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6 Attorneys for Plaintiffs
7 THE PEOPLE OF THE STATE OF CALIFORNIA and CITY OF SAN DIEGO

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SUPERIOR COURT OF CALIFORNIA
COUNTY OF SAN DIEGO

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

13 Plaintiff,

14 v.

15
16 JEANI KU, an individual and doing business
as Osaka Oriental Spa; and
17 DOES 1 through 50, inclusive,

18 Defendants.

Case No. 26CU018154C

UNLIMITED JURISDICTION

**COMPLAINT FOR INJUNCTION, CIVIL
PENALTIES, AND OTHER EQUITABLE
RELIEF**

**(1) VIOLATION OF THE RED LIGHT
ABATEMENT LAW (CAL. PENAL
CODE SECTIONS 11225-11235);**

**(2) MAINTENANCE OF A PUBLIC
NUISANCE (CAL. CIV. CODE
SECTIONS 3479-3480);**

**(3) VIOLATIONS OF THE CALIFORNIA
UNFAIR COMPETITION LAW (CAL.
BUS. & PROF. CODE SECTIONS
17200-17210)**

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22 Plaintiffs, the People of the State of California and the City of San Diego, a municipal
23 corporation (collectively, Plaintiffs), appearing by and through their attorneys, Heather Ferbert,
24 City Attorney, and Angel G. Alcaraz, Jr., Deputy City Attorney, allege the following based upon
25 information and belief.

26
JURISDICTION AND VENUE

27 1. Plaintiffs, by this action and pursuant to California Penal Code sections 11225 through
28 11235, California Civil Code sections 3479 through 3490, California Code of Civil Procedure

1 sections 526 and 731, and California Business and Professions Code sections 17203, 17204, and
2 17206, seek a temporary restraining order, preliminary injunction and permanent injunction
3 prohibiting Defendant Jeani Ku, an individual doing business as Osaka Oriental Spa (Defendant),
4 from using or maintaining the property located at 1845 Adams Avenue, San Diego, CA 92116
5 (Property), in violation of state and local law provisions, as a public nuisance which is a threat to
6 the health, safety, and welfare of the public, and to enjoin Defendant from engaging in unfair
7 competition. Plaintiffs also seek the closing of the building against its use for any purpose for the
8 period of one year, civil penalties, attorney fees, costs, and other equitable relief for Defendant's
9 violations of the law.

10 2. The omission or commission of acts and violations of law by Defendant as alleged in
11 this Complaint occurred within the City of San Diego, State of California. Defendant, at all times
12 mentioned in this Complaint, has transacted business within the City of San Diego or is believed
13 to be a resident of San Diego County, within the State of California, or both.

14 3. The Property where the acts and practices described in this Complaint were performed
15 is located in the City of San Diego.

16 4. Venue properly lies within the County of San Diego because the alleged violations of
17 law occurred within the County of San Diego.

18 THE PARTIES

19 5. Plaintiff, the People of the State of California (People), brings this action by and
20 through Heather Ferbert, City Attorney for the City of San Diego.

21 6. Plaintiff, City of San Diego (City), is a municipal corporation and charter city,
22 organized and existing under the laws of the State of California.

23 7. Defendant Jeani Ku (Defendant or Ku) is an individual and believed to be a resident of
24 the County of San Diego, and at all times relevant to this action, was and is the owner of record of
25 the Property located at 1845 Adams Avenue, San Diego, CA 92116, where state and local law
26 violations are being maintained. Ku is also the operator and owner of a massage establishment
27 doing business as Osaka Oriental Spa, operating out of the Property. Ku was also the organizer
28 and manager of Osaka Oriental Spa LLC, a canceled California limited liability company.

1 8. Defendants DOES 1 through 50, inclusive, are sued under fictitious names, under the
2 provisions of California Code of Civil Procedure section 474, their true names and capacities are
3 unknown to Plaintiffs. Plaintiffs are informed and believe that each Defendant, DOES 1 through
4 50, is either responsible, in whole or in part, for the violations and conduct alleged, or has, or
5 claims to have, an interest in the Property, the exact nature of which is presently unknown to
6 Plaintiffs. When the true names and capacities are ascertained, Plaintiffs will seek leave of court
7 to amend this Complaint and to insert in lieu of such fictitious names the true names and
8 capacities of the fictitiously named Defendants.

9 9. At all relevant times mentioned in the Complaint, Defendant and DOES 1 through 50,
10 and each of them, were and are agents, principals, servants, lessors, lessees, employees, partners,
11 associates, or joint venturers of each other and at all times were acting within the course, purpose,
12 and scope of said relationship and with the authorization or consent of each of their co-
13 defendants.

14 10. At all times relevant in this action, Defendant and DOES 1 through 50 comprised an
15 “organization of persons” within the meaning of California Business and Professions Code
16 section 17201, in that they associated together for the common purpose of engaging in the course
17 of deceptive, unlawful, unfair, and fraudulent business acts and practices alleged in this
18 Complaint.

19 **PROPERTY**

20 11. The legal address of the Property where the violations of state and local law, the
21 public nuisance and unfair competition violations are occurring and being maintained is 1845
22 Adams Avenue, San Diego, CA 92116, also identified as Assessor’s Parcel Number 445-042-31-
23 00.

24 12. The legal description of the Property is:

25 The Easterly 35 feet of Lots 41, 42 and 43 in Block 24 of
26 University Heights, in the City of San Diego, County of San Diego,
27 State of California, according to Amended Map made by G.A.
D’Hemecourt in Book 8, Page 36 of Lis Pendens, in the Office of
the County Recorder of San Diego County.

28 13. On or about March 25, 2011, Defendant Ku acquired the Property as an unmarried

1 woman as her sole and separate property, per Grant Deed No. 2011-0182764.

2 14. The Property was originally developed in 1980 as a commercial store building and is
3 located in a Commercial-Neighborhood (CN-1-3) zone in the North Park neighborhood in the
4 City of San Diego. This zone provides residential areas with access to a limited number of
5 convenient retail and personal service uses.

6 **STATEMENT OF FACTS**

7 15. Beginning at least December 2, 2015, and continuing to the present, the Property has
8 an extensive history of criminal and nuisance activity, including lewd activity and prostitution-
9 related arrests.

10 16. San Diego Municipal Code (Municipal Code) section 31.0121 requires any person
11 who engages in a business in the City of San Diego to obtain a Business Tax Certificate (BTC).

12 17. Under Municipal Code section 33.3503, “[i]t is unlawful for any *person* to operate or
13 allow the operation of a *massage establishment* . . . without a [Police] permit.” A massage
14 establishment is “a fixed place of business where any *person* engages in *massage*.” SDMC §
15 33.3502 (emphasis in original).

16 18. On or about July 3, 2012, Defendant Ku applied for and was issued a BTC by the City
17 as a sole proprietor for the operation of a business from the Property. The description of the
18 business as listed by Ku was for a “massage & spa” in the name of Osaka Oriental Spa (Osaka
19 Spa).

20 19. On or about July 3, 2012, Ku also applied for and was issued a Police Permit by the
21 City to operate the business at the Property as a massage establishment doing business as Osaka
22 Spa.

23 20. On or about May 19, 2014, Ku filed Articles of Organization with the California
24 Secretary of State, forming a limited liability company named Osaka Oriental Spa LLC (the
25 LLC).

26 21. Municipal Code section 31.0140 requires any person with a BTC to provide a
27 Declaration of Business Tax which includes, “(t)he name and address of the business and whether
28 a sole proprietorship, partnership, corporation or other business entity.”

1 22. On or about June 23, 2014, Ku updated her BTC and Police Permit, changing
2 ownership for Osaka Spa from a sole proprietorship to the LLC with Ku as a member. The BTC
3 and Police Permits have remained in the name of the LLC as the owner of the business since this
4 date of June 23, 2014.

5 23. On or about July 6, 2015, Ku filed a certificate of cancellation no. 201414210464 with
6 the California Secretary of State for the LLC, identifying herself as its manager. The LLC has
7 remained canceled since this date.

8 24. On or about December 2, 2015, a San Diego Police Department (SDPD) vice detective
9 went to Osaka Spa to conduct an undercover detail to address complaints of prostitution activity.
10 The male officer was met by a female employee who stated that a 30-minute massage cost \$60.
11 The officer paid the employee. While the officer was disrobing in the room, a different female
12 employee entered the room. As the officer was on the massage table, the second female employee
13 asked him if he wanted to engage in a sexual act for an additional payment of \$40. The SDPD
14 officer cited the second female employee for a prostitution-related offense.

15 25. On or about November 7, 2017, an SDPD vice detective went to Osaka Spa to conduct
16 an undercover covert inspection to verify the establishment was compliant with their permit and
17 the law. The male officer was met by a female employee wearing a low-cut dress with cleavage
18 exposed and was escorted to a room. The female employee stated that a 30-minute massage cost
19 \$60, and the officer paid. During the massage, the female employee removed a towel covering the
20 officer's genitals and asked him if he wanted to engage in sexual activity. The officer and the
21 female employee negotiated a sex act for \$100. The SDPD officer cited the female employee for a
22 prostitution-related offense.

23 26. On or about March 7, 2018, an SDPD vice detective went to Osaka Spa to conduct an
24 undercover covert inspection to verify the establishment was compliant with their permit and the
25 law after discovering advertisements and online posts indicating prostitution activity had occurred
26 at the Property. The male officer was met by a female employee wearing a striped mini skirt. She
27 told the officer that a 30-minute massage cost \$60. The officer paid the employee \$60 and was
28 escorted to a room. During the massage, the female employee put her mouth on the officer's

1 exposed buttock. After touching the officer's genitals, the female employee indicated that she
2 would engage in sexual intercourse for an additional \$120. The woman lifted her dress and
3 exposed her bra and panties. The SDPD officer arrested the female for a prostitution-related
4 offense.

5 27. On or about June 21, 2018, a Deputy City Attorney of the Nuisance Abatement Unit in
6 the San Diego City Attorney's Office (CAO) mailed a certified written correspondence to
7 Defendant Ku notifying them of the prostitution activity occurring at Osaka Spa as indicated
8 above, and requested immediate abatement of the nuisance. The letter also notified the parties of
9 possible liability under the California Red Light Abatement Law and nuisance statutes if the
10 criminal activity was not abated.

11 28. The California Red Light Abatement Law (Cal. Penal Code §§ 11225-11235) declares
12 buildings and places used for the purpose of prostitution or lewdness as nuisances and allows for
13 civil actions to abate and prevent the nuisance; and to stop the persons conducting or maintaining
14 the activity, including business owners, property owners, lessees, or agents.

15 29. On or about July 7, 2018, an attorney representing Defendant Ku responded to the
16 CAO letter. In the response, the attorney stated that the offending employees had been terminated
17 and emphasized that there is "only so much a property owner can do to supervise and control"
18 their employees.

19 30. On or about November 14, 2018, an SDPD vice detective went to Osaka Spa to
20 conduct an undercover covert inspection to ensure the establishment was following the law. The
21 male officer was met by a female employee who stated a 30-minute massage cost \$60. The officer
22 paid and was escorted to a room. A second female employee entered the room to perform the
23 massage. During the massage, the officer and the second female employee negotiated a sex act,
24 and the officer paid her \$100. The SDPD officer cited the female employee for a prostitution-
25 related offense.

26 31. On or about December 13, 2018, the City Development Services Department (DSD),
27 Building and Land Use Enforcement Division (BLUE), received a complaint for the Property that
28 stated, "adult entertainment at massage locations with prostitution activity."

1 32. On or about January 11, 2019, BLUE inspectors conducted an inspection of the
2 Property. BLUE observed evidence of residential occupancy on site, including clothing and
3 personal items in closets and drawers, and unpermitted electrical, plumbing and building
4 modifications.

5 33. On or about February 11, 2020, an SDPD vice detective went to Osaka Spa to conduct
6 an undercover covert inspection to ensure the establishment was following the law. The male
7 officer was met by a female employee upon entering and led to a room. The female employee
8 informed the officer that a 30-minute massage cost \$60 and left the room after payment. A second
9 woman entered the room and performed the massage. During the massage, the second woman
10 grabbed the officer's genitals and asked if he wanted them massaged. The second woman agreed
11 to perform a sex act for \$100 and exposed her breasts. The officer paid the negotiated amount,
12 and the second woman left the room immediately after receiving payment. The SDPD officer
13 arrested the second female for a prostitution-related offense.

14 34. On or about October 9, 2020, an SDPD vice detective went to Osaka Spa to conduct
15 an undercover covert inspection to verify the establishment was compliant with the law. Upon
16 entry, the male officer was met by Defendant Ku, who stated that a 30-minute massage cost \$50.
17 The officer paid and was escorted by Ku to a room. Ku introduced the officer to a female
18 employee wearing skin-tight clothing. During the massage, the female employee grabbed the
19 officer's genitals and offered a menu of sexual acts. The officer and the female employee agreed
20 on payment of \$180 for sexual intercourse. As SDPD officers entered the establishment to arrest
21 the female employee, Ku entered the room with the male officer, declaring "the police are here"
22 and escorting the female employee to a security door that Ku unlocked to let the female employee
23 leave the property to a public street. Upon opening the security door, Defendant Ku told the
24 female employee, "Go, go, go." The SDPD officers apprehended the female employee and cited
25 her for a prostitution-related offense. Defendant Ku was arrested and cited for supervising and
26 aiding a person in the commission of a prostitution-related offense.

27 35. On or about February 16, 2022, an SDPD vice detective went to Osaka Spa to conduct
28 an undercover covert inspection of the establishment. The male officer was greeted by a female

1 employee who escorted him to a room and told him that a 30-minute massage cost \$50. A second
2 female employee provided the massage to the officer. During the massage, the second employee
3 exposed the officer's genitals, grazed his genitals while massaging, and then grabbed the officer's
4 genitals. The officer and the second employee then agreed on the performance of a sex act for
5 \$50. The SDPD officers cited the second female employee for a prostitution-related offense.

6 36. Municipal Code sections 131.0520 and 131.0522, and Use Table 131-05B, list the
7 uses that are permitted in a CN 1-3 zone. The Property is located in a CN-1-3 zone and does not
8 permit the use of single dwelling units for residential purposes.

9 37. On or about September 16, 2022, BLUE inspectors conducted a comprehensive
10 inspection of the Property and observed illegal building modifications throughout the premises.
11 The commercial building was being used as a habitable residential space. Exterior doors and
12 windows were modified without permits, including the closure of the front door by sealing it shut
13 and removing the handles. The kitchen was relocated, additional doors and walls were installed,
14 creating additional rooms, a shower room was installed, a water heater was installed with
15 evidence of a mixer valve replacement, *all unpermitted*. The unpermitted building improvements
16 were observed on the east side of the building enclosing a patio. Additionally, there were zoning
17 violations related to the operation of a massage establishment in violation of limited use
18 regulations.

19 38. The building and zoning violations observed by BLUE inspectors at the Property on
20 September 16, 2022, included:

21 a. Lack of Building Permit – Unpermitted erection, construction, enlargement,
22 alteration, repair, improvements, conversions, or permanent relocations of building throughout
23 the Property, including the addition of walls and doorways, sealing of the original front door,
24 boarding up of windows, relocating the kitchen, and enclosing the patio. SDMC § 129.0202.

25 b. Lack of Electrical Permit – Unpermitted electrical modifications throughout the
26 Property, including in the relocated kitchen, room addition to the south of the Property, and
27 enclosed patio. SDMC § 129.0302.

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1 c. Lack of Plumbing/Mechanical Permit – Unpermitted alteration or addition of
2 existing plumbing system without proper permits, including shower, shower table, sinks, water
3 heater, and washer and dryer connections. SDMC § 129.0402.

4 d. Unpermitted Habitation in Commercial Zone – Use of a commercial building for
5 residential purposes. SDMC § 131.0522; Cal. Health & Safety Code § 17920.3(n).

6 e. Failure to follow Regulations for Specialized Practice – Massage Establishment
7 – Improper signage and failure to identify the business activity on the premises as “Massage
8 Establishment, Specialized Practice” on the City of San Diego Business Tax Certificate. SDMC
9 § 141.0613.

10 f. Maintenance of a Public Nuisance – Prostitution activity occurring on the
11 premises. SDMC § 121.0302(b)(4).

12 g. Violation of the Land Development Code – Maintenance and use of premises in
13 violation of the Land Development Code without permits or variance. SDMC § 121.0302(a).

14 39. On or about February 28, 2023, an SDPD vice detective went to Osaka Spa to conduct
15 an undercover covert inspection to ensure the establishment was compliant with the law. The
16 male officer met a female employee in the lobby, who stated that a 30-minute massage cost \$50.
17 The officer paid and was escorted to a room. A second female employee entered the room to
18 provide the massage. During the massage, the second employee positioned herself sitting on the
19 officer’s back and grinded her groin area on his back. She then exposed, looked at, and grabbed
20 the officer’s genitals. The second female and the officer negotiated for two sex acts for \$120. The
21 SDPD officers cited the second female employee for a prostitution-related offense.

22 40. On or about August 15, 2023, BLUE conducted a compliance inspection of the
23 Property and confirmed that all violations previously observed on September 16, 2022, were still
24 present. The commercial premises were also still being used as habitable space by at least two
25 persons in an unpermitted addition on the south side of the Property. BLUE also determined that
26 the unpermitted enclosed patio on the east side of the Property facing Georgia Street was
27 encroaching into the public right-of-way.

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1 41. The additional violation observed at the August 15, 2023 inspection included
2 Unauthorized Encroachment into Public Right-of-Way – Unpermitted encroachment by enclosed
3 patio on east side of the Property into the public sidewalk and right-of-way. SDMC § 54.0110.

4 42. On or about May 15, 2025, an SDPD vice detective went to Osaka Spa to conduct an
5 undercover covert inspection at the establishment. The male officer met a female employee in the
6 lobby who stated that a 30-minute massage cost \$50. The officer paid and was escorted to a room.
7 A second female employee entered the room to provide the massage. During the massage, the
8 officer’s genitals and buttocks were not covered by a towel, contrary to normal procedures at
9 legitimate massage establishments. The officer was propositioned by the second employee, who
10 motioned with her hands and agreed to engage in sex for \$160. The second employee began to
11 remove her clothing as the arrest team entered the establishment. The SDPD officers cited the
12 second female employee for a prostitution-related offense.

13 43. On or about June 6, 2025, a compliance inspection of the Property was conducted by
14 BLUE inspectors and a City Attorney Investigator (CAI). Defendant Ku was present for the
15 inspection. The inspection team observed that the only violation addressed from previous
16 inspections was a correction to the signage at the Property. Otherwise, no other previously
17 identified violations had been corrected. Before the inspection team left the Property, the BLUE
18 building inspector informed Defendant Ku of the specific violations at the Property that needed to
19 be addressed immediately.

20 44. From as early as May 11, 2011, through July 10, 2025, the SDPD officers found over
21 135 open-source online advertisements, blogs, and reviews for sex acts occurring at the Property.
22 The online postings of the user-generated website review and rate establishments where
23 prostitution activity occurs.

24 45. To date, the commercial building continues to be used as habitable space, and no
25 attempts to have previous unpermitted modifications properly permitted, corrected, or removed
26 have been made.

27 46. Plaintiffs have no adequate remedy at law other than this action. Defendant is blatantly
28 and willfully in violation of state laws and will continue to maintain the unlawful use of the

1 Property in the future unless the Court enjoins and prohibits such conduct. Absent injunctive
2 relief, the People of the State of California will be irreparably harmed, and the ongoing violations
3 and nuisance will continue to harm the public, safety, and welfare of the citizens of San Diego.

4 **I**

5 **FIRST CAUSE OF ACTION**

6 **VIOLATIONS OF THE RED LIGHT ABATEMENT LAW**
7 **(CALIFORNIA PENAL CODE SECTIONS 11225-11235)**
8 **AGAINST ALL DEFENDANTS**

9 47. Plaintiffs incorporate by reference all allegations in paragraphs 1 through 45 of this
10 Complaint as though fully set forth here in their entirety.

11 48. Under California Penal Code section 11225, subdivision (a)(1), every building or
12 place used for, or where acts of lewdness or prostitution occur, is legally defined as a nuisance.
13 Such a nuisance is subject to injunction, abatement, and prevention, and may give rise to a claim
14 for damages, regardless of whether it constitutes a public or private nuisance.

15 49. California Penal Code section 11226(a) authorizes a city attorney of an incorporated
16 city to maintain an action in equity to abate and prevent a nuisance, as defined in California Penal
17 Code section 11226(a), and to “perpetually enjoin the person conducting or maintaining it, and
18 the owner, lessee, or agent of the building or place, in or upon which the nuisance exists, from
19 directly or indirectly maintaining or permitting it.”

20 50. Beginning at least on December 2, 2015, and continuing through the present, the
21 Property has been used and maintained by Defendant for acts of lewdness and prostitution
22 activity in violation of the California Red Light Abatement Law.

23 51. SDPD law enforcement officers have conducted multiple undercover details to address
24 prostitution activity on the premises and arrested several employees of the massage business
25 operating at the Property for prostitution crimes.

26 52. Between May 2011 and February 2026, SDPD officers found over 135 open-source
27 online advertisements, blogs, and reviews for sex acts occurring at the Property. The online
28 postings of the user-generated website review and rate establishments where prostitution activity
occurs.

1 thereto by law.”

2 62. California Code of Civil Procedure section 731 authorizes a city attorney to bring an
3 action to enjoin or abate a public nuisance. It provides, in relevant part, “[a] civil action may be
4 brought in the name of the people of the State of California to abate a public nuisance . . . by the
5 city attorney of any town or city in which the nuisance exists.”

6 63. Beginning on an exact date unknown to Plaintiff, but since at least December 2, 2015,
7 and continuing to the present, Defendants have maintained a continuing public nuisance at the
8 Property by allowing lewd acts and prostitution activity to occur.

9 64. The SDPD law enforcement officers conducted four undercover details to address
10 reported prostitution activity and arrested several employees at the Property for prostitution-
11 related crimes. Defendant Ku was present for one such arrest and assisted an employee to escape
12 arrest by the SDPD officers.

13 65. Defendant’s continued actions on the Property constitute maintenance of an ongoing
14 public nuisance under Civil Code §§ 3479–3480, endangering the health, safety, and welfare of
15 the surrounding community and interfering with residents’ use and enjoyment of the Property.

16 66. Unless Defendant is enjoined and restrained by order of this Court, she will continue
17 to maintain this nuisance, which will cause further irreparable harm to the public's health, safety,
18 and welfare.

19 **III**

20 **THIRD CAUSE OF ACTION**

21 **VIOLATION OF CALIFORNIA BUSINESS AND**
22 **PROFESSIONS CODE SECTION 17200 (UNFAIR**
COMPETITION) AGAINST ALL DEFENDANTS

23 67. Plaintiffs incorporate by reference all allegations in paragraphs 1 through 65 of this
24 Complaint as though fully set forth here in their entirety.

25 68. California Business and Professions Code section 17200 defines unfair competition to
26 include “any unlawful, unfair or fraudulent business act or practice.”

27 69. As the Unfair Competition Law (UCL) contains no express intent, knowledge, or
28 negligence requirement, the UCL “imposes *strict* liability.” Liability may be established without

1 showing that a defendant intended to injure anyone. *Rothschild v. Tyco Int'l, Inc.*, 83 Cal. App.
2 4th 488, 494 (2000) (citations omitted). *See also, Searle v. Wyndham Internat., Inc.*, 102 Cal.
3 App. 4th 1327, 1333 (2002); *Paulus v. Bob Lynch Ford, Inc.*, 139 Cal. App. 4th 659, 678 (2006).

4 70. California Business and Professions Code section 17204 authorizes a city attorney of
5 a city with a population of more than 750,000 to bring a civil enforcement action on behalf of the
6 people of the State of California.

7 71. Plaintiff the People of the State of California, by and through Heather Ferbert, City
8 Attorney for the City of San Diego, a city with a population in excess of 750,000, pursuant to the
9 authority granted by California Business and Professions Code section 17204, bring this lawsuit
10 both on behalf of, and for the benefit of, the People of the State of California, to redress unfair
11 and deceptive acts or practices and unfair methods of competition to ensure that individuals and
12 entities doing business in the state, and more particularly in the City of San Diego, comply with
13 all governing laws.

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

16 73. The UCL is used to protect the public from unfair, unlawful, and fraudulent practices
17 and is designed to prevent bad actors from gaining an improper competition advantage over
18 businesses and community members that are conducting their affairs fairly and lawfully.

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

24 a. Defendants’ acts of operating or allowing the operation of a business at the
25 Property, which created a public nuisance in violation of:

26 i. California Penal Code sections 11225 through 11235, including but not
27 limited to the violations alleged in the First Cause of Action;

28 ii. California Civil Code sections 3479 and 3480, including but not limited to

1 the violations alleged in the Second Cause of Action.

2 b. Defendant's acts of maintaining the Property in violation of the City of San
3 Diego's Land Development Code,¹ including but not limited to:

4 i. Allowing and maintaining habitation on the premises in violation of
5 Municipal Code section 131.0520;

6 ii. Maintaining unpermitted construction, including the addition of doors and
7 walls to create additional rooms and living areas, sealing the original front door, boarding
8 windows, relocating the kitchen, and enclosing the patio without obtaining the required building
9 permits in violation of Municipal Code section 129.0202;

10 iii. Maintaining unpermitted electrical modifications throughout the premises,
11 including in the unpermitted south-side room addition, relocated kitchen, and enclosed patio in
12 violation of Municipal Code section 129.0302;

13 iv. Maintaining unpermitted plumbing modifications, including the installation
14 of a water heater, sinks, shower and shower table, and inappropriately connected hookups of a
15 washer and dryer, all without the required permits in violation of Municipal Code section
16 129.0402;

17 v. Allowing the commercial premises to be used for residential habitation in a
18 CN-1-3 (Commercial-Neighborhood Zone) in violation of Municipal Code sections 131.0520,
19 131.0522, and corresponding Use Table 131-05B;

20 vi. Failing to identify the business activity on the premises as "Massage
21 Establishment, Specialized Practice" on the City of San Diego Business Tax Certificate as
22 required by Municipal Code section 141.0613;

23 vii. Maintaining a public nuisance, including lewd acts and prostitution activity
24 on the premises in violation of Municipal Code section 121.0302(b)(4); and

25 viii. Maintaining violations of the Land Development Code at the Property in
26 violation of Municipal Code section 121.0302(a).

27
28 ¹ The Land Development Code of San Diego is codified in Chapters 11 to 15 of the San Diego Municipal Code.
See SDMC § 111.0101(a).

1 c. Defendant's act of constructing and maintaining an enclosed patio encroaching
2 onto the public right-of-way facing Georgia Street without obtaining a permit or variance in
3 violation of Municipal Code section 54.0110.

4 d. Defendants' act of allowing the premises to be used for habitation in violation of
5 California Health and Safety Code section 17920.3(n) and Municipal Code section 33.3513(k).

6 75. By the misconduct alleged herein, Defendant unfairly detracts from the quality of life
7 of those neighbors to the Property. Defendant unfairly contributes to the crime and disorderly
8 conduct within the City of San Diego and are unjustly enriched to the extent that Defendant fails
9 to pay the costs of complying with their obligations to maintain the Property free from
10 prostitution nuisance activity. These unfair business practices, as alleged herein, place Defendant
11 at an unfair advantage compared to competitors who follow the law.

12 76. Defendant wrongly benefited from and received monies and other benefits by her
13 unfair, fraudulent, and unlawful business acts and practices, harming the People of the State of
14 California and the City of San Diego community.

15 77. Unless Defendant is enjoined and restrained by order of this Court, Defendants will
16 continue to commit unlawful business practices or acts, causing irreparable injury and harm to the
17 public's welfare.

18 **PRAYER FOR RELIEF**

19 Plaintiff prays for judgment as follows:

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

21 **Red Light Abatement**

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

24 2. That pursuant to California Penal Code sections 11225 through 11235, the Red Light
25 Abatement Law, the Court grant a preliminary injunction and permanent injunction enjoining and
26 restraining Defendant and her agents, servants, employees, partners, associates, officers,
27 representatives, and all persons acting under or in concert with or for Defendants, from engaging
28 in maintaining, conducting, allowing, permitting, directly or indirectly, any violations of the Red

1 Light Abatement Law, including the occurrence, continuance, or recurrence of acts of prostitution
2 on the premises and buildings located at the Property.

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

5 4. That pursuant to California Penal Code section 11230(a), the Court order the closure
6 of the buildings at the Property for a period of one year, or alternatively, in lieu of closure,
7 Defendant shall be ordered to pay damages in an amount not to exceed the fair market rental
8 value of the Property for one year.

9 5. Any other relief as permitted by the Red Light Abatement Law.

10 6. That pursuant to California Civil Code section 3496(b), Plaintiffs recover the costs of
11 this suit, including costs of enforcement, investigative costs, and reasonable attorney fees.

12 **AS TO THE SECOND CAUSE OF ACTION**

13 **Maintenance of a Public Nuisance**

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

16 8. That pursuant to California Code of Civil Procedure sections 526 and 731, the Court
17 grant a temporary restraining order, a preliminary injunction, and a permanent injunction,
18 enjoining and restraining Defendants, their agents, heirs, successors, officers, employees, and
19 anyone acting on their behalf from maintaining the Property or any other property in the City and
20 County of San Diego as a public nuisance as defined by California law.

21 **AS TO THE THIRD CAUSE OF ACTION**

22 **Unfair Competition**

23 9. That pursuant to California Business and Professions Code section 17203, Defendants,
24 their officers, directors, employees, agents, representatives, partners, successors and assigns, and
25 all persons, corporations, subsequent purchasers, or other entities, acting by, through, under, in
26 concert, on behalf of, or in participation with or for them be permanently enjoined from engaging
27 in unfair competition as defined in California Business and Professions Code section 17200
28 anywhere in the County of San Diego, including acts and practices alleged in this Complaint,

1 including:

2 a. Operating or allowing the operation of a business which creates a public nuisance
3 in violation of Penal Code sections 11225 through 11235 and Civil Code sections 3479 and 3480.

4 b. Maintaining a property in violation of the City of San Diego’s Land Development
5 Code, including:

6 i. Maintaining unpermitted construction in violation of Municipal Code section
7 129.0202.

8 ii. Maintaining unpermitted electrical modifications in violation of Municipal
9 Code section 129.0302.

10 iii. Maintaining unpermitted plumbing and mechanical modifications in
11 violation of Municipal Code section 129.0402.

12 iv. Allowing and maintaining habitation on commercial premises in violation of
13 Municipal Code sections 131.0520 and 131.0522.

14 v. Failing to identify the business activity on the premises as “Massage
15 Establishment, Specialized Practice” on a City of San Diego Business Tax Certificate as required
16 by Municipal Code section 141.0613.

17 vi. Maintaining a public nuisance, including lewd acts and prostitution activity,
18 in violation of Municipal Code section 121.0302(b)(4).

19 vii. Maintaining violations of the Land Development Code in violation of
20 Municipal Code section 121.0302(a).

21 c. Constructing, erecting, and maintaining objects encroaching onto any public street,
22 alley, sidewalk, highway, or other public property or public right-of-way without a permit or
23 variance in violation of Municipal Code section 54.0110.

24 d. Allowing premises not intended to be used as habitable space to be used for
25 habitation in violation of California Health and Safety Code section 17920.3(n) and Municipal
26 Code section 33.3513(k).

27 e. Conducting any type of activity in the City and County of San Diego which creates
28 a public nuisance in violation of local and state laws, including but not limited to California Civil

1 Code sections 3479 and 3480.

2 10. That pursuant to California Business and Professions Code section 17206, Defendant
3 be assessed a maximum civil penalty in the amount of up to \$2,500 for per day for each UCL
4 violation as proven at trial, payable directly to the Treasurer of the City of San Diego. Cal. Bus.
5 Prof. Code § 17206(c)(3)(B).

6 11. That pursuant to San Diego Municipal Code §§ 12.0201-12.0202, Defendant be
7 assessed “a maximum civil penalty in the amount of up to \$2,500 for per day for each violation of
8 the Municipal Code for each day during which Defendant commits, continues, allows or
9 maintains a violation of any provision of this Code.” SDMC § 12.0202(b).

10 **AS TO ALL CAUSES OF ACTION**

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

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


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16 Dated: March 27, 2026

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HEATHER FERBERT, City Attorney

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By  _____
Angel G. Alcaraz, Jr.
Deputy City Attorney

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Attorneys for Plaintiffs
THE PEOPLE OF THE STATE OF
CALIFORNIA and CITY OF SAN DIEGO

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