

1 DAVID CHIU, State Bar #189542  
City Attorney  
2 YVONNE R. MERÉ, State Bar #173594  
Chief Deputy City Attorney  
3 WADE CHOW, State Bar #168527  
Chief Attorney  
4 Code Enforcement Team  
HUNTER W. SIMS III, State Bar #266039  
5 Deputy City Attorney  
Fox Plaza  
6 1390 Market Street, Seventh Floor  
San Francisco, California 94102-5406  
7 Telephone: (415) 554-4259  
Facsimile: (415) 437-4644  
8 E-Mail: hunter.sims@sfcityatty.org

9 Attorneys for Plaintiffs  
CITY AND COUNTY OF SAN FRANCISCO and  
10 PEOPLE OF THE STATE OF CALIFORNIA

11 SUPERIOR COURT OF THE STATE OF CALIFORNIA

12 COUNTY OF SAN FRANCISCO

13 UNLIMITED JURISDICTION

14 CITY AND COUNTY OF SAN  
15 FRANCISCO, a Municipal Corporation; and  
the PEOPLE OF THE STATE OF  
16 CALIFORNIA, by and through David Chiu,  
City Attorney for the City and County of San  
17 Francisco,

18 Plaintiffs,

19 vs.

20 BITTLES PROJECTS 238 LEAVENWORTH  
LLC, MICHAEL J. TROVATO, MARC T.  
21 TROVATO, DISCOUNT MARKEET INC.  
dba "SF DISCOUNT MARKET,"  
22 ABDULRAHMAN ALMEHDHAR, an  
individual, MOHAMED SAEID MAZEH  
23 ALMAMERI, an individual, DOMINICK  
HARTHUN, an individual, AWADH  
24 ABDULLAH NAIDAR NABIL, an individual,  
MOHANNAD ALMEDAR, an individual,  
25 MAZEH ALAMERI, an individual,  
MUSTAFA ALMEHDHAR, an individual,  
26 DOE 1 through DOE 5,

27 Defendants.

Case No.

**COMPLAINT FOR INJUNCTIVE AND  
DECLARATORY RELIEF AND PENALTIES**

Type of Complaint [42] Other

**EXEMPT FROM FILING FEES PURSUANT  
TO GOVERNMENT CODE SECTION 6103**

1 The CITY AND COUNTY OF SAN FRANCISCO, a municipal corporation, and the PEOPLE  
2 OF THE STATE OF CALIFORNIA, by and through San Francisco City Attorney DAVID CHIU  
3 (collectively “Plaintiffs”), file their Complaint against Defendants BITTLES PROJECTS 238  
4 LEAVENWORTH LLC, MICHAEL J. TROVATO, MARC T. TROVATO, DISCOUNT MARKEET  
5 INC. dba SF DISCOUNT MARKET (“SF DISCOUNT MARKET”), ABDULRAHMAN  
6 ALMEHDHAR, an individual, MOHAMED SAEID MAZEH ALMAMERI, an individual,  
7 DOMINICK HARTHUN, an individual, AWADH ABDULLAH NAIDAR NABIL, an individual,  
8 MOHANNAD ALMEDHAR, an individual, MAZEH ALAMERI, an individual, MUSTAFA  
9 ALMEHDHAR, an individual, and DOE ONE through DOE FIVE (collectively “DEFENDANTS”).  
10 PLAINTIFFS hereby allege as set forth below:

### 11 INTRODUCTION

12 1. The residents of the Tenderloin neighborhood have suffered for the last year due to the  
13 DEFENDANTS’ illegal acts and business practices at the property located at 236 Leavenworth Street,  
14 San Francisco, California (the “PROPERTY”). DEFENDANTS operate a business known as the SF  
15 DISCOUNT MARKET at the PROPERTY that contributes to criminal activity in the Tenderloin. This  
16 action seeks to put an end to that activity.

17 2. DEFENDANTS have owned and operated the SF DISCOUNT MARKET since at least  
18 2023. Due to the illegal gambling occurring at the SF DISCOUNT MARKET, the SF DISCOUNT  
19 MARKET has attracted criminal and nuisance activity to the surrounding community, necessitating  
20 police intervention and adversely affecting the neighborhood and the health, safety, and well-being of  
21 those who live and work in the area, as well as the general public.

22 3. By allowing illegal gambling to occur at the SF DISCOUNT MARKET,  
23 DEFENDANTS have maintained the PROPERTY as a nuisance in violation of Penal Code sections  
24 11225-11235 (“Red Light Abatement Law”).

25 4. In addition to the illegal gambling occurring at the SF DISCOUNT MARKET,  
26 DEFENDANTS contribute to the problems on the 200 block of Leavenworth Street and in the  
27 surrounding neighborhood by maintaining a safe haven at the SF DISCOUNT MARKET for drug  
28 dealers and users. DEFENDANTS sell drug paraphernalia at the SF DISCOUNT MARKET and

1 permit the service, storage and possession of controlled substances at the SF DISCOUNT MARKET.  
2 Drug dealers routinely loiter inside and in front of SF DISCOUNT MARKET, attracting large groups  
3 of drug users to this area.

4 5. Defendants also operate SF DISCOUNT MARKET in an illegal manner by knowingly  
5 purchasing and selling stolen property.

6 6. DEFENDANTS' ongoing violations of law attract illicit drug users and dealers and  
7 contribute to a panoply of general public nuisance conditions related to the ingestion and sale of illegal  
8 drugs, such as assaults, the accumulation of drug related refuse on sidewalks, and loitering.

9 DEFENDANTS' maintenance of SF DISCOUNT MARKET as a public nuisance threatens the health  
10 and safety of the surrounding neighborhood, which includes a local children's playground, two  
11 primary schools, housing for senior citizens, and a host of families with small children who live  
12 nearby.

13 7. By operating and/or allowing the operation of the SF DISCOUNT MARKET in  
14 repeated violation of applicable state and local laws and as a nuisance, DEFENDANTS have also  
15 demonstrated a pattern and practice of engaging in unlawful business practices in violation of the  
16 Unfair Competition Law ("UCL"), Business and Professions Code sections 17200-17210.

17 8. California's Gambling Control Act ("GCA"), Business and Professions Code sections  
18 19800 *et seq.* was passed in 1997. While gambling establishments have existed in California for over  
19 100 years, the legal gambling industry prior to 1984 was almost entirely unregulated; California law  
20 outlawed certain forms of gambling and left other forms free of government oversight or regulation.

21 9. With the passage of the GCA, the California Legislature recognized that "[u]nregulated  
22 gambling enterprises are inimical to the public health, safety, welfare, and good order. Accordingly,  
23 no person in this state has a right to operate a gambling enterprise except as may be expressly  
24 permitted by the laws of this state and by the ordinances of local governmental bodies." Business and  
25 Professions Code section 19801(d).

26 10. California has long recognized the adverse impact of gambling on individuals and  
27 communities and has consequently restricted legal gambling to the California Lottery, "card rooms,"  
28 casinos operated by Native American tribes, and race tracks. State law and many local ordinances

1 make virtually all other forms of gambling expressly illegal and provide local governments both civil  
2 and criminal remedies to address the crime and nuisance created by illegal gambling operations. *See*  
3 California Penal Code Chapter 10, sections 330-337 *et seq.* and 11225-11235; San Francisco  
4 Municipal Police Code sections 325-327.

5 11. By allowing controlled substances to be sold, served, stored, kept, manufactured, or  
6 given away at the SF DISCOUNT MARKET, Defendants also have maintained the PROPERTY as a  
7 *per se* public nuisance, in violation of the state Drug Abatement Law, California Health and Safety  
8 Code Sections 11570-11587, and California Civil Code Sections 3479, 3480, 3491, and 3494.

9 **PARTIES AND SUBJECT PROPERTY**

10 12. Plaintiff CITY AND COUNTY OF SAN FRANCISCO (the “CITY”) is a municipal  
11 corporation organized and existing under and by virtue of the laws of the State of California, and is a  
12 city and county. The CITY brings this action under the Red Light Abatement Law, the Drug  
13 Abatement Act, California Civil Code sections 3479, 3480, 3491, 3494, and California Code of Civil  
14 Procedure section 731.

15 13. Plaintiff PEOPLE OF THE STATE OF CALIFORNIA (the “PEOPLE”), by and  
16 through David Chiu, City Attorney of the City and County of San Francisco, bring this action pursuant  
17 to the Red Light Abatement Law, the Unfair Competition Law, Drug Abatement Act, Civil Code  
18 Sections 3479,3480, 3491, 2494, and Code of Civil Procedure Section 731.

19 14. Defendant BITTLES PROJECTS 238 LEAVENWORTH LLC, (“BITTLES”) owns the  
20 property where the SF DISCOUNT MARKET is located, 238 Leavenworth Street, San Francisco,  
21 California, San Francisco Assessor’s Block 0338, Lot 015 (“PROPERTY”).

22 15. MICHAEL J. TROVATO, an individual, is the Chief Executive Officer and co-  
23 Manager of BITTLES and is domiciled in San Francisco, California.

24 16. MARK T. TROVATO, an individual, is the co-Manager of BITTLES and is domiciled  
25 in San Francisco, California.

26 17. ABDULRAHMAN ALMEHDHAR (“ABDULRAHMAN”), MOHAMED SAEID  
27 MAZEH ALMAMERI (“MOHAMED”), DOMINICK HARTHUN (“HARTHUN”), AWADH  
28 ABDULLAH NAIDAR NABIL (“NABIL”), MOHANNAD ALMEDAR (“MOHANNAD”), MAZEH

1 ALAMERI (“MAZEH”), and MUSTAFA ALMEHDHAR (“MUSTAFA”) are individuals who own,  
2 manage and/or operate the SF DISCOUNT MARKET, a commercial business located at 236  
3 Leavenworth Street, in the City and County of San Francisco. The SF DISCOUNT MARKET is an  
4 illegal gambling business, where patrons pay to play slot machines for the chance to win cash payouts.  
5 ABDULRAHMAN owns the SF DISCOUNT MARKET and is the commercial tenant of BITTLES.  
6 MOHAMED, HARTHUN, NABIL, MOHANNAD, MAZEH and MUSTAFA manage and/or operate  
7 the SF DISCOUNT MARKET along with ABDULRAHMAN. Actions taken, or omissions made, by  
8 ABDULRAHMAN’s employees or agents in the course of their employment or agency at the SF  
9 DISCOUNT MARKET are considered to be actions or omissions of ABDULRAHMAN for the  
10 purposes of this Complaint.

11 18. DISCOUNT MARKEET INC is a California Corporation with a principal address of  
12 236 Leavenworth Street in San Francisco, California. It has not filed a Statement of Information with  
13 the California Secretary of State. ABDULRAHMAN is listed as its agent.

14 19. Defendants DOE ONE through DOE FIVE are sued herein under fictitious names.  
15 Plaintiffs do not at this time know the true names or capacities of said defendants, but pray that the  
16 same may be alleged herein when ascertained.

17 **GENERAL ALLEGATIONS**

18 20. The SF DISCOUNT MARKET is a commercial business located on a busy commercial  
19 street in the Tenderloin district of San Francisco. ABDULRAHMAN, MOHAMED, HARTHUN,  
20 NABIL, MOHANNAD, MAZEH own and/or operate the SF DISCOUNT MARKET, which has been  
21 in operation since at least 2023. ABDULRAHMAN leases the commercial space from BITTLES.  
22 MOHAMED, HARTHUN, NABIL, MOHANNAD, MAZEH, and MUSTAFA manage the SF  
23 DISCOUNT MARKET along with ABDULRAHMAN.

24 21. The SF DISCOUNT MARKET has the appearance of a convenience store. However, at  
25 all times pertinent to the allegations of this Complaint, DEFENDANTS kept electronic slot machines  
26 on site in a closed room. Patrons inserted cash into these slot machines for a chance to win cash  
27 payouts.

28 ///

1           22.     The SF DISCOUNT MARKET had electronic slot machines to satisfy almost any  
2 patron; the machines were different varieties of “spinning reel” slot machine games. Patrons who  
3 inserted cash into the machines obtained “points” or “credits” that they used to play the machines.  
4 Patrons played by selecting buttons on the video displays or on the machine, and won or lost their  
5 “points” or “credits” as they played, depending on chance. The outcome of the games was  
6 unpredictable to the patrons. The machines kept track of the patron’s “wins,” and a winning player  
7 collected their winnings from a cashier at the SF DISCOUNT MARKET, who paid out the winnings  
8 in cash.

9           23.     On May 17, 2024, an undercover officer of the San Francisco Police Department went  
10 to the SF DISCOUNT MARKET and saw five electronic gambling machines in plain view in the back  
11 of the store. There were several people playing the machines. The undercover officer played one of  
12 the machines and lost money. The undercover officer then put more money into the machine and hit a  
13 “jackpot.” The undercover officer cashed out and the store clerk at the SF DISCOUNT MARKET paid  
14 the undercover officer money equal to the number of the points on the gambling machine.

15           24.     In addition to illegal gambling, DEFENDANTS have permitted the SF DISCOUNT  
16 MARKET to be used as a place where stolen merchandise is bought and sold.

17           25.     On May 17, 2024, an undercover officer of the San Francisco Police Department went  
18 to the SF DISCOUNT MARKET with two Gucci brand perfume boxes that the officer represented  
19 were stolen. The clerk at the the SF DISCOUNT MARKET purchased the boxes for \$40.

20           26.     On April 1, 2024, ABDULRAHMAN, who also owns a business called the Habibi  
21 Lounge, called police to report that a person came to the SF DISCOUNT MARKET and tried to sell  
22 him hookah pipes. ABDULRAHMAN inspected the pipes and recognized that the pipes belonged to  
23 him because they were engraved with “Habibi Lounge” on the bottom. This incident demonstrates that  
24 the SF DISCOUNT MARKET is known as a place to fence stolen property.

25           27.     On September 10, 2024, members of the San Francisco Police Department obtained and  
26 executed a search warrant at the SF DISCOUNT MARKET.

27           28.     Members of the San Francisco Police Department found significant evidence of  
28 criminal activity while executing the search warrant at the SF DISCOUNT MARKET. Officers seized

1 9 electronic gambling machines, a high capacity magazine for a Glock handgun; 13 rounds of .40  
2 caliber ammunition, 5 rounds of 9 mm ammunition, 83 grams of marijuana, a digital scale, plastic bags  
3 and \$10,054 in cash.

4 29. In addition, officers seized evidence indicating SF DISCOUNT MARKET was selling  
5 contraband and stolen property. Officers found cartons of cigarettes that were missing the required tax  
6 stamps from the state of California but rather had tax stamps from Texas, Missouri, and Georgia. In  
7 addition, officers seized merchandise displayed for sale that had original price stickers from  
8 Walgreens, CVS, Safeway, World Market and Sephora. The officers also seized 17 iPhones. The  
9 iPhones appeared to be stolen as three had foreign language displays and one had been factory reset.

10 30. Lastly, the officers obtained evidence showing SF DISCOUNT MARKET was  
11 profiting from the drug crisis in the Tenderloin. Officers saw hundreds of glass pipes, which are  
12 commonly used to smoke methamphetamine and crack cocaine, and sheets of aluminum foil,  
13 commonly used to smoke fentanyl, for sale at the SF DISCOUNT MARKET. The glass pipes were  
14 kept at the front of the store by the cash register, in an area of the SF DISCOUNT MARKET that was  
15 accessible to minors.

16 31. The SF DISCOUNT MARKET's gambling operation is illegal under Penal Code  
17 section 330b, which makes it unlawful for businesses to operate or possess, and property owners to  
18 allow the operation or possession of, slot machines, which it defines as follows:

19 [A] machine, apparatus, or device that is adapted, or may readily be  
20 converted, for use in a way that, as a result of the insertion of any piece  
21 of money or coin or other object, or by any other means, the machine or  
22 device is caused to operate or may be operated, and by reason of any  
23 element of hazard or chance or of other outcome of operation  
24 unpredictable by him or her, the user may receive or become entitled to  
25 receive any piece of money, credit, allowance, or thing of value, or  
26 additional chance or right to use the slot machine or device, or any  
27 check, slug, token, or memorandum, whether of value or otherwise,  
28 which may be exchanged for any money, credit, allowance, or thing of  
value, or which may be given in trade, irrespective of whether it may,  
apart from any element of hazard or chance or unpredictable outcome of  
operation, also sell, deliver, or present some merchandise, indication of  
weight, entertainment, or other thing of value.

32. The SF DISCOUNT MARKET also violates San Francisco Municipal Police Code  
section 325, which provides:

1 It shall be unlawful for any person, either as owner, lessee, agent,  
2 employee, mortgagee or otherwise to operate, keep, maintain, rent, use  
3 or conduct, within the City and County of San Francisco, any clock,  
4 tape, slot or card machine, or any other machine, contrivance or device  
5 upon which money is staked or hazarded upon chance or into which  
6 money is paid, deposited, or played, upon chance or upon result of the  
7 action of which money or any other article or thing of value is staked,  
8 bet, hazarded, won or lost upon chance.

9 33. The SF DISCOUNT MARKET violates Health and Safety Code Section 11570, which  
10 makes it unlawful for a building to be used to sell, serve, store, keep, manufacture or give away any  
11 controlled substance.

12 34. Since the SF DISCOUNT MARKET opened in 2023, criminal and nuisance activity  
13 has increased in the area, necessitating police intervention and adversely affecting the surrounding  
14 neighborhood. The neighborhood has experienced a rising number of thefts, assaults, drug-related  
15 offenses and arrests of SF DISCOUNT MARKET customers wanted on outstanding warrants.  
16 DEFENDANTS' maintenance of the SF DISCOUNT MARKET has interfered with the comfortable  
17 enjoyment of life and property in the surrounding community. Its continued operation is a nuisance  
18 that threatens the health and safety of the neighborhood and the well-being of those who live and work  
19 in the area, as well as the general public.

20 **FIRST CAUSE OF ACTION**  
21 **FOR VIOLATION OF THE RED LIGHT ABATEMENT ACT BROUGHT BY PLAINTIFFS**  
22 **PEOPLE OF THE STATE OF CALIFORNIA AND THE CITY AND COUNTY OF SAN**  
23 **FRANCISCO AGAINST ALL DEFENDANTS**  
24 **(Penal Code Sections 11225 -11235)**

25 35. Plaintiffs PEOPLE OF THE STATE OF CALIFORNIA and the CITY AND COUNTY  
26 OF SAN FRANCISCO hereby incorporate by reference paragraphs 1 through 34 above, as though  
27 fully set forth herein.

28 36. From 2023 through the present, DEFENDANTS have operated, and/or permitted the  
operation of, an illegal gambling establishment at the SF DISCOUNT MARKET by possessing and/or  
operating, or permitting the possession and operation of, "machine[s] or device[s]" that "may be  
operated, and by reason of . . . hazard or chance or of other outcome of operation unpredictable by [the



1 user], the user may receive or become entitled to receive . . . [an] additional chance or right to use the  
2 slot machine or device” or a “token, or memorandum . . . which may be exchanged for any money,  
3 credit, allowance, or thing of value.” Penal Code section 330b(d). By possessing and/or operating,  
4 and/or permitting the possession and/or operation of, these machines or devices, DEFENDANTS have  
5 violated and continue to violate Penal Code section 330b(d) and San Francisco Municipal Police Code  
6 sections 325-327. This illegal gambling operation constitutes a nuisance as a matter of law under  
7 Penal Code section 11225.

8 37. Pursuant to Penal Code section 11230, PLAINTIFFS request that the Court order the  
9 closure of the SF DISCOUNT MARKET for one year and impose civil penalties of \$25,000.00 against  
10 each Defendant to prevent DEFENDANTS from continuing to maintain or permit a nuisance at the  
11 property.

12 38. Unless said nuisance is abated, the surrounding community and neighborhood, and the  
13 residents and citizens of the City and County of San Francisco and the People of California, will suffer  
14 irreparable injury and damage, in that said conditions will continue to be dangerous to the life, safety  
15 or health of those who live and work near the SF DISCOUNT MARKET and the general public.

16 39. PLAINTIFFS have no adequate remedy at law in that damages alone are insufficient to  
17 protect the public from the present injury and harm caused by the conduct described above.

## 18 SECOND CAUSE OF ACTION

### 19 FOR PUBLIC NUISANCE BROUGHT BY PLAINTIFFS PEOPLE OF THE STATE OF 20 CALIFORNIA AND THE CITY AND COUNTY OF SAN FRANCISCO AGAINST ALL 21 DEFENDANTS BASED ON THE SALE OF NARCOTICS AT THE SF DISCOUNT MARKET

(Health And Safety Code Sections 11570 -11587)

22 40. Plaintiffs People of the State of California and the City and County of San Francisco  
23 hereby incorporate by reference paragraphs 1 through 39 above, as though fully set forth herein.

24 41. DEFENDANTS and their employees and agents have sold, stored, or possessed  
25 controlled substances at the SF DISCOUNT MARKET and/or permitted the sale, storage, possession,  
26 manufacture, consumption or distribution of controlled substances at the SF DISCOUNT MARKET.  
27 Such conduct constitutes a nuisance as a matter of law pursuant to California Health and Safety Code  
28 Section 11570.

1 42. Pursuant to California Health and Safety Code Section 11581, Plaintiffs request that the  
2 Court close the SF DISCOUNT MARKET for one year and impose civil penalties of \$25,000.00  
3 against each DEFENDANT to prevent DEFENDANTS from continuing to maintain a nuisance at the  
4 SF DISCOUNT MARKET.

5 43. Unless said nuisance is abated, the residents and citizens of the City and County of San  
6 Francisco and the People of California will suffer irreparable injury and damage, in that said  
7 conditions will continue to be dangerous to the life, safety or health of those who live and work near  
8 the SF DISCOUNT MARKET and the general public.

9 44. Plaintiffs have no adequate remedy at law in that damages alone are insufficient to  
10 protect the public from the present injury and harm caused by the conduct described above.

11 **THIRD CAUSE OF ACTION**  
12 **FOR UNLAWFUL BUSINESS PRACTICES BROUGHT BY PLAINTIFF PEOPLE OF THE**  
13 **STATE OF CALIFORNIA AGAINST ALL DEFENDANTS**  
14 **(California Business and Professions Code Sections 17200-17210)**

15 45. Plaintiff, the PEOPLE OF THE STATE OF CALIFORNIA, hereby incorporates by  
16 reference paragraphs 1 through -- above, as though fully set forth herein.

17 46. The PEOPLE bring this cause of action in the public interest in the name of the  
18 PEOPLE OF THE STATE OF CALIFORNIA, pursuant to Business and Professions Code sections  
19 17200 through 17210, in order to protect the residents and owners of properties adjoining the SF  
20 DISCOUNT MARKET from the unlawful business practices committed by DEFENDANTS in the  
21 operation of the the SF DISCOUNT MARKET within the City and County of San Francisco, State of  
22 California.

23 47. The violations of law described herein have been, and are being, carried out wholly or  
24 in part within the City and County of San Francisco. The actions of DEFENDANTS are in violation  
25 of the laws and public policies of the City and County of San Francisco and the State of California,  
26 and are inimical to the rights and interest of the general public.

27 48. DEFENDANTS are now engaging in and, for a considerable period of time and at all  
28 times pertinent to the allegations of this Complaint, have engaged in, unlawful business practices

1 prohibited by California's Unfair Competition Law by managing and operating, and/or allowing the  
2 management and operation of, the the SF DISCOUNT MARKET in violation of the following laws:

- 3 • Penal Code sections 11225-11235 by allowing illegal gambling to occur at the the SF  
4 DISCOUNT MARKET;
- 5 • Penal Code section 330b by possessing and/or operating, or permitting the possession  
6 and/or operation, of slot machines or devices (as defined in Penal Code section  
7 330b(d)) at the the SF DISCOUNT MARKET;
- 8 • San Francisco Municipal Police Code sections 325-327 by operating and/or keeping  
9 slot machines or their equivalent at the the SF DISCOUNT MARKET.
- 10 • Health and Safety Code Sections 11570 -11587 by permitting the sale, storage,  
11 possession, manufacture, consumption or distribution of controlled substances at the SF  
12 DISCOUNT MARKET;
- 13 • Health and Safety Code section 11364.5 for unlawfully keeping and selling drug  
14 paraphernalia in an area accessible to minors.
- 15 • Health and Safety Code section 11364.7 by delivering, furnishing, transferring, and  
16 possessing with intent to deliver, furnish or transfer drug paraphernalia, knowing or  
17 under circumstances where one reasonably should know that it will be used to ingest,  
18 inhale or otherwise introduce into the human body a controlled substance.
- 19 • California Penal Code Sections 496 by knowingly purchasing and selling stolen  
20 property.

21 49. As a direct and proximate result of the foregoing acts and practices, DEFENDANTS  
22 have received income, profits, and other benefits, which they would not have received if  
23 DEFENDANTS had not engaged in the violations of the Unfair Competition Law described in this  
24 Complaint.

25 50. The PEOPLE have no adequate remedy at law in that damages are insufficient to  
26 protect the public from the harm caused by the conditions described in this Complaint.

27 51. Unless injunctive relief is granted to enjoin the unlawful business practices of  
28 DEFENDANTS, the PEOPLE will suffer irreparable injury and damage.

1       52. By engaging in the unlawful business practices described herein, DEFENDANTS are  
2 each subject to civil penalties in the amount of \$2,500.00 per violation, pursuant to Business and  
3 Professions Code section 17206.

4                               **FOURTH CAUSE OF ACTION**  
5                               **PUBLIC NUISANCE**

6                       **(California Civil Code Sections 3479 and 3480, and California Code of Civil Procedure**  
7                               **Section 731)**

8       53. PLAINTIFFS hereby incorporate by reference all of the foregoing paragraphs, as  
9 though fully set forth herein.

10       54. DEFENDANTS and their employees have sold and offered for sale paraphernalia used  
11 to ingest or inhale controlled substances at the SF DISCOUNT MARKET. Such conduct adversely  
12 affects public health, contributes to illegal drug activity, and contributes to other criminal activity.

13       55. DEFENDANTS and their employees have sold and offered for sale controlled  
14 substances at the SF DISCOUNT MARKET. Such conduct adversely affects public health, contributes  
15 to illegal drug activity, and contributes to other criminal activity.

16       56. DEFENDANTS and their employees have purchased, sold and offered for sale property  
17 they know to be stolen at the SF DISCOUNT MARKET. Such conduct promotes crimes of theft and  
18 contributes to other criminal activity.

19       57. DEFENDANTS and their employees have operated an illegal gambling operation at the  
20 SF DISCOUNT MARKET. Such conduct adversely affects public health and contributes to other  
21 criminal activity, including violent crimes such as robbery.

22       58. As described above, DEFENDANTS are now, and for a considerable period of time,  
23 and at all times pertinent to the allegations in this Complaint have been, maintaining the PROPERTY  
24 in such a manner as to constitute a continuing public nuisance within the meaning of Civil Code  
25 sections 3479 and 3480. The practices described above are injurious to the health and safety of the  
26 residents and the community, are offensive to the senses, and interfere with the comfortable enjoyment  
27 of life and property. The practices described above also affect a considerable number of people and an  
28 entire community and neighborhood.

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1 59. At all times herein mentioned, DEFENDANTS have had notice and knowledge that the  
2 PROPERTY constituted a public nuisance because of the multiple calls for service to the PROPERTY  
3 by members of the San Francisco Police Department, but DEFENDANTS have taken inadequate steps  
4 to abate the public nuisance.

5 60. PLAINTIFFS have no adequate remedy at law in that damages are insufficient to  
6 protect the public from the present danger and harm caused by the conditions described herein.

7 61. Unless these nuisance conditions are abated, the occupants and neighbors of the subject  
8 PROPERTY and the residents of the City and County of San Francisco will suffer irreparable injury  
9 and damage because the nuisance conditions will continue to be injurious to the continuous enjoyment  
10 of life and the free use of property of the neighbors and the public.

11 **PRAYER**

12 WHEREFORE, PLAINTIFFS pray that:

13 **Declaratory Relief**

14 1. The SF DISCOUNT MARKET be declared a nuisance in violation of Penal Code  
15 sections 11225-11235;

16 2. The SF DISCOUNT MARKET be declared a nuisance in violation of Health & Safety  
17 Code section 11570;

18 3. DEFENDANTS be declared to have engaged in unlawful business acts and practices in  
19 violation of Business and Professions Code sections 17200-17210;

20 **Injunctive Relief**

21 4. The nuisance be preliminarily and permanently abated in accordance with Penal Code  
22 sections 11225-11235;

23 5. All movable property used in the maintenance of the nuisance at the SF DISCOUNT  
24 MARKET be removed and sold, pursuant to Penal Code section 11230;

25 6. The SF DISCOUNT MARKET be closed for one year, pursuant to Penal Code section  
26 11230;

27 7. The SF DISCOUNT MARKET be closed for one year, pursuant to Health & Safety  
28 Code section 11581(b)(1);

1           8.       In the event the Court decides that any vacancy resulting from closure will be harmful  
2 to the community, in lieu of closing the SF DISCOUNT MARKET, each Defendant be ordered to pay  
3 damages in an amount equal to the fair market rental value of the commercial space occupied by the  
4 SF DISCOUNT MARKET for one year, pursuant to Penal Code section 11230 and pursuant to Health  
5 & Safety Code section 11581(c)(1);

6           9.       In the event that the Court does not order the SF DISCOUNT MARKET closed, all  
7 DEFENDANTS, their agents, officers, lessees, managers, representatives, employees, and anyone  
8 acting on their behalf, and their heirs and assignees be preliminarily and permanently enjoined from  
9 operating, conducting, using, occupying, or in any way permitting the use of the SF DISCOUNT  
10 MARKET as a nuisance pursuant to Penal Code sections 11225-11235;

11           10.       DEFENDANTS be enjoined and restrained from occupying or operating, and/or  
12 allowing the occupation or operation of, the SF DISCOUNT MARKET while the conditions described  
13 in this Complaint exist and until all of the violations at the SF DISCOUNT MARKET have been  
14 abated;

15           11.       DEFENDANTS be ordered to cause the SF DISCOUNT MARKET to conform to law,  
16 and maintain such structures and all parts thereof in accordance with law;

17           12.       Pursuant to California Business and Professions Code sections 17203-17204,  
18 DEFENDANTS, their agents, officers, lessees, managers, representatives, employees, and anyone  
19 acting on their behalf, and their heirs, successors, and assignees be enjoined from operating,  
20 conducting, using, occupying, or in any way permitting the use of the SF DISCOUNT MARKET in  
21 the unlawful business practices described in this Complaint;

22           13.       DEFENDANTS, and each of them, inclusive, be enjoined from spending, transferring,  
23 encumbering, or removing from California any money received from the SF DISCOUNT MARKET  
24 or in payment for the unlawful acts alleged in the Complaint;

25           **Penalties**

26           14.       The Court impose civil penalties of up to \$25,000.00 against each Defendant to  
27 prevent them from continuing to maintain, and/or to allow the maintenance of, a nuisance at the SF  
28 DISCOUNT MARKET, pursuant to Penal Code section 11230;

1           15.     The Court impose civil penalties of up to \$25,000.00 against each Defendant to prevent  
2 them from continuing to maintain, and/or to allow the maintenance of, a nuisance at the SF  
3 DISCOUNT MARKET, pursuant to Health & Safety Code section 11581(b)(2);

4           16.     DEFENDANTS be ordered to each pay a civil penalty of up to \$2,500.00 for each act  
5 of unlawful competition, pursuant to Business and Professions Code section 17206;

6           **Fees and Costs**

7           17.     DEFENDANTS be ordered to pay PLAINTIFFS ' reasonable attorney's fees and costs,  
8 including the cost of investigation and discovery, pursuant to Civil Code sections 3496(b) and 3496(c).

9           18.     PLAINTIFFS be awarded their costs incurred herein pursuant to Code of Civil  
10 Procedure section 1032; and

11           19.     The Court grant such other and further relief as this Court should find just and proper.

12 Dated: October 30, 2024

13                                     DAVID CHIU  
14                                     City Attorney  
15                                     YVONNE R. MERÉ  
16                                     Chief Deputy City Attorney  
17                                     WADE CHOW  
18                                     Chief Attorney  
19                                     Code Enforcement Team  
20                                     HUNTER W. SIMS III  
21                                     Deputy City Attorney

22                                     By: /s/ Hunter W. Sims III  
23                                     HUNTER W. SIMS III

24                                     Attorneys for Plaintiffs  
25                                     CITY AND COUNTY OF SAN FRANCISCO and  
26                                     PEOPLE OF THE STATE OF CALIFORNIA