engage in unfair competition....” *See* Cal. Bus. & Prof. Code § 17203.

20 86. Beginning on an exact date unknown to Plaintiff, but within four years prior to the
21 filing of this Complaint, and continuing to the present, Defendants have engaged in unfair
22 competition in violation of California Business and Professions Code section 17200, including
23 but not limited to one or more of the following unlawful, unfair, or fraudulent business acts or
24 practices:

25 a. Defendants’ acts of operating or allowing the operation of a business which creates
26 a public nuisance in violation of local and state laws, including but not limited to, the violations
27 alleged in the First, Second, and Third Causes of Action above.

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1 87. Defendants wrongly obtained monies and benefits by their unfair, fraudulent, and
2 unlawful business acts and practices to the detriment of the People of the State of California and
3 the community.

4 88. Unless Defendants cease such unlawful action, its clients and the community will
5 continue to suffer from the egregious conduct of Defendants.

6 **PRAYER FOR RELIEF**

7 **WHEREFORE**, Plaintiffs pray for judgment against Defendants as follows:

8 **AS TO THE FIRST CAUSE OF ACTION**

9 **Violations of the Red Light Abatement Law (California Penal Code sections 11225-11235)**

10 1. That Defendants and the Property, including the buildings be declared in violation of
11 California Penal Code section 11225.

12 2. That pursuant to California Penal Code section 11226, the California Red Light
13 Abatement Law, the Court grant a preliminary injunction and permanent injunction enjoining and
14 restraining Defendants and their agents, servants, employees, partners, associates, officers,
15 representatives and all persons acting under or in concert with or for Defendants, from engaging
16 in any of the following acts:

17 a. Maintaining, conducting, allowing, permitting, directly or indirectly, any
18 violations of the Red Light Abatement Law, including but not limited to, the occurrence,
19 continuance, or reoccurrence of acts of prostitution or human trafficking upon the premises and
20 buildings located at the Property.

21 3. That pursuant to California Penal Code section 11230(b), the Court assess a civil
22 penalty of \$25,000 against each Defendant.

23 4. That pursuant to California Penal Code section 11230, the Court order the closure of
24 the buildings at the Property for a period of one year, or alternatively, in lieu of closure,
25 Defendants shall be ordered to pay damages in an amount not to exceed the fair market rental
26 value of the Property for one year.

27 5. That Plaintiff recovers the costs of this suit including but not limited to, costs of
28 enforcement, investigative costs, and reasonable attorney fees.

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AS TO THE SECOND CAUSE OF ACTION

Public Nuisance

6. That the Property, together with the fixtures and moveable property, be declared a continuing public nuisance as defined by California Civil Code sections 3479 and 3480.

7. That pursuant to Code of Civil Procedure sections 526 and 731, the Court grant a preliminary injunction and permanent injunction, enjoining and restraining Defendants, their agents, heirs, successors, officers, employees and anyone acting on their behalf from maintaining the Property or any other property in the City of San Diego as a public nuisance as defined per California Civil Code sections 3479 and 3480.

AS TO THE THIRD CAUSE OF ACTION

Violations of the San Diego Municipal Code

8. That the Court declare the Property to be in violation of:

San Diego Municipal Code section

121.0302(b)(4)

9. That pursuant to Municipal Code sections 12.0202 and 121.0311, the Court grant a preliminary injunction and permanent injunction, enjoining and restraining Defendants, their agents, officers, employees and anyone acting on their behalf, from keeping, allowing, or maintaining violations of the Municipal Code at the Property or anywhere else in the City and County of San Diego.

10. That Defendants, their agents, heirs, successors, officers, employees and anyone acting on their behalf, are required to maintain the Property in full compliance with the Municipal Code.

11. That Defendants allow personnel from the City of San Diego access to the Property to inspect and monitor for compliance upon 24-hour verbal or written notice. Inspections shall occur between the hours of 8:00 a.m. and 5:00 p.m.

12. That pursuant to Municipal Code section 12.0202(b), Defendants, and each of them, be assessed a civil penalty of \$2,500 per day for each Municipal Code violation maintained at the Property.

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AS TO THE FOURTH CAUSE OF ACTION

Violation of The California Business and Professions Code sections 17200 through 17210

13. That pursuant to California Business and Professions Code section 17203, Defendants, their officers, directors, employees, agents, representatives, partners, successors and assigns, and all persons, corporations, subsequent purchasers, or other entities, acting by, through, under, in concert, on behalf of, or in participation with or for them be permanently enjoined from engaging in unfair competition as defined in California Business and Professions Code section 17200 anywhere in the County of San Diego, including acts and practices alleged in this Complaint, including but not limited to:

a. Leasing and maintaining a Property in the City of San Diego in violation of the Red Light Abatement Law and the Municipal Code.

14. That pursuant to California Business and Professions Code section 17206, Defendants, and each of them, be assessed a maximum civil penalty in the amount of \$2,500 for each UCL violation as proven at trial.


15. That pursuant to California Business and Professions Code section 17203, and the Court’s inherent equity powers, this Court order Defendants to restore to any person any money or property which has been acquired by means of Defendants’ UCL violations, or any other law or statute.

AS TO ALL CAUSES OF ACTION

16. That Plaintiffs recover their costs, including costs of investigation and prosecution, and those of other law enforcement or regulatory agencies as appropriate.

17. That Plaintiffs be granted such other and further relief as the nature of the case may require and the Court deems appropriate.

Dated: April 4, 2023 MARA W. ELLIOTT, City Attorney

By 
Han H. Hershman
Deputy City Attorney

Attorneys for Plaintiffs