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From the Office of the City Attorney
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****PRESS RELEASE****

WEDNESDAY, JUNE 23, 2010

CITY ATTORNEY'S OFFICE SEEKS FIRST-EVER INJUNCTION AGAINST LOS ANGELES GRAFFITI VANDALISM TAGGING CREW

LOS ANGELES – The Los Angeles City Attorney's Office today announced that it has filed a civil case seeking a permanent injunction severely restricting the criminal and nuisance activities of one of the most prolific and destructive graffiti or "tagging" crews and ten of its known adult members operating and engaged in vandalism within the City of Los Angeles. The case was filed and is being handled by Deputy City Attorneys Jim McDougal and Travis Austin of the City Attorney's Gang Division. This filing is the first of its kind against a graffiti tagging crew.

Named as defendants in the injunction are the MTA tagging crew (aka Metro Transit Assassins), which is named as an organization, and ten known adult members of the MTA tagging crew. The ten members of the MTA named in the injunction are also known to associate with other tagging crews across the city.

The complaint, filed by the City Attorney's Office, seeks an injunction as part of a public nuisance abatement, similar to a civil gang injunction, and is based on the graffiti crew's costly vandalism, violence, and narcotics trafficking activities. Unlike previous civil gang injunctions, however, the City Attorney is not seeking a pre-defined Safety Zone, because this tagging crew and its members commit their criminal and nuisance activities over a broad area of the region and are not limited to a defined area.

With this injunction, the City Attorney's Office seeks to severely limit the named tagging crew's criminal and nuisance activities by imposing a list of conditions, including a prohibition against MTA tagging crew members from associating with each other, and from possessing graffiti tools or weapons, as well as a mandatory curfew for the defendants, among other provisions. The civil suit also seeks \$250,000 in civil penalties and \$3.7 million in damages for the 500 documented incidents of graffiti vandalism associated with the tagging crew.

The complaint includes 52 witness and expert declarations from law enforcement officers including 101 photographs, documenting defendants' graffiti vandalism, including vandalism and destruction of the LA riverbed, highway signs, highway sound walls, billboards, bridges, buses, passenger trains, freight train cars, trucks, homes, and numerous commercial buildings.

Date: 7-12-10
Submitted in: PS Committee
Council File No.: 09-2135
Item No.: 2

A court hearing has been set for August 31, 2010 to address service of the injunction on the MTA tagging crew.

MTA is known to be responsible for a quarter-mile long work of graffiti vandalism, known as a "bomb," on the walls of the Los Angeles river bed - an effort which required an estimated \$3.7 million in clean up costs. The Los Angeles Board of Public Works, Office of Community Beautification, estimates that it alone spends in excess of \$7 million annually for graffiti abatement and other clean-up costs related to graffiti vandalism in the City of Los Angeles.

The Los Angeles County Sheriff's Department, Transit Service Bureau, Special Problems Unit has been the primary law enforcement partner on this operation. Numerous other law enforcement agencies also made significant contributions to the investigation and filing of this matter, including the Los Angeles Police Department, the California Highway Patrol Investigative Services Unit, the LA Regional Gang Intelligence Network, the California Department of Corrections & Rehabilitation, and the "Graffiti Task Force of California."

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JUN 21 2010

John A. Clarke, Executive Officer/Clerk
M Garcia
BY MARY GARCIA, Deputy

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8 **FOR THE SUPERIOR COURT OF THE STATE OF CALIFORNIA**
9 **IN THE COUNTY OF LOS ANGELES (CENTRAL DISTRICT)**

BC 440034

11 **PEOPLE OF THE STATE OF CALIFORNIA,**
12 *ex rel.* Carmen A. Trutanich,
13 City Attorney for the City of Los Angeles,

14 Plaintiff,

15 vs.

16 MTA aka METRO TRANSIT ASSASSINS,
a "tagging crew" sued as
17 an unincorporated association;
SEAN ALEXANDER (UPSET),
18 SERGIO AYALA (SUEM),
JOSE BURCIAGA (APEAR),
19 MARK FERRANDO (SUFER),
CHRISTIAN GHEORGHU (SMEAR),
20 ROLANDO GUTIERREZ (RANTS),
EDWIN MIRAMONTES (NOMAS),
21 NICHOLAS REM (SIEZ),
JUAN ROCHA (SENTOR),
22 RYAN SWENSON (HILO), as individuals;
DOES 1 through 10, inclusive, each as an
23 unincorporated association or other entity,
form presently unknown; and
24 DOES 11 through 50, inclusive, as individuals,

25 Defendants.

26
27 Plaintiff, the People of the State of California, *ex rel.* Carmen A. Trutanich as City Attorney for the
28 City of Los Angeles, is informed and believes, and based upon such information and belief, alleges:

Case No.:
(Unlimited Civil Case)

Complaint For Injunctive Relief To Abate A
Public Nuisance Caused By MTA Tagging
Crew And Certain Named Graffiti Vandals,
And Civil Penalties, Restitution And Damages

1st Cause of Action for Public Nuisance
(Civil Code § 3479, § 3480);

2nd Cause of Action for Unfair and Unlawful
Business Practices, Including Civil Penalties
and Restitution (Business & Professions Code
§ 17200-17210);

3rd Cause of Action for Damages Against
MTA Tagging Crew And Named Graffiti
Vandals Subject To Nuisance-Abatement
Injunction (Penal Code § 186.22a(e))

Trial Date: Not Set Yet
Case Filed June 21, 2010

1

NATURE OF THE ACTION

2 1. This is a civil law enforcement action brought by the Los Angeles City Attorney's
3 Office on behalf of the People of the State of California to curb the proliferation of graffiti vandalism
4 within the City of Los Angeles.

5 2. Graffiti is a costly and pervasive problem affecting all residents, property owners, and
6 businesses within the City of Los Angeles. The graffiti epidemic is fueled by a sub-culture that
7 values personal fame and recognition over the property rights of others. Graffiti vandals mark, etch,
8 paint, spray, inscribe, or affix their name or moniker wherever and whenever they can in pursuit of
9 this fame, destroying the quality of life that law-abiding residents are both entitled to and desire
10 within their neighborhoods.

11 3. Graffiti vandals typically fall within three distinct categories. First, a graffiti vandal
12 known as a "oner" (pronounced "one-er") may commit acts of graffiti alone and not be affiliated with
13 any known group. Second, a group of graffiti vandals may belong to a structured organization called
14 a crew. Members of a tagging crew typically have a great deal of mutual respect for each other and
15 share some common characteristic or purpose. Often times, belonging to a particular crew becomes
16 a status symbol for a graffiti vandal. Third, a tagging crew may evolve into what is known as a
17 "tag/bang" crew. "Bang" refers to gang-banging. A "tag/bang" crew typically has evolved from a
18 "tagging" crew and has expanded their criminal enterprise to include other crimes more closely
19 associated with street gangs, such as assaults, robberies, and the illegal sale of controlled substances.

20 4. Tagging crews differ from turf-based criminal street gangs in several ways. Unlike
21 criminal street gangs, one individual may be a member of several different tagging crews. For
22 instance, one Named Individual Defendant stated that he was a member of nine tagging crews.
23 Also, unlike criminal street gangs, it is not uncommon for members of one particular crew to respect
24 and get along with members of other tagging crews. Unlike criminal street gangs that are confined
25 by specific territorial boundaries, tagging crews are attracted to whatever location will provide them
26 with the best canvas to engage in graffiti vandalism. In fact, the top taggers, and those aspiring to be
27 top level taggers, seek out certain locations known within the graffiti sub-culture as places to tag
28 where one's work will be seen by other taggers. These locations include the LA river bed, especially

1 the cemented-over portions of the LA riverbed in downtown Los Angeles, certain areas of local
2 freeways, and certain areas of property owned by Los Angeles County Metropolitan Transportation
3 Authority, the regional public agency that runs many of the buses and trains in Southern California.

4 5. Tagging crews do not always peacefully co-exist. Rivalries between tagging crews
5 exist and often lead to conflicts. These conflicts may result in actions ranging from painting over a
6 rival's graffiti to show disrespect, to escalating violence, including assaults, shootings, and murder.

7 6. Graffiti vandals seek "fame" and recognition, and do so by marketing themselves by
8 marking, etching, painting, spraying, inscribing or affixing ("tagging") their name or moniker on
9 private or public property. The more frequent and visible the marketing campaign, the more prolific
10 a graffiti vandal becomes. Prolific graffiti vandals capitalize on this unlawful marketing and ill-
11 gotten fame through the sale of their graffiti and their increased employment opportunities as artists
12 or muralists.

13 7. Defendants' graffiti vandalism: (A) is an assault on every resident's peace of mind,
14 causing fear and insecurity within the community; (B) detracts from the appearance of the City and
15 reduces surrounding property values; (C) costs local and state governments millions of dollars in
16 graffiti abatement costs; and (D) places artists and muralists who comply with State laws and City
17 ordinances at a distinct competitive disadvantage.



28 8. The photograph above depicts one of Defendant MTA aka Metro Transit Assassins'

1 most notorious acts of graffiti vandalism and epitomizes the philosophy held by MTA, and its
2 members. The graffiti was strategically placed in the Los Angeles riverbed, under the flight paths of
3 the Burbank Airport and the Los Angeles International Airport, making it visible from a highly
4 trafficked freeway and passing airplanes. The graffiti was profiled in news stories, circulated in
5 graffiti magazines, and posted on the internet. The cost of abatement of the graffiti depicted above, if
6 done completely and correctly, was estimated to be in excess of 3.7 million dollars due to the
7 environmental hazards paint in the watershed would create and the necessity to mitigate against this
8 environmental damage.

9 9. As described more fully below, the above referenced act of graffiti vandalism, and all
10 other acts of graffiti vandalism committed by Defendant MTA and its members, including all the
11 Named Defendants, are in violation of the California Penal Code and the City of Los Angeles
12 Municipal Code (LAMC), and constitute public nuisances.

13 THE PARTIES

14 10. Plaintiff People is the sovereign power of the State of California designated by the
15 California Public Nuisance Law (Civil Code sections 3479, 3480 and 3491), the California Unfair
16 Competition Law (Business and Professions Code section 17200-17210), and the California Street
17 Terrorism Enforcement and Prevention (STEP) Act (Penal Code section 186.22a), to be the
18 complaining party in civil law enforcement actions brought under those statutes. The People act here
19 through Carmen A. Trutanich, City Attorney for the City of Los Angeles, under the authority granted
20 to him by Business and Professions Code sections 17203, 17204 and 17206 and Code of Civil
21 Procedure sections 369.5, 526, and 731 to bring such law enforcement actions.

22 11. Defendant MTA is regarded as an elite and selective tagging crew, whose members
23 and affiliates commit graffiti vandalism in the pursuit of "fame" and recognition for themselves and
24 their crew.

25 12. Defendant MTA also satisfies the definition of a "criminal street gang" within the
26 meaning of Penal Code section 186.22(f), being an ongoing organization of three or more persons,
27 having as one of its primary activities, felony vandalism, a violation of Penal Code section 594(b)(1),
28 and other specified criminal acts, having a common name, and common signs and symbols, and

1 whose members individually or collectively have engaged in a "pattern of criminal gang activity" as
2 that phrase is defined in Penal Code section 186.22(e).

3 13. Defendant MTA is sued as an unincorporated association under Code of Civil
4 Procedure section 369.5. Members of Defendant MTA share a common name and purpose.
5 Defendant MTA functions under circumstances where fairness requires that the group be recognized
6 as a distinct legal entity, because members of Defendant MTA invoke their crew's name, or a
7 variation thereof, as a means to self validate the fame and personal recognition they have achieved.
8 Defendant MTA also invokes their crew's name as a tacit endorsement to garner an unfair and
9 unlawful advantage over law abiding artists and muralists. Equity demands that Defendant MTA,
10 and its members, be prohibited from denying that their crew exists, after Defendant MTA, and its
11 members, have received benefits from holding themselves out to the public as an entity.

12 14. Defendant MTA also is an unincorporated association consisting of two or more
13 individuals, joined by mutual consent for allegedly common lawful purposes, including social,
14 recreational, and other purposes.

15 15. Notwithstanding any common lawful purpose, Defendant MTA, through its members
16 and affiliates, commits a tremendous amount of graffiti vandalism, creating a public nuisance, and
17 committing unfair and unlawful business practices, within the City of Los Angeles.

18 16. Defendant MTA acts by and through its members, both individually and collectively.
19 As used in this complaint, Defendant MTA refers to any member of the MTA crew which "does
20 business," operates or functions in the City of Los Angeles, County of Los Angeles, State of
21 California.

22 17. Defendant MTA is sued in its capacity as the entity committing the acts alleged in this
23 complaint, or assisting or directing the commission of the acts alleged in this complaint, including
24 the nuisance and the unfair and unlawful business practices referred to in this complaint.

25 18. The ten (10) named individual defendants ("Named Individual Defendants") are:
26 Sean Alexander (UPSET), Sergio Ayala (SUEM), Jose Burciaga (APEAR), Mark Ferrando
27 (SUFER), Christian Gheorghiu (SMEAR), Rolando Gutierrez (RANTS), Edwin Miramontes
28 (NOMAS), Nicholas Rem (SIEZ), Juan Rocha (SENTOR), and Ryan Swenson (HILLO). Each of the

1 Named Individual Defendants is an individual, is believed to be or to have been a member of
2 Defendant MTA, is believed to be or to have been affiliated with MTA, has been in the City of Los
3 Angeles, and is responsible in some manner for the acts alleged in this complaint, including the
4 nuisance and the unfair and unlawful business practices referred to in this complaint.

5 19. Defendants Does 1 through 10, inclusive, are unincorporated associations, or other
6 entities, the true form and identities of whom are presently unknown to Plaintiff, who therefore sues
7 such Defendants by such fictitious names, and will amend this complaint to show their true names
8 when ascertained. Plaintiff is informed and believes that each of the Defendants designated as Does
9 1 through 10, inclusive, is an unincorporated association, or other entity, and is responsible in some
10 manner for the acts alleged in this complaint, including the nuisance and the unfair and unlawful
11 business practices referred to in this complaint.

12 20. Defendants Does 11 through 50, inclusive, are individuals, the true identities of whom
13 are presently unknown to Plaintiff, who therefore sues such Defendants by such fictitious names, and
14 will amend this complaint to show their true names when ascertained. Plaintiff is informed and
15 believes that each of the Defendants designated as Does 11 through 50, inclusive, is an individual, is
16 a member of the Defendant MTA crew, has been in the City of Los Angeles, and is responsible in
17 some manner for the acts alleged in this complaint, including the nuisance and the unfair and
18 unlawful business practices referred to in this complaint.

19 21. Each of the Defendants, including all Named Individual Defendants, all Doe
20 Defendants, and Defendant MTA which includes all members of the MTA crew, is acting within the
21 course and scope of their membership in or affiliation with the MTA crew.

22 22. Whenever reference is made in this complaint to any act or omission of Defendants,
23 such allegation shall mean that each Defendant did or authorized the act or omission, or recklessly
24 and carelessly failed to supervise, control or direct other persons who engaged in the act or omission.

25 23. Actions taken or omissions made by any or all of Defendants, including all Named
26 Individual Defendants, all Doe Defendants, and defendant MTA which includes all members of the
27 MTA crew, in the course of their membership shall be considered the acts and omissions of
28 Defendants for purposes of this complaint.

1 24. Defendants, including all Named Individual Defendants, all Doe Defendants, and
2 Defendant MTA which includes all members of the MTA crew, and each of them, are joint and
3 contributing wrongdoers with respect to the acts alleged in this complaint, including creating a public
4 nuisance, and committing unfair and unlawful business practices.

5 GENERAL ALLEGATIONS

6 *MTA Tagging Crew and Its Members*

7 25. Defendant MTA is regarded as an elite and selective tagging crew comprised of
8 veteran graffiti vandals who routinely and systematically engage in graffiti vandalism in the City of
9 Los Angeles and surrounding areas.

10 26. Defendant MTA is a well-known and well-respected crew whose graffiti is often
11 published in magazines and photo sharing web sites and viewed by graffiti vandals all over the
12 world.

13 27. Although well-known and well-respected, Defendant MTA has rivalries with other
14 tagging crews, including their biggest rival, the TKO tagging crew. Some members of MTA suspect
15 that a MTA member with the moniker of OHJAE was murdered by the TKO tagging crew at a tattoo
16 shop. Some MTA members also suspect that TKO intentionally sabotaged a graffiti site under a
17 bridge by placing grease or other lubricant on the I-Beam or walkway. As a result, a MTA member
18 almost fell to his death when he and another MTA member attempted to walk on the sabotaged
19 walkway with the intent to paint over TKO graffiti that was covering up previously applied MTA
20 graffiti.

21 28. Defendant MTA's graffiti vandalism, although centered in the City of Los Angeles, is
22 wide ranging. Defendant MTA, through at least two of the Named Individual Defendants, engaged
23 in acts of graffiti vandalism in New York City. Defendant MTA, through its members, is believed to
24 have committed acts of graffiti vandalism throughout California, from San Diego to San Francisco,
25 as well as in many other locations throughout the United States.

26 29. Defendant MTA, through its members, have been operating in the City of Los
27 Angeles, and surrounding areas, since it was founded in the early 1990's. The name, MTA, comes
28 from the initials of the Los Angeles County Metropolitan Transportation Authority, a regional public

1 agency that runs many of the buses and trains in Southern California. Members of the MTA tagging
2 crew have since given numerous explanations regarding the meaning behind the initials "MTA,"
3 including, but not limited to: Metro Transit Assassins, Most Talked About, Must Take All, Melting
4 Toys Away ("toys" is a pejorative slang term for graffiti vandals who lack skill), Married to Art, and
5 Master The Art. The crew's name, MTA, may also be depicted by the "MTA" logo, borrowed from
6 the Metropolitan Transportation Authority, consisting of the letter "M" inside a circle which is inside
7 a square.

8 30. Defendant MTA is a very cohesive group of graffiti vandals. They organize and
9 conduct meetings where members discuss the direction, philosophies, and goals of the crew. They
10 gather together for social purposes and often times accompany each other when they engage in
11 graffiti vandalism. They freely communicate with other members to discuss rival crews, other
12 graffiti vandals, and law enforcement activity. They have, in the past, been able to obtain
13 information on sensitive law enforcement operations and disseminate this intelligence to members of
14 MTA via the use of cellular phones and electronic devices. For example, Named Individual
15 Defendant Rolando Gutierrez was involved in a mass text-message that was distributed to
16 approximately twenty-two (22) members and associates of MTA, warning them that the Los Angeles
17 County Sheriff's Department was planning on executing multi-location search warrants the next day
18 on residences belonging to MTA members. The Los Angeles County Sheriff's Department did not
19 become aware of this intelligence leak until they were in the process of executing the search
20 warrants, putting both the operation and their personal safety and well-being at risk.

21 31. Defendant MTA is a very selective group of graffiti vandals. Many graffiti vandals
22 aspire to become members of MTA so that they can enjoy the status symbol and fame that
23 accompanies membership. Every graffiti vandal aspiring to become a member of MTA must devote
24 a substantial amount of time, expense, and risk in order to become notorious, recognized, and famous
25 within the graffiti sub-culture.

26 32. Defendant MTA has strict standards regarding membership and ultimately decides
27 who is worthy of being a member. A prospective member of MTA is typically artistic, prolific, and
28 recommended for membership by an existing member. Being prolific may be the most valued.

1 33. All Defendants, including the MTA crew and its members, engage in acts of graffiti
2 vandalism in order to achieve personal recognition and fame.

3 *MTA Graffiti*

4 34. Defendant MTA, through its members, have continuously and repeatedly engaged in
5 committing acts of graffiti vandalism from the crew's inception in the early 1990's through present
6 day.

7 35. All Defendants, including the MTA crew and its members, have continuously and
8 repeatedly marked, etched, painted, sprayed, inscribed or affixed ("tagged") their name or moniker
9 on walls of businesses, fences, telephone poles, store awnings, street signs, river beds, railroad cars,
10 vehicles, legitimate murals on freeway walls and other locations, and other private and public
11 property, without consent of the owner, in violation of Penal Code sections 594, 640.5, 640.6, 640.7,
12 and 640.8.

13 36. All Defendants, including the MTA crew and its members, have continuously and
14 repeatedly marked, etched, painted, sprayed, inscribed or affixed ("tagged") their name or moniker
15 on walls of businesses, fences, telephone poles, store awnings, street signs, river beds, railroad cars,
16 vehicles, legitimate murals on freeway walls and other locations, and other private and public
17 property, without obtaining the necessary and required permits from the Los Angeles Department of
18 Building and Safety (LADBS), in violation of LAMC section 91.6201.2.

19 37. All Defendants, including the MTA crew and its members, have continuously and
20 repeatedly committed their graffiti vandalism by using and possessing aerosol paint containers, felt
21 tip markers, self-adhesive labels ("slap tags"), pressurized sprayers, and other marking substances, to
22 deface public and private property, in violation of Penal Code section 594.2.

23 38. All Defendants, including the MTA crew and its members, trespass and loiter upon
24 private property including government property not open to the public, carry concealed weapons,
25 obstruct traffic, and evade law enforcement in order to deface public and private property in violation
26 of Penal Code sections 369i, 602, 12025, and 148 and LAMC sections 41.18(b), 41.23, 41.24, and
27 80.42.1.

28 39. All Defendants, including the MTA crew and its members, have used and continue to

1 use graffiti vandalism as a marketing scheme in order to achieve personal recognition and fame for
2 both themselves and their crew. Members of MTA will inscribe their name or moniker along with
3 their crew name or symbol, or some variation thereof, on public and private property.

4 40. All Defendants, including the MTA crew and its members, will deface public and
5 private property by inscribing different variations of their name, moniker, and crew. Typically,
6 members of MTA will inscribe their name or moniker, or a variation thereof, in large letters and
7 inscribe the name of their crew, "MTA," in smaller letters. The crew name may be depicted by the
8 letters "MTA," a phrase that incorporates the initials of "MTA," or the "MTA" logo. The "MTA"
9 logo, borrowed from the Metropolitan Transportation Authority, consists of the letter "M" inside a
10 circle which is inside a square. By doing so, members of MTA not only gain the individual
11 recognition they seek, but give the crew more fame and notoriety.

12 41. All Defendants, including the MTA crew and its members, will seek out public and
13 private property to prominently display their graffiti vandalism in the most highly trafficked areas of
14 the City of Los Angeles and surrounding areas. All Defendants, including the MTA crew and its
15 members, will seek out and deface public and private property by inscribing different variations of
16 their name, moniker, and crew as frequently as possible. Similar to advertising, all Defendants,
17 including the MTA crew and its members, attempt to leave a lasting impression on the largest
18 possible audience in order to be recognized and attain the sought after fame.

19 42. All Defendants, including the MTA crew and its members, will seek out public and
20 private property to prominently display their graffiti vandalism in locations that ensure that the
21 graffiti vandalism is not easily removed or immediately abated. For example, all Defendants,
22 including the MTA crew and its members, will seek out and target legitimate murals, those that
23 comply with local rules and regulations, on freeway walls and other locations, as a surface in which
24 to apply their own, unlawful, graffiti. All Defendants, including the MTA crew and its members, do
25 this knowing that the authorities are more reluctant and less willing to abate graffiti vandalism on a
26 legitimate mural because of the extra resources and effort required to restore the mural to its original
27 condition.

28 43. All Defendants, including the MTA crew and its members, will go to great lengths,

1 often times risking their own personal safety and well-being, in order to deface public and private
2 property by inscribing different variations of their name, moniker, and crew. All Defendants,
3 including the MTA crew and its members, navigate through gang infested neighborhoods, scale
4 buildings, dodge vehicles, run across highways, run from angry property owners, and evade law
5 enforcement in pursuit of personal recognition and fame.

6 44. All Defendants, including the MTA crew and its members, will often engage in
7 graffiti vandalism in groups of two or more in order to facilitate the defacement of private and public
8 property. Being in groups of two or more enables all Defendants, including the MTA crew and its
9 members, to help each other gain access to logistically difficult locations, act as look outs, provide
10 protection from street gangs, rival tagging crews, and angry property owners, and engage in side-by-
11 side graffiti vandalism or one uniformed, large, visible, prolific piece of graffiti vandalism.

12 45. All Defendants, including the MTA crew and its members, will often engage in
13 graffiti vandalism under the cover of darkness in order to avoid detection. By committing acts of
14 graffiti vandalism at night, all Defendants, including the MTA crew and its members, maximize the
15 amount of time they are able to devote to an act, or acts, of graffiti vandalism and minimize the
16 chances of their illegal acts being reported by concerned residents, arrested by law enforcement, or
17 harassed by territorial gangs.

18 46. Defendants' graffiti vandalism has resulted in visual blight, and has created a
19 dangerous atmosphere within the City of Los Angeles, which is injurious to health, indecent or
20 offensive to the senses, is an obstruction to the free use of property, and interferes with the
21 comfortable enjoyment of life or property.

22 47. Defendants' graffiti vandalism has resulted in real financial losses as private and
23 public property owners have been forced to spend time and money to repeatedly abate the graffiti
24 vandalism throughout the City of Los Angeles and surrounding areas, in a vain attempt to eradicate
25 Defendants' graffiti vandalism. This results in a substantial impairment and interference with the
26 property rights of others.

27 48. Defendants' graffiti vandalism has negatively impacted legitimate businesses in the
28 City of Los Angeles and surrounding areas by deterring potential customers. Plaintiff is informed

1 and believes that Defendants' graffiti vandalism has negatively impacted existing and planned
2 residential properties in the City of Los Angeles and surrounding areas by deterring potential
3 investors and residents. Defendants' graffiti vandalism has negatively impacted existing property
4 values in the City of Los Angeles and surrounding areas by creating fear and insecurity within the
5 community.

6 *The MTA Graffiti Business*

7 49. The Hip-Hop culture has created a demand for recognized graffiti vandals and a
8 market for graffiti vandalism. This market is perpetuated and sustained by graffiti trade conventions,
9 graffiti magazines, graffiti web-sites, on-line stores dedicated to selling graffiti implements and
10 marking devices, street fairs and other events that emphasize urban art, and legitimate art studios that
11 buy and sell prints of graffiti and artwork created by recognized graffiti vandals.

12 50. Graffiti web-sites allow graffiti vandals to post photographs of graffiti vandalism,
13 profile specific graffiti vandals and crews, highlight graffiti vandalism that has garnered the most
14 notoriety or fame, inform graffiti vandals of upcoming graffiti-related events, and discuss via
15 message boards different graffiti merchandise, events, crews, and vandals.

16 51. Graffiti on-line stores allow graffiti vandals to purchase aerosol spray paint, aerosol
17 spray paint tips, respirators, etching devices, markers, stencils, stickers, prints of graffiti vandalism,
18 and original artwork by notorious graffiti vandals. Photographs depicting graffiti vandalism are
19 reproduced on posters, t-shirts, sweatshirts, hats, and other clothing and merchandise to be sold by
20 vendors and graffiti vandals at graffiti trade conventions and on-line stores dedicated to the graffiti
21 and the Hip-Hop culture. Often times the graffiti vandal will develop and reproduce their name,
22 moniker, or crew on clothing or merchandise which they later sell or wear. For example, several t-
23 shirts depicting a variation of the moniker SUPER with the letters "SUF" were recovered from the
24 residence of Named Individual Defendant Mark Ferrando, who uses the graffiti moniker SUPER.

25 52. Street fairs emphasizing urban art, graffiti-related stores, and art studios will hold
26 events and exhibitions that profile prolific graffiti vandals and graffiti crews. Often times a prolific
27 graffiti vandal will be paid to appear and be the "guest artist" at one of these events. These events
28 and exhibitions allow the graffiti vandal to display and sell his or her artwork, capitalize on his or her

1 fame, and promote his or her artistic talent.

2 53. The more notorious, recognized, and famous a graffiti vandal becomes, the more
3 sought after he or she becomes within this sub-culture. The more notorious, recognized, and famous
4 a particular crew becomes, the more sought after members of that particular crew become within this
5 sub-culture. Notoriety and fame is achieved through a combination of artistic ability and the ability
6 to market oneself by frequently and prominently defacing public and private property by inscribing
7 different variations of your name, moniker, and crew. However, all Defendants, including the MTA
8 crew and its members, value the frequency and prominence of one's graffiti over artistry.

9 54. All Defendants, including the MTA crew and its members, are notorious, recognized,
10 famous, and engaged in the graffiti business. All Defendants, including the MTA crew and its
11 members, attend graffiti trade conventions, are referenced in graffiti magazines, are talked about on
12 graffiti web-sites, and aspire to capitalize on their notoriety and fame by being recognized by, and
13 invited to appear at, legitimate art studios and graffiti-related events. Photos of their graffiti have
14 circulated around the world, been reproduced on merchandise, and been profiled by the media.

15 55. All Defendants, including the MTA crew and its members, consider graffiti vandalism
16 a calling. This is one common characteristic that members of MTA share and is a prerequisite to
17 membership. In fact, prior to becoming a member of MTA, each graffiti vandal has had to have
18 already achieved notoriety, recognition, and fame within this sub-culture. In essence, MTA must
19 already be aware and recognize a particular graffiti vandal in order to offer that particular graffiti
20 vandal the opportunity to join. Every graffiti vandal aspiring to become a member of MTA would
21 have had to devote a substantial amount of time, expense, and personal risk to their trade.

22 56. All Defendants, including the MTA crew and its members, repeatedly and
23 continuously use graffiti vandalism as a marketing scheme in order to achieve personal recognition
24 and fame for both the graffiti vandal and MTA. Throughout their career, Defendants, including
25 members of MTA, compile portfolios of their graffiti vandalism. These portfolios contain
26 photographs of what the graffiti vandal considers to be their most impressive acts of graffiti
27 vandalism. Photos may include very large, prominent, artistic, risky, or visible acts of graffiti. Often
28 times these portfolios are displayed on the internet and commented on by individuals and discussed

1 by other graffiti vandals. These portfolios are the graffiti vandal's body of work, the fruits of their
2 labor evidencing the graffiti vandal's notoriety and artistic ability.

3 57. All Defendants, including the MTA crew and its members, will use these portfolios as
4 a means to self-promote and capitalize on their unlawful acts. These portfolios, depicting the
5 defacement of public and private property, will be used as a direct marketing tool when Defendants,
6 including members of MTA, attempt to solicit small businesses for employment as an artist or a
7 muralist. The portfolio of unlawful acts provides real life examples of the graffiti vandal's artistic
8 ability and affiliation with MTA. The graffiti vandal's personal fame and affiliation with MTA allow
9 the graffiti vandal to make assurances that the mural will be respected. If the store owner agrees to
10 employ the graffiti vandal, the mural is often created without the legally required permits issued by
11 LADBS.

12 58. It is well known that, within the relevant community, meaning the community of
13 graffiti vandals, MTA is regarded as an elite crew whose members and graffiti are respected. If
14 preventable, another graffiti vandal, with the exception of rival crews, will try to avoid committing
15 an act of graffiti vandalism over MTA graffiti. In fact, other graffiti vandals are known to travel
16 from surrounding areas in order to observe and admire the graffiti committed by the MTA crew, and
17 its members. As a result, MTA graffiti usually is not obscured by other graffiti vandals, because its
18 reputation is so well respected and known among the relevant community.

19 59. All Defendants, including the MTA crew and its members, will attempt to monetize.
20 their fame by selling prints, reproductions of their graffiti vandalism on merchandise, and graffiti
21 style art at graffiti trade conventions, street fairs, or legitimate art studios. As the graffiti vandal
22 achieves more notoriety, recognition, and fame; the more sought after the graffiti vandal becomes. In
23 turn, this notoriety, recognition, and fame grants the graffiti vandal better access to art galleries and
24 art shows and enables the graffiti vandal to demand a premium for their goods and services. This not
25 only incentivizes the continuation of the unlawful act of graffiti vandalism, but creates a direct causal
26 relationship between unlawful acts of graffiti and increased employment opportunities and profit for
27 the graffiti vandal.

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Artist Statement

I paint because I have no choice. After being an ink-stained graffiti writer in the streets of Los Angeles for more years than I care to disclose, the choice of making marks on surfaces with some sort of tool is out of my hands. I only have (some) control in choosing which surfaces I will use.

I paint the world around me and the world inside me. I mix up the ingredients and put down the impressions I get while it's all still hot and fresh... I give it to you raw. Crime transformed into art. An obsessive addiction transforming into another manifestation of the same addiction. I paint because I have no choice. - Smear

60. The statement above exemplifies how Defendants, including the MTA crew and its members, market their illegal acts and create an unfair competitive advantage. The above statement, taken verbatim from the website <<theartofsmear.com>> on May 27, 2010, appears to be the website of Named Individual Defendant Christian Gheorghu (Smear). This Artist Statement accompanies the artwork, resume, and contact information for Defendant Christian Gheorghu (Smear). The blatant reference to being a graffiti vandal and transforming crime into art perfectly illustrates Defendant Christian Gheorghu's attempt to capitalize on his criminal notoriety. Defendant Christian Gheorghu (Smear) also utilizes a resume that documents his graffiti vandalism and the notoriety achieved by his unlawful acts.

61. Defendants' unlawful graffiti vandalism has negatively impacted legitimate artists and muralists by placing them in a distinct competitive disadvantage. Legitimate artists and muralists do not have a portfolio depicting unlawful acts of graffiti available to use as a marketing tool to potential employers. Legitimate artists and muralists fail to have the notoriety, recognition, and fame granted to graffiti vandals solely because of their unlawful acts. This lack of notoriety, recognition, and fame limits their opportunities to display their work and limits their access to art galleries and art studios.

62. Defendants' conduct within the City of Los Angeles, and surrounding areas, amounts to unfair and unlawful business practices, in violation of the Business & Professions Code. Plaintiff is informed and believes that Defendants have profited and continue to profit from a business that is operated in violation of law.

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1 *The MTA Public Nuisance*

2 63. Defendants have conducted, and continue to conduct, their calling in a manner that
3 has created, and continues to create, a public nuisance.

4 64. Defendants' conduct within the City of Los Angeles, and surrounding areas, has
5 resulted in conditions that are injurious to health, indecent or offensive to the senses, obstruct the free
6 use of property, and interfere with the comfortable enjoyment of life or property, in violation of the
7 Civil Code sections 3479 and 3480 and Penal Code sections 370 and 371.

8 65. Plaintiff has no plain, speedy, or adequate remedy at law and will continue to suffer
9 irreparable damage, injury, and harm unless equitable relief is granted. Criminal prosecution,
10 including incarceration in state prison, has not stopped Defendants' criminal and nuisance activities.
11 Law enforcement attempts at ridding the criminal activity and abating the nuisance activity have only
12 strengthened and reinforced their positive reputation amongst graffiti vandals, ensuring that the
13 nuisance activity will continue to occur and continue to be profitable.

14 66. Unless restrained by this Court, Defendants will continue to maintain the nuisance and
15 continue the acts complained of, and each act has been, and will be, without the consent, against the
16 will, and in violation of the rights of Plaintiff.

17 67. The activities and conduct of Defendants, as alleged in this complaint, constitute an
18 interference with the rights of the community at large in the City of Los Angeles, and surrounding
19 areas, and as a result, constitute a public nuisance. Defendants are a cause of the public nuisance
20 which exists in the City of Los Angeles, and surrounding areas.

21 68. Code of Civil Procedure section 731 authorizes City Attorneys to enjoin public
22 nuisances in the name of the People of the State of California.

23 69. Under these facts and Code of Civil Procedure section 526, injunctive relief is proper.

24 70. The peace, safety, and quiet enjoyment of the lives and property of the residents and
25 other members of the community in the City of Los Angeles, and surrounding areas, are being, and
26 will continue to be, disturbed and threatened unless equitable relief in the form of an injunction and
27 other relief as prayed for against Defendants is granted.

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First Cause of Action (Against All Defendants)
General Public Nuisance Statute
(Civil Code sections 3479, 3480)

71. Plaintiff hereby incorporates by reference Paragraph 1 through 70 as though fully set forth herein.

72. As described above, Defendants are now, and for a considerable period of time, and all times pertinent to the allegations in this complaint, have been, engaged in their calling, committing acts of graffiti vandalism, within the City of Los Angeles and surrounding area, in a manner constituting a continuing public nuisance within the meaning of Civil Code sections 3479 and 3480. The practices described above are injurious to the health and safety of the residents and merchants of the City of Los Angeles, are offensive to the senses, and interfere with the comfortable enjoyment of life and property. The practices described above affect a considerable number of persons, entire communities, and neighborhoods. In fact, the practices described above are specifically intended to and designed to affect the greatest number of persons possible.

73. As described above, in addition to committing acts of graffiti vandalism, Defendants engage in other criminal conduct in order to deface public and private property, in a manner constituting a continuing public nuisance within the meaning of Civil Code sections 3479 and 3480. The other criminal activity described above is injurious to the health and safety of the residents and merchants of the City of Los Angeles and surrounding area, is offensive to the senses, and interferes with the comfortable enjoyment of life and property. The other criminal conduct described above affects a considerable number of persons, entire communities, and neighborhoods.

74. Defendants knew or should have known that their conduct was creating a public nuisance within the City of Los Angeles and surrounding area, as alleged in this complaint, and failed to take reasonable steps to abate the public nuisance.

75. Unless enjoined, Defendants will continue to commit acts of graffiti vandalism and engage in other criminal and nuisance behavior within the City of Los Angeles, and surrounding area, in order to capitalize and profit from the fame that the public nuisance affords.

76. Plaintiff has no adequate remedy at law in that damages are insufficient to protect the public from the present financial and social harm caused by the conditions described above.

1 their goods or services, and the increased profits that accompanies increased recognition.

2 83. Defendants' method of conducting its business is in violation of state law and illegal.
3 All Defendants, including the MTA crew and its members, engage in graffiti vandalism to self-
4 promote, advertise, and increase their reputation in violation of Penal Code sections 594, 640.5,
5 640.6, 640.7, and 640.8.

6 84. Defendants' method of conducting its business is in violation of state law and illegal.
7 All Defendants, including the MTA crew and its members, trespass and loiter upon private property
8 including government property not open to the public, carry concealed weapons, obstruct traffic, and
9 evade law enforcement, while in the course and scope of their business activity in violation of Penal
10 Code sections 369i, 602, 12025, and 148 and LAMC sections 41.18(b), 41.23, 41.24, and 80.42.1.

11 85. Defendants' method of conducting its business is in violation of state law and illegal.
12 The graffiti vandalism engaged in by the Defendants in order to self-promote, advertise, and increase
13 their reputation along with the legitimate murals created by Defendants in order to profit, are
14 unlawful and in violation of LAMC section 91.6201.2, and other applicable sign regulations.

15 86. The means by which Defendants utilize marketing tools, capitalize on their fame, and
16 profit from their unlawful acts, are unfair and create a distinct competitive advantage over artists who
17 comply with State law and local ordinances.

18 87. The actions of Defendants are in violation of the laws and public policies of the State
19 of California and are inimical to the rights and interests of the general public. Unless restrained and
20 enjoined by an order of this Court, Defendants will continue to engage in the unfair and unlawful acts
21 and courses of conduct described herein.

22 88. Through the conduct described herein, Defendants have engaged in unfair and
23 unlawful business practices, in violation of the UCL.

24 89. As a direct, proximate, and foreseeable result of Defendants' wrongful acts and
25 practices, Defendants received income and/or other benefits, which they would not have received if
26 they had not engaged in the violations of the UCL described herein.

27 90. Defendants are subject to civil penalties of up to \$2,500 per violation of the Business
28 & Professions Code for each act of an unfair or unlawful business practice.

1 91. Under criminal law, each act, be it graffiti vandalism or criminal trespass is subject to
2 separate punishment. Civil penalties to punish civil wrongs are treated the same as criminal acts.
3 Accordingly, with respect to unlawful conduct under the UCL, the number of violations is the
4 number of unlawful acts committed.

5 92. Defendants have committed in excess of five-hundred (500) acts that constitute
6 unlawful and unfair business practices, in violation of the UCL. Evidence of five-hundred (500)
7 such criminal acts is contained or referenced in three documents that will be filed in this action and
8 served concurrent with this complaint. The first document contains the declaration of Deputy
9 Thibodeaux and is entitled, "Declaration of LASD Deputy Thibodeaux in Support of 'Service
10 Order,' plus Injunctive and Other Relief against MTA Tagging Crew and Graffiti Vandals." The
11 second document contains twenty-six (26) declarations made by law enforcement officers entitled,
12 "Declarations in Support of 'Service Order,' plus Injunctive and Other Relief against MTA Tagging
13 Crew and Graffiti Vandals (Vol. 1 of 2: Ofcr Adolphi to Sgt Kirkman)." The third document
14 contains twenty-five (25) declarations made by law enforcement officers entitled, "Declarations in
15 Support of 'Service Order,' plus Injunctive and Other Relief against MTA Tagging Crew and Graffiti
16 Vandals (Vol. 2: Ofcr Lewis to Deputy Zambrano)." Plaintiff believes that many additional unfair
17 and unlawful acts have been committed by Defendants.

18 93. Plaintiff has no adequate remedy at law in that damages are insufficient to protect the
19 public from the present danger and harm caused by the conditions described in this complaint.
20 Unless enjoined by this Court, Defendants will continue to engage in unlawful and unfair business
21 practices. Unless injunctive relief is granted to enjoin Defendants' unlawful business practices,
22 Plaintiff will suffer irreparable injury and damage.

23 **Third Cause of Action (Against All Defendants)**
24 **For Damages Against "MTA" Crew And Its Members**
25 **Subject To Nuisance-Abatement Injunction**
 (Penal Code section 186.22a(c))

26 94. Plaintiff hereby incorporates by reference Paragraphs 1 through 93 and makes them a
27 part of this Third Cause of Action, as though fully set forth herein.

28 95. As described above, Defendants are now, and for a considerable period of time, and

1 all times pertinent to the allegations in this complaint, have been using the City of Los Angeles and
2 surrounding areas to commit offenses listed in subdivision (c) of section 186.22 of the Penal Code.
3 These offenses primarily include felony vandalism but also include assault with deadly weapon,
4 weapon offenses, and narcotic offenses, thereby, creating a nuisance which shall be enjoined, abated,
5 and prevented.

6 96. As described above, Defendants are now, and for a considerable period of time, and
7 all times pertinent to the allegations in this complaint, have been, a cause of a public nuisance within
8 the City of Los Angeles by their operation of a criminal enterprise, by their on-going acts of graffiti
9 vandalism, and by their other criminal and nuisance behavior.

10 97. In addition to all the allegations set forth above, detailing the cost of Defendants'
11 actions, the residents within the City of Los Angeles and surrounding area suffer from Defendants'
12 graffiti vandalism and are forced to expend time and money to repeatedly cover it up. Moreover, the
13 presence of Defendants' graffiti serve to deter current and potential customers, tenants, investors and
14 residents, all of which costs the community money, whether "out of pocket" or in lost sales, rentals,
15 investments, and declining property values.

16 98. In this action, Plaintiff seeks injunctive relief to abate Defendant's nuisance activity
17 pursuant to Civil Code section 3479. (See First Cause of Action, ¶¶ 62-75). Accordingly, pursuant to
18 Penal Code section 186.22a(c), Plaintiff now brings this claim against Defendants for damages.

19 PRAYER FOR RELIEF

20 WHEREFORE, Plaintiff prays that judgment be entered in favor of Plaintiff and against
21 Defendants MTA, a tagging crew sued as an unincorporated association; Sean Alexander (UPSET),
22 Sergio Ayala (SUEM), Jose Burciaga (APPEAR), Mark Ferrando (SUFER), Christian Gheorghu
23 (SMEAR), Rolando Gutierrez (RANTS), Edwin Miramontes (NOMAS), Nicholas Rem (SIEZ), Juan
24 Rocha (SENTOR), Ryan Swenson (HILO), as individuals; and each of them, as follows:

25 1. For a judicial determination that Defendant MTA is a "criminal street gang" within
26 the meaning of Penal Code section 186.22;

27 2. For a judicial determination that Defendant MTA, a tagging crew sued as an
28 unincorporated association, all members of MTA including without limitation all ten (10) Named

1 Individual Defendants, to wit -- Sean Alexander (UPSET), Sergio Ayala (SUEM), Jose Burciaga
2 (APEAR), Mark Ferrando (SUPER), Christian Gheorghu (SMEAR), Rolando Gutierrez (RANTS),
3 Edwin Miramontes (NOMAS), Nicholas Rem (SIEZ), Juan Rocha (SENTOR), Ryan Swenson
4 (HILO) -- and those persons through whom MTA acts, be declared to have created a public nuisance
5 within the City of Los Angeles, and surrounding area, in violation of Penal Code section 186.22a(a),
6 Civil Code sections 3479 and 3480, and Business & Professions Code sections 17200-17210;

7 3. For injunctive relief enjoining and restraining Defendant MTA, a tagging crew sued
8 as an unincorporated association, all members of MTA, and the following (10) Named Individual
9 Defendants, to wit -- Sean Alexander (UPSET), Sergio Ayala (SUEM), Jose Burciaga (APEAR),
10 Mark Ferrando (SUPER), Christian Gheorghu (SMEAR), Rolando Gutierrez (RANTS), Edwin
11 Miramontes (NOMAS), Nicholas Rem (SIEZ), Juan Rocha (SENTOR), Ryan Swenson (HILO) --
12 and those persons through whom MTA acts, from engaging in or performing, directly or indirectly,
13 any of the following activities:

14 a. **Do Not Associate:** Standing, sitting, walking, driving, riding, gathering or
15 appearing anywhere in public view or in any place accessible to the public, with any Defendant or
16 any known member of the MTA crew. This prohibition shall not apply in the following situations:
17 (1) when an enjoined person is inside a school attending class or conducting school business; or (2)
18 when an enjoined person is inside a church or religious institution for purposes of worship. This
19 prohibition against association shall apply to all claims or methods of travel to or from any of the
20 aforementioned permissible locations;

21 b. **No Graffiti:** Damaging, defacing, marking, etching, painting, spraying,
22 inscribing, affixing, or in anyway applying any word, figure, mark, design, or symbol to any public
23 or private property of another. This prohibition shall not apply if the owner, or other person having
24 control or possession of the private or public property, has authorized the inscription, word, figure, or
25 design and the inscription, word, figure, or design complies with local rules and regulations;

26 c. **No Graffiti Tools:** Possessing, purchasing, furnishing, transporting, or
27 entering any commercial establishment with the intent to purchase, any aerosol spray paint container,
28 or other graffiti tool as defined in Penal Code sections 594.2, which can be used to mark, etch, paint,

1 spray, inscribe, or affix any word, figure, mark, design, or symbol to private or public property;

2 d. **No Trespassing:** Being present in or on the property of another person or
3 public entity, that is not open to the general public, except (1) when carrying prior written consent of
4 the owner, owner's agent or person in lawful possession of the aforementioned property on his or her
5 person, or (2) in the presence of and with the voluntary consent of the owner, owner's agent or
6 person in lawful possession of the property;

7 e. **Obey Curfew:** Being present in public view, in a public place or in any place
8 accessible to the public, between the hours of 10:00 p.m. on any day and 5:00 a.m. of the following
9 day. This prohibition shall not apply in the following situations: (1) when an enjoined person is
10 going directly to, returning directly from, or actively engaged in a legitimate business, trade,
11 profession or occupation requiring the enjoined person's presence; or (2) when an enjoined person is
12 going directly to, returning directly from, or actively engaged in a lawful entertainment event; or (3)
13 when an enjoined person is actively involved in a legitimate emergency, such as a fire, natural
14 disaster, automobile accident or other situation that requires immediate action to prevent serious
15 bodily injury or loss of life. For purposes of this provision, "entertainment event" means an
16 amusement activity that occurs at a commercial establishment and includes only events for which
17 admission is charged, such as movies, plays, public performances or sporting events;

18 f. **Stay Away From the Following Locations:** (1) Being afoot upon any
19 freeway or any and all property between the freeway and the freeway boundary wall; (2) being
20 present on or in any property owned or operated by Los Angeles County Metropolitan Transportation
21 Authority; and (3) being present on or in any cemented-over portion of the Los Angeles river bed.
22 This provision shall not apply if the enjoined person's presence is required and necessary to satisfy
23 any terms or conditions imposed upon the enjoined person by any court of competent jurisdiction or
24 when the enjoined person's presence is unavoidable as a result of an emergency.

25 g. **No Firearms, Ammunition, Dangerous or Illegal Weapons:** While in
26 public view or any place accessible to the public, (1) possessing any firearm, ammunition, dangerous
27 weapon or illegal weapon as defined in Penal Code section 12020, whether or not concealed; or
28 (2) knowingly remaining in the presence of anyone who is unlawfully possessing such firearm,

1 ammunition, dangerous or illegal weapon;

2 h. **Do Not Obstruct, Resist, or Delay any Peace Officer:** Knowingly,
3 obstructing, resisting, or delaying any peace officer when that peace officer is effectuating or
4 attempting to effectuate a lawful detention or arrest. This includes, but is not limited to, (1) running
5 from a peace officer in an attempt to evade a lawful detention or arrest; (2) providing false
6 identifying information to any peace officer in an attempt to evade proper identification by the peace
7 officer; or (3) acting as a lookout by whistling, yelling, or otherwise signaling another person, by any
8 means, including but not limited to, hand signals, cellular phones, or any other electronic device in
9 order to obstruct law enforcement in the lawful discharge of their duties;

10 i. **Do Not Profit from Unlawful Acts:** Receiving or accepting any currency,
11 fees, royalties, real property, or other consideration of any and every kind for the sale or transfer of
12 materials, memorabilia, or other property that depicts a photograph of unlawful graffiti vandalism
13 containing any variation or representation of the sellers name or moniker, or any variation or
14 representation of the crew MTA.

15 j. **Obey All Laws:** Failing to obey all laws, including (1) those that prohibit
16 interference with the property rights of others, including, but not limited to vandalism and trespass,
17 (2) those that prohibit the commission of acts that create a nuisance, including, but not limited to,
18 blocking the sidewalk and street, erecting, constructing, or maintaining any sign without the legally
19 mandated permits, and any other violation of the Los Angeles Municipal Code, and (4) any lawful
20 orders of the Court;

21 4. That this requested injunctive relief includes a **Hardship Exemption**, by which any
22 Defendant, any member of MTA, or any person who has been served with this injunction ("Served
23 Person") may receive a specific exemption from portions of any provision or provisions pursuant to
24 the following process:

25 a. A written request for such exemption is to be made to the Los Angeles City
26 Attorney's Office, c/o Gang Division Re: Hardship Exemption, 200 North Main Street, 966 City Hall
27 East, Los Angeles, CA 90012;

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1 b. The request must be specific in that it must request permission to associate
2 with only individual(s) identified by name and date of birth, at specific times and in specific
3 locations, when such association is reasonably necessary for some legitimate purpose. Permission
4 may also be sought to be in a specific public place between 10:00 p.m. and 5:00 a.m., when it is
5 reasonably necessary for some legitimate purpose to be in that particular place at a particular time
6 during those hours. Request to be exempted from a portion of any other provision or provisions must
7 also be for a legitimate purpose, and the exemption requested must be specific and limited. The
8 legitimate purpose must be articulated in the request; and

9 c. If such request is made and not granted within ten (10) days after it is
10 delivered or fifteen (15) days after it is mailed, the enjoined party may apply to this Court for such an
11 exemption by noticed motion.

12 d. If such request is granted, written proof of the Hardship Exemption must be
13 carried by the enjoined party and shall be presented to any peace officer upon request.

14 5. That this requested injunctive relief includes an **Opt-Out Provision**, by which any
15 Defendant, any member of MTA, or any person who has been served with this injunction ("Served
16 Person") may move this Court under this Opt-Out Provision for an order that this injunction is not
17 enforceable against him/her, which Plaintiff agrees not to oppose if it is shown that there is not clear
18 and convincing evidence that the Served Person is a member of Defendant MTA and that the Served
19 Person is currently engaged in graffiti-related activity pursuant to paragraph (b), below. Such an
20 order is to be without prejudice, each side shall bear its own costs and fees, and Served Person's
21 motion must satisfy each of the following requirements:

22 a. **Proper Notice:** A motion under this Opt-Out Provision shall be made on
23 proper notice, properly served on Plaintiff's counsel, and shall not be made on shortened time; and

24 b. **No Longer a Graffiti Vandal:** Served Person must file a noticed motion with
25 this Court, and said motion must be supported by Served Person's declaration, made under penalty of
26 perjury, that Served Person is not or is no longer a member of Defendant MTA tagging crew, and
27 Served Person has not engaged in any graffiti-related activity or any criminal activity for a period of
28 five years immediately preceding the filing of said motion; and

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c. **No Effect in Other Proceedings:** This provision and any orders resulting from it shall not be admissible in any civil or criminal action, and cannot be used for or against a Served Person for any purpose whatsoever, other than a civil or criminal contempt proceeding brought for violation of this judgment. Nor shall it be a defense to any civil or criminal contempt charge that the Served Person was eligible to apply for an order under this provision;

6. For civil penalties in the amount of Two Hundred Fifty Thousand Dollars (\$250,000.00), calculated at Five Hundred Dollars (\$500) per violation, or such additional amount as may be proved, against Defendants, and each of them, jointly and severally, for their over 500 criminal acts that constitute unlawful and unfair business practices pursuant to Business & Professions Code sections 17200-17210, in violation of the UCL;

7. For restitution, in an amount to be proven, as a result of Defendants' unlawful and unfair business acts and practices, in violation of the UCL;

8. For damages in the amount of Three Million Seven Hundred Thousand Dollars (\$3,700,000.00) or such additional amount as may be proved, against Defendants, and each of them, jointly and severally, pursuant to Penal Code section 186.22a(c);

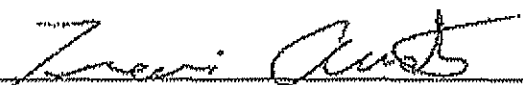
9. For such other and further relief as the Court may deem proper; and

10. For costs of suit.

DATED: 6/21/10

Respectfully Submitted,

CARMEN A. TRUTANICH, Los Angeles City Attorney
Bruce Riordan, Sr. Ass't City Attorney, Chief, Gang Division
Travis Austin, Deputy City Attorney, Gang Division
James A. McDougal, Deputy City Attorney, Gang Division


By: Travis Austin, Deputy City Attorney, Gang Division
Attorneys for Plaintiff, People of the State of California