

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): <b>MARA W. ELLIOTT, City Attorney</b> <b>JOHN C. HEMMERLING, Assistant City Attorney</b> <b>DAVID E. MILLER, Deputy City Attorney</b> State Bar No. 174469 1200 Third Avenue, Suite 700, San Diego, CA 92101 TELEPHONE NO.: 619 533-5655 FAX NO.: 619 533-5696 ATTORNEY FOR (Name): <b>Plaintiffs The People of the State of CA and City of San Diego</b>	<b>FOR COURT USE ONLY</b>			
<b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF San Diego</b> STREET ADDRESS: 330 W. Broadway MAILING ADDRESS: 330 W. Broadway CITY AND ZIP CODE: San Diego, CA 92101 BRANCH NAME: Central / Hall of Justice				
CASE NAME: The People of the State of California and City of San Diego, a municipal corporation v. Alex Stephen Iatridis, et al.				
<table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td style="width:33%; padding: 5px;"> <b>CIVIL CASE COVER SHEET</b>  <input checked="" type="checkbox"/> <b>Unlimited</b>            (Amount demanded exceeds \$25,000)         </td> <td style="width:33%; padding: 5px;"> <input type="checkbox"/> <b>Limited</b>            (Amount demanded is \$25,000 or less)         </td> <td style="width:33%; padding: 5px;"> <b>Complex Case Designation</b>  <input type="checkbox"/> <b>Counter</b>   <input type="checkbox"/> <b>Joinder</b>            Filed with first appearance by defendant (Cal. Rules of Court, rule 3.402)         </td> </tr> </table>	<b>CIVIL CASE COVER SHEET</b> <input checked="" type="checkbox"/> <b>Unlimited</b> (Amount demanded exceeds \$25,000)	<input type="checkbox"/> <b>Limited</b> (Amount demanded is \$25,000 or less)	<b>Complex Case Designation</b> <input type="checkbox"/> <b>Counter</b> <input type="checkbox"/> <b>Joinder</b> Filed with first appearance by defendant (Cal. Rules of Court, rule 3.402)	CASE NUMBER:  JUDGE:  DEPT:
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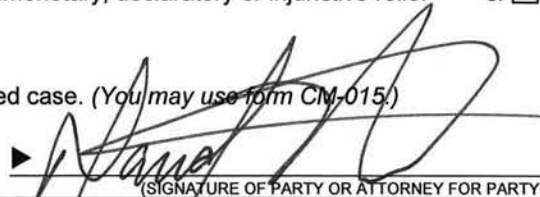
*Items 1-6 below must be completed (see instructions on page 2).*

1. Check **one** box below for the case type that best describes this case:

<b>Auto Tort</b> <input type="checkbox"/> Auto (22) <input type="checkbox"/> Uninsured motorist (46) <b>Other PI/PD/WD (Personal Injury/Property Damage/Wrongful Death) Tort</b> <input type="checkbox"/> Asbestos (04) <input type="checkbox"/> Product liability (24) <input type="checkbox"/> Medical malpractice (45) <input type="checkbox"/> Other PI/PD/WD (23) <b>Non-PI/PD/WD (Other) Tort</b> <input type="checkbox"/> Business tort/unfair business practice (07) <input type="checkbox"/> Civil rights (08) <input type="checkbox"/> Defamation (13) <input type="checkbox"/> Fraud (16) <input type="checkbox"/> Intellectual property (19) <input type="checkbox"/> Professional negligence (25) <input type="checkbox"/> Other non-PI/PD/WD tort (35) <b>Employment</b> <input type="checkbox"/> Wrongful termination (36) <input type="checkbox"/> Other employment (15)	<b>Contract</b> <input type="checkbox"/> Breach of contract/warranty (06) <input type="checkbox"/> Rule 3.740 collections (09) <input type="checkbox"/> Other collections (09) <input type="checkbox"/> Insurance coverage (18) <input type="checkbox"/> Other contract (37) <b>Real Property</b> <input type="checkbox"/> Eminent domain/Inverse condemnation (14) <input type="checkbox"/> Wrongful eviction (33) <input type="checkbox"/> Other real property (26) <b>Unlawful Detainer</b> <input type="checkbox"/> Commercial (31) <input type="checkbox"/> Residential (32) <input type="checkbox"/> Drugs (38) <b>Judicial Review</b> <input type="checkbox"/> Asset forfeiture (05) <input type="checkbox"/> Petition re: arbitration award (11) <input type="checkbox"/> Writ of mandate (02) <input type="checkbox"/> Other judicial review (39)	<b>Provisionally Complex Civil Litigation (Cal. Rules of Court, rules 3.400-3.403)</b> <input type="checkbox"/> Antitrust/Trade regulation (03) <input type="checkbox"/> Construction defect (10) <input type="checkbox"/> Mass tort (40) <input type="checkbox"/> Securities litigation (28) <input type="checkbox"/> Environmental/Toxic tort (30) <input type="checkbox"/> Insurance coverage claims arising from the above listed provisionally complex case types (41) <b>Enforcement of Judgment</b> <input type="checkbox"/> Enforcement of judgment (20) <b>Miscellaneous Civil Complaint</b> <input type="checkbox"/> RICO (27) <input checked="" type="checkbox"/> Other complaint (not specified above) (42) <b>Miscellaneous Civil Petition</b> <input type="checkbox"/> Partnership and corporate governance (21) <input type="checkbox"/> Other petition (not specified above) (43)
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2. This case  is  is not complex under rule 3.400 of the California Rules of Court. If the case is complex, mark the factors requiring exceptional judicial management:
- |  |  |
|--|--|
| a. <input type="checkbox"/> Large number of separately represented parties   | d. <input type="checkbox"/> Large number of witnesses  |
| b. <input type="checkbox"/> Extensive motion practice raising difficult or novel issues that will be time-consuming to resolve | e. <input type="checkbox"/> Coordination with related actions pending in one or more courts in other counties, states, or countries, or in a federal court |
| c. <input type="checkbox"/> Substantial amount of documentary evidence   | f. <input type="checkbox"/> Substantial postjudgment judicial supervision  |
3. Remedies sought (check all that apply): a.  monetary   b.  nonmonetary; declaratory or injunctive relief   c.  punitive
4. Number of causes of action (specify): Three (3)
5. This case  is  is not a class action suit.
6. If there are any known related cases, file and serve a notice of related case. (You may use form CM-015.)

Date: November 27, 2017  
 David E. Miller, Deputy City Attorney  
 (TYPE OR PRINT NAME)

  
 (SIGNATURE OF PARTY OR ATTORNEY FOR PARTY)

<b>NOTICE</b>
<ul style="list-style-type: none"> <li>Plaintiff must file this cover sheet with the first paper filed in the action or proceeding (except small claims cases or cases filed under the Probate Code, Family Code, or Welfare and Institutions Code). (Cal. Rules of Court, rule 3.220.) Failure to file may result in sanctions.</li> <li>File this cover sheet in addition to any cover sheet required by local court rule.</li> <li>If this case is complex under rule 3.400 et seq. of the California Rules of Court, you must serve a copy of this cover sheet on all other parties to the action or proceeding.</li> <li>Unless this is a collections case under rule 3.740 or a complex case, this cover sheet will be used for statistical purposes only.</li> </ul>

**SUMMONS**  
**(CITACION JUDICIAL)**

FOR COURT USE ONLY  
(SOLO PARA USO DE LA CORTE)

**NOTICE TO DEFENDANTS:****(AVISO AL DEMANDADO):**

ALEX STEPHEN IATRIDIS, also known as ALEXANDER STEPHAN IATRIDIS, an individual; and DOES 1 through 50, inclusive,

**YOU ARE BEING SUED BY PLAINTIFFS:****(LO ESTÁ DEMANDANDO EL DEMANDANTE):**

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

**NOTICE!** You have been sued. The court may decide against you without your being heard unless you respond within 30 days. Read the information below.

You have 30 CALENDAR DAYS after this summons and legal papers are served on you to file a written response at this court and have a copy served on the plaintiff. A letter or phone call will not protect you. Your written response must be in proper legal form if you want the court to hear your case. There may be a court form that you can use for your response. You can find these court forms and more information at the California Courts Online Self-Help Center ([www.courtinfo.ca.gov/selfhelp](http://www.courtinfo.ca.gov/selfhelp)), your county law library, or the courthouse nearest you. If you cannot pay the filing fee, ask the court clerk for a fee waiver form. If you do not file your response on time, you may lose the case by default, and your wages, money, and property may be taken without further warning from the court.

There are other legal requirements. You may want to call an attorney right away. If you do not know an attorney, you may want to call an attorney referral service. If you cannot afford an attorney, you may be eligible for free legal services from a nonprofit legal services program. You can locate these nonprofit groups at the California Legal Services Web site ([www.lawhelpcalifornia.org](http://www.lawhelpcalifornia.org)), the California Courts Online Self-Help Center ([www.courtinfo.ca.gov/selfhelp](http://www.courtinfo.ca.gov/selfhelp)), or by contacting your local court or county bar association. **NOTE:** The court has a statutory lien for waived fees and costs on any settlement or arbitration award of \$10,000 or more in a civil case. The court's lien must be paid before the court will dismiss the case. **¡AVISO!** Lo han demandado. Si no responde dentro de 30 días, la corte puede decidir en su contra sin escuchar su versión. Lea la información a continuación.

Tiene 30 DÍAS DE CALENDARIO después de que le entreguen esta citación y papeles legales para presentar una respuesta por escrito en esta corte y hacer que se entregue una copia al demandante. Una carta o una llamada telefónica no lo protegen. Su respuesta por escrito tiene que estar en formato legal correcto si desea que procesen su caso en la corte. Es posible que haya un formulario que usted pueda usar para su respuesta. Puede encontrar estos formularios de la corte y más información en el Centro de Ayuda de las Cortes de California ([www.sucorte.ca.gov](http://www.sucorte.ca.gov)), en la biblioteca de leyes de su condado o en la corte que le quede más cerca. Si no puede pagar la cuota de presentación, pida al secretario de la corte que le dé un formulario de exención de pago de cuotas. Si no presenta su respuesta a tiempo, puede perder el caso por incumplimiento y la corte le podrá quitar su sueldo, dinero y bienes sin más advertencia.

Hay otros requisitos legales. Es recomendable que llame a un abogado inmediatamente. Si no conoce a un abogado, puede llamar a un servicio de remisión a abogados. Si no puede pagar a un abogado, es posible que cumpla con los requisitos para obtener servicios legales gratuitos de un programa de servicios legales sin fines de lucro. Puede encontrar estos grupos sin fines de lucro en el sitio web de California Legal Services, ([www.lawhelpcalifornia.org](http://www.lawhelpcalifornia.org)), en el Centro de Ayuda de las Cortes de California, ([www.sucorte.ca.gov](http://www.sucorte.ca.gov)) o poniéndose en contacto con la corte o el colegio de abogados locales. **AVISO:** Por ley, la corte tiene derecho a reclamar las cuotas y los costos exentos por imponer un gravamen sobre cualquier recuperación de \$10,000 ó más de valor recibida mediante un acuerdo o una concesión de arbitraje en un caso de derecho civil. Tiene que pagar el gravamen de la corte antes de que la corte pueda desechar el caso.

The name and address of the court is:

(El nombre y dirección de la corte es):

Superior Court of California, County of San Diego  
330 W. Broadway, San Diego, California 92101

CASE NUMBER:  
(Número del Caso):

The name, address, and telephone number of plaintiff's attorney, or plaintiff without an attorney, is:

(El nombre, la dirección y el número de teléfono del abogado del demandante, o del demandante que no tiene abogado, es):

Mara W. Elliott, City Attorney, David E. Miller, Deputy City Attorney, Office of the City Attorney  
1200 Third Avenue, Suite 700, San Diego, CA 92101, Telephone: 619-533-5655, Fax: 619-533-5696

DATE:

(Fecha)

Clerk, by \_\_\_\_\_, Deputy

(Secretario)

(Adjunto)

(For proof of service of this summons, use Proof of Service of Summons (form POS-010).)

(Para prueba de entrega de esta citación use el formulario Proof of Service of Summons, (POS-010)).

[SEAL]

**NOTICE TO THE PERSON SERVED: You are served**

1.  as an individual defendant.
2.  as the person sued under the fictitious name of (specify):
3.  on behalf of (specify):  
under:  CCP 416.10 (corporation)  CCP 416.60 (minor)  
 CCP 416.20 (defunct corporation)  CCP 416.70 (conservatee)  
 CCP 416.40 (association or partnership)  CCP 416.90 (authorized person)  
 other (specify):
4.  by personal delivery on (date):

1 MARA W. ELLIOTT, City Attorney  
JOHN C. HEMMERLING, Assistant City Attorney  
2 DAVID E. MILLER, Deputy City Attorney  
California State Bar No. 174469  
3 Office of the City Attorney  
Community Justice Division/Code Enforcement Unit  
4 1200 Third Avenue, Suite 700  
San Diego, California 92101-4103  
5 Telephone: (619) 533-5500  
Fax: (619) 533-5696  
6 millerde@sandiego.gov

No Fee GC § 6103

7 Attorneys for Plaintiffs

8 SUPERIOR COURT OF CALIFORNIA  
9 COUNTY OF SAN DIEGO

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

12 Plaintiffs,

13 v.

14 ALEX STEPHEN IATRIDIS, also known as  
ALEXANDER STEPHAN IATRIDIS, an  
15 individual; and  
DOES 1 through 50, inclusive,

16 Defendants.

Case No.

UNLIMITED JURISDICTION

COMPLAINT FOR APPOINTMENT OF A  
RECEIVER, ABATEMENT OF A PUBLIC  
NUISANCE, INJUNCTION, CIVIL  
PENALTIES AND OTHER EQUITABLE  
RELIEF

(1) APPOINTMENT OF A RECEIVER  
(CAL. HEALTH & SAFETY CODE  
SECTION 17980.7(c));

(2) PUBLIC NUISANCE (CALIFORNIA  
CIVIL CODE SECTIONS 3479 &  
3480); AND

(3) VIOLATIONS OF THE SAN DIEGO  
MUNICIPAL CODE

21 Plaintiffs the People of the State of California and the City of San Diego, a municipal  
22 corporation, appearing by and through their attorneys, Mara W. Elliott, City Attorney, and by  
23 David E. Miller, Deputy City Attorney, allege the following based upon information and belief:

24 **JURISDICTION AND VENUE**

25 1. Plaintiffs the People of the State of California and the City of San Diego, a municipal  
26 corporation (Plaintiffs), by this action and pursuant to California Health and Safety Code (Cal.  
27 Health & Safety Code) section 17980.7(c), California Code of Civil Procedure sections 526 and  
28 731, and San Diego Municipal Code (SDMC) sections 12.0202 and 121.0311, seek the

1 appointment of a receiver, a temporary restraining order, preliminary injunction, and permanent  
2 injunction prohibiting Defendant from using or maintaining a substandard property in violation of  
3 state and local ordinance provisions and as a public nuisance, which is a threat to the health,  
4 safety, and welfare of the public and its occupant; and also seek to obtain civil penalties, costs,  
5 and other equitable relief.

6 2. The omission or commission of acts and violations of law by Defendant as alleged in  
7 this Complaint occurred within the City of San Diego, State of California. Defendant at all times  
8 mentioned in this Complaint has transacted business within the City of San Diego or is a resident  
9 of San Diego County, within the State of California, or both.

10 3. The property where the acts and practices described in this Complaint were performed  
11 is located in the City of San Diego.

## 12 THE PARTIES

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

15 5. Plaintiff City of San Diego (City) was and is a municipal corporation and a chartered  
16 city, organized and existing under the laws of the State of California.

17 6. Defendant Alex Stephen Iatridis, also known as Alexander Stephan Iatridis  
18 (IATRIDIS), is an individual and resident of the County of San Diego, State of California, and at  
19 all times relevant in this action, was and is the owner of record of the real property located at  
20 5126 Alumni Place, San Diego, California, 92115 (Property). The Property is the location where  
21 the violations alleged in this action exist.

22 7. Defendant IATRIDIS is a "Responsible Person"<sup>1</sup> within the meaning of SDMC  
23 section 11.0210 for allowing and maintaining violations of the SDMC at the Property.

24 8. Defendant IATRIDIS, as a property owner, is also strictly liable for all code violations  
25 occurring at the Property per SDMC section 121.0311 and applicable California law.

26 \_\_\_\_\_  
27 <sup>1</sup> SDMC section 11.0210 defines "Responsible Person" as "a person who a Director determines  
28 is responsible for causing or maintaining a public nuisance or a violation of the Municipal Code or  
applicable state codes. The term 'Responsible Person' includes but is not limited to a property owner,  
tenant, person with a Legal Interest in real property or person in possession of real property."



1 9. Defendants DOES 1 through 50, inclusive, are sued as 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, are either responsible, in whole or in part, for the violations and conduct alleged, or have, or  
5 claim to have, an interest in the Property, the exact nature of which is unknown to the City. When  
6 the true names and capacities are ascertained, Plaintiffs will seek leave of court to amend this  
7 Complaint and to insert in lieu of such fictitious names the true names and capacities of the  
8 fictitiously named Defendant.

### 9 **PROPERTY**

10 10. The legal address of the property where the substandard building is located is 5126  
11 Alumni Place, San Diego, CA 92115, also identified as Assessor's Parcel Number 467-123-28-  
12 00, according to the San Diego County Recorder's Office.

13 11. The legal description of the Property is:

14 Lot 45 of Catocin Tract No. 3, in the City of San Diego, County of  
15 San Diego, State of California, according to the Map thereof No.  
16 3063, filed in the office of the County Recorder of San Diego  
County, March 15, 1954.

17 Commonly known as: 5126 Alumni Place, San Diego, CA 92115.

18 12. The Property is located in a Residential (R-1) zone in the College Area neighborhood  
19 in the City of San Diego and was developed in 1954 as a single family dwelling consisting of  
20 three bedrooms, one bathroom, and a two car garage.

21 13. The Grant Deed, recorded on January 10, 1990, as Document No. 90 015964, with the  
22 San Diego County Recorder's Office lists IATRIDIS as owner of an undivided 50 percent interest  
23 in the Property. Through the Grant Deed, recorded on September 25, 2015, as Document No.  
24 2015-0505775, with the San Diego County Recorder's Office, the remaining 50 percent interest  
25 in the Property was transferred to IATRIDIS, making IATRIDIS the sole owner of the Property.

### 26 **FACTUAL ALLEGATIONS**

27 14. The Property has an extensive history of violations of numerous state and local  
28 building laws related to nuisance and substandard housing.

1           15. In September 2014, a neighbor noticed that the driveway and front and side yards of  
2 the Property were covered with piles of junk, trash and debris. He asked IATRIDIS to clean the  
3 Property and IATRIDIS said he would clean it within a week.

4           16. The neighbor sent IATRIDIS two letters, (one on September 17, and the other on  
5 October 4, of 2014), requesting that IATRIDIS remove all of the junk from the yard and  
6 driveway. Instead, IATRIDIS began adding more items to the piles. He covered some of the piles  
7 with tarps. The junk soon began to intrude into the sidewalk and into the street.

8           17. As the neighbor saw no progress by IATRIDIS, he referred the case to the City of  
9 San Diego's Code Enforcement Division (CED).

10           18. On January 30, 2015, CED conducted an inspection of the Property. The City  
11 inspector observed that the front yard and driveway were covered with tarps, under which hid  
12 furniture, appliances, junk, trash and debris, violations of SDMC sections 142.1110(a) [excessive,  
13 non-incident outdoor storage], 54.0208(a) [failure to maintain property free from waste], and  
14 142.0510 [required off-street parking used only for parking of operable vehicles].

15           19. On February 2, 2015, CED issued an Administrative Citation Warning (Warning) to  
16 IATRIDIS. The Warning cited the SDMC violations present at the Property and requested that  
17 IATRIDIS remove all outdoor storage not incidental to the residential use of the Property by  
18 March 1, 2015. The Warning also explained that failure to remedy the violation by March 1,  
19 2015, could result in another citation and/or other enforcement action. IATRIDIS cleaned the  
20 Property and CED closed its investigation.

21           20. Less than two months later, CED received an email from a resident stating that  
22 IATRIDIS had started storing items on the driveway again and that he had been doing so for at  
23 least three weeks, so CED reopened the case.

24           21. On June 5, 2015, a City Inspector conducted an inspection of the Property. The  
25 inspector confirmed that IATRIDIS resumed storing junk in the front yard and driveway in  
26 violation of the SDMC. CED issued an Administrative Citation in the amount of \$250 to  
27 IATRIDIS for violations of SDMC sections 142.1110(a) [excessive, non-incident outdoor

28 . . . . .

1 storage], and 142.0510(b) [off-street parking spaces shall be kept clear of any temporary or  
2 permanent obstructions].

3 22. A City Inspector returned to the Property on July 9, 2015, and observed no change to  
4 the condition of the Property. On July 10, 2017, she issued IATRIDIS a second Administrative  
5 Citation for \$500.

6 23. From July through November 2015, IATRIDIS made no effort to correct the code  
7 violations at the Property, leaving the Property covered with huge piles of junk, trash and debris.  
8 On November 12, 2015, a City Inspector issued IATRIDIS a third Administrative Citation for  
9 \$750.

10 24. CED conducted two more inspections of the Property in December 2015. Each  
11 revealed large piles of junk, trash and debris covering the driveway and stashed beneath plastic  
12 tarps. The junk piles reached 5 feet high and blocked all access to the garage. The stored junk  
13 included a Jacuzzi, a refrigerator, pieces of furniture and numerous other non-incident storage  
14 items. Junk, trash, and debris littered the walkway, blocked the main entry door, and covered the  
15 side yards of the Property in violation of the SDMC.

16 25. In January of 2016, CED conducted two inspections of the Property. The Property  
17 showed no sign of improvement.

18 26. On February 2, 2016, CED issued the fourth Administrative Citation to IATRIDIS in  
19 the amount of \$1,000 for the ongoing storage violations at the Property. He was given a deadline  
20 of February 16, 2016, by which to comply.

21 27. On February 17, 2016, CED conducted a follow-up inspection and determined that  
22 IATRIDIS had failed to take any steps to cure the SDMC violations and the nuisance conditions  
23 at the Property.

24 28. On May 22, 2016, the City received a citizen complaint regarding the excessive  
25 storage at the Property.

26 29. On June 21, 2016, a City Inspector returned to the Property and observed that the  
27 conditions at the Property had grown worse. The storage had migrated into the neighboring yard,  
28 the public right-of-way, and onto a truck in the street.

1           30. On July 11, 19, and 20, 2016, the City received more citizen complaints about the  
2 condition of the Property.

3           31. On August 1, 2016, CED again inspected the Property. No change was noted.  
4 Extensive amount of junk, trash and debris covered the front and side yards and encroached into  
5 the right-of-way. The City Inspector knocked on IATRIDIS' front door to speak with him, but  
6 received no answer. The inspector left a business card on the screen door requesting that  
7 IATRIDIS contact him.

8           32. On August 17, 2016, CED issued a Civil Penalty Notice and Order (Notice) and  
9 mailed a copy to IATRIDIS. The Notice cited the following violations:

10           a. Failure to maintain property free of all non-incidental storage including, but not  
11 limited to: appliances, furniture, boxes, bags, bricks and ladders in violation of SDMC §§  
12 121.0302(a)(b)(4), 142.1110(a)(c), and 54.0208(a)(b)).

13           b. Failure to maintain required off-street parking area free of obstructions and  
14 available for parking in violation of SDMC §§ 121.0302(a)(b)(4), and 142.0510 (a)(b)).

15           c. Failure to maintain the public right-of-way (sidewalk) free of obstructions and  
16 encroachments (stored items) in violation of SDMC §§ 121.0302(a)(b)(4), 54.0110,  
17 54.0208(a)(b), and 54.0201(a)(1)).

18           33. The Notice also identified a date by which the code violations must be corrected  
19 (September 12, 2016), the manner in which the code violations must be corrected, and the  
20 consequences for failure to comply with the Notice, including civil penalties up to a maximum of  
21 \$250,000.

22           34. On August 18, 2016, the City received another citizen complaint related to the  
23 condition of the Property.

24           35. On September 12, 2016, a City Inspector returned to the Property to determine  
25 whether IATRIDIS had complied with the Notice. No change to the Property was noted. It was  
26 still filled with large piles of junk, trash and debris. The amount of storage in the rear yard was so  
27 extensive that almost no ground was visible. The City Inspector also noted an offensive smell  
28 coming from the Property.



1           36. While at the Property, the City Inspector told IATRIDIS that he must remove the  
2 storage from the neighbors' property and from the public right-of-way by the following day. The  
3 City Inspector also saw that a front window was completely blocked from the interior by stored  
4 items. The City Inspector asked IATRIDIS if he could inspect the interior of the Property, but  
5 IATRIDIS refused.

6           37. When the City Inspector returned to the Property on September 13, 2016, he noticed  
7 that IATRIDIS had removed some of the storage from the public right-of-way and from the  
8 neighboring properties. IATRIDIS said he would continue to clear the Property, but the bulk of  
9 the junk, trash and debris remained, and the Property continued to be in violation of the SDMC  
10 and Cal. Health and Safety Code sections 17920.3(c) [nuisance] and (j) [accumulation of weeds,  
11 junk, debris, combustibles and other materials or conditions that constitute fire, health, or safety  
12 hazards].

13           38. On October 5, 2016, the City Inspector conducted a follow-up inspection and observed  
14 that IATRIDIS had again started storing items in the right-of-way and on the neighboring  
15 properties. The remainder of the Property remained crammed with junk, trash and debris in  
16 violation of the SDMC and Cal. Health and Safety Code. The City Inspector also observed  
17 noticeable roof deterioration and pointed it out to IATRIDIS. The City Inspector asked to inspect  
18 the interior of the home, but IATRIDIS refused.

19           39. On November 18, 2016, the City Inspector conducted another exterior site inspection  
20 of the Property. Nothing had changed and the Property remained in violation of the SDMC and  
21 Cal. Health and Safety Code.

22           40. Between the November 18, 2016, inspection and March 30, 2017, the City conducted  
23 two additional inspections. On both occasions, the City Inspector observed that no improvement  
24 had been made to the Property and that it remained covered with junk, trash and debris in  
25 violation of the SDMC and Cal. Health and Safety Code.

26           41. On March 30, 2017, IATRIDIS allowed a City inspector and a City Attorney  
27 investigator access to the interior of the house; however, they were unable to enter more than a  
28 few feet into the house, as it was stacked floor to ceiling, wall to wall with boxes, papers,

1 mattresses, videos, and an assortment of other junk, trash and debris. The City inspector observed  
2 several Cal. Health and Safety Code and SDMC violations. The exterior of the house also  
3 remained covered with large amounts of junk, trash, and debris.

4 42. Based on the March 30, 2017 inspection, CED determined that the Property was in  
5 violation of the Cal. Health and Safety Code and the SDMC, such that the Property was a  
6 “substandard building” as defined by Cal. Health and Safety Code section 17920.3. The  
7 violations included, but were not limited to violations of Cal. Health and Safety Code sections  
8 17920.3(a)(12) [infestation of insects, vermin, or rodents], (a)(14) [general dilapidation or  
9 improper maintenance], (c) [any nuisance including the accumulation of junk, trash and debris],  
10 (l) [inadequate exit facilities], and (a)(5) [lack of hot running water].

11 43. City staff returned to the Property on May 22, 2017, and found that the Property was  
12 in terrible condition. All of the violations remained. For almost two years, IATRIDIS had ignored  
13 requests by City inspectors to remedy the code violations at the Property.

14 44. On May 22, 2017, the City issued a Notice and Order to Vacate & Repair Substandard  
15 Building and Abate Public Nuisance (Notice and Order) pursuant to Cal. Health and Safety Code  
16 section 17980.6, mailed a copy to IATRIDIS, and posted a copy of the Notice and Order on the  
17 front door of the Property.

18 45. The Notice and Order advised IATRIDIS of the continuing existence and nature of the  
19 code violations observed at the Property and ordered that all occupants vacate the property no  
20 later than May 25, 2017. The Notice and Order also provided IATRIDIS with 30 calendar days to  
21 repair the premises and correct the code violations and notified him that failure to comply may  
22 result in the City seeking appointment of a receiver pursuant to Cal. Health and Safety Code  
23 section 17980.7(c). The specific violations observed by City inspectors and identified in the  
24 Notice and Order include:

25 a. Inadequate sanitation—Failure to provide required lighting. (H&SC section  
26 17920.3(a)(10)).

27 b. Inadequate sanitation—Failure to provide required heating. There is a lack of adequate  
28 heating to the dwelling. (H&SC section 17920.3(a)(6)).

1 c. Inadequate sanitation—There is a lack of hot running water to the plumbing fixtures in  
2 the dwelling. (H&SC section 17920.3(a)(5)).

3 d. Unsafe building—Any building or portion thereof that is determined to be an unsafe  
4 building due to inadequate maintenance. (H&SC section 17920.3(k)).

5 e. Inadequate sanitation—Lack of minimum amounts of natural light and ventilation.  
6 There is excessive storage inside of the main dwelling. (H&SC section 17920.3(a)(8)).

7 f. Inadequate sanitation—Infestation of rats. (H&SC section 17920.3(a)(12)).

8 g. Accumulation of weeds, vegetation, junk, dead organic matter, garbage, offal, rodent  
9 harborages, stagnant water, and combustibles. There is excessive junk and trash throughout the  
10 exterior of the property which is blocking the public right-of-way and the required parking  
11 spaces. (H&SC section 17920.3(j) and SDMC sections 54.0110 and 142.0510(a) and (b)).

12 h. Failure to maintain required off street parking free of storage and obstructions.  
13 (SDMC sections 121.0302, 142.0510(a) and (b), and 142.1110).

14 i. Lack of adequate exit facilities. Due to the junk, trash, and debris located on the  
15 exterior and interior of the property egress has been blocked and there is a lack of a clear path of  
16 travel inside the dwelling. (H&SC section 17920.3(a) and (l)).

17 j. General dilapidation or improper maintenance. There is general dilapidation and  
18 maintenance throughout the property. The extent of the interior condition of the structure is  
19 unknown at this time because a complete interior inspection was not completed due to path of  
20 travel being blocked. A full interior inspection needs to be conducted once the interior is cleared  
21 of junk and debris. (H&SC section 17920.3(a)(14)).

22 k. Public nuisance. The accumulation of waste at the property in the interior and exterior  
23 create a public nuisance. There are also rats and noxious odors coming from the property. (H&SC  
24 section 17920.3(c) and SDMC sections 12.0202 and 121.0302(b)(4)).

25 46. On June 1, 2017, the City recorded a Notice of Pending Enforcement Action, as  
26 Document No. 2017-0246562, in the office of the San Diego County Recorder.

27 47. On June 5, 2017, the City mailed a letter to IATRIDIS informing him of the recording  
28 of the Notice of Pending Enforcement Action.

1 48. On June 29, 2017, City inspectors returned to the Property to conduct a compliance  
2 inspection and observed that IATRIDIS had not taken any action to remedy the nuisance and  
3 substandard conditions identified in the Notice and Order. The front, side, and back yards  
4 remained piled with junk, trash and debris. The interior of the house remained hoarded.

5 49. On November 2, 2017, a City inspector conducted an exterior inspection of the  
6 Property and observed that the driveway and the front, rear and side yards remained piled with  
7 junk, trash and debris in violation of the SDMC and Cal. Health & Safety Code. Through a  
8 window, the City inspector also observed junk piled up inside one of the rooms.

9 50. On November 15, 2017, as required by Cal. Health and Safety Code section  
10 17980.7(c), the City served notice of its intent to seek the appointment of a receiver for the  
11 Property on all parties with a recorded interest in the Property.

12 51. On November 20, 2017, a City Attorney Investigator personally delivered a written  
13 notice to IATRIDIS regarding the City's intent to seek a receivership pursuant to Cal. Health and  
14 Safety Code section 17980.7(c).

15 52. Plaintiffs have no adequate remedy at law and seek the immediate appointment of a  
16 Health and Safety Receiver pursuant to Cal. Health and Safety Code section 17980.7(c) and a  
17 temporary restraining order to prohibit Defendant from continuing to violate the law.

18 53. The extreme hoarding conditions existing at the Property endanger the health and  
19 welfare of the occupant, neighbors, and community and create a fire hazard. Defendant is  
20 blatantly and willfully in violation of the SDMC and the Cal. Health & Safety Code and will  
21 continue to maintain the unlawful code violations at the Property in the future, unless the Court  
22 intervenes. Absent injunctive relief, the City will be irreparably harmed and the ongoing  
23 violations will continue to harm the public health, safety, and welfare of the citizens of  
24 San Diego.

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I

FIRST CAUSE OF ACTION

**APPOINTMENT OF A RECEIVER PURSUANT TO CALIFORNIA HEALTH & SAFETY CODE SECTION 17980.7(C) ALLEGED BY PLAINTIFF CITY OF SAN DIEGO AGAINST DEFENDANTS**

54. Plaintiff City of San Diego incorporates by reference all allegations in paragraphs 1 through 53 of this Complaint as though fully set forth here in their entirety.

55. Plaintiff City of San Diego, by and through Mara W. Elliott, City Attorney for the City of San Diego, brings this cause of action for appointment of a receiver pursuant to Cal. Health & Safety Code section 17980.7(c).

56. Cal. Health & Safety Code section 17980.6 authorizes an enforcement agency, such as the City’s Code Enforcement Division, to issue an order or notice to property owners to repair or abate a building if 1) the building is maintained in a manner that violates any provisions of Cal. Health & Safety Code section 17920.3 or similar local ordinance provisions; and 2) the violations are so extensive and of such a nature that the health and safety of residents or the public is substantially endangered.

57. Cal. Health & Safety Code section 17980 authorizes an enforcement agency to “institute appropriate action or proceeding to prevent, restrain, correct, or abate the violation or nuisance” if the property owner fails to repair or demolish the property in a reasonable time as required by a notice and order issued by the enforcement agency.

58. Cal. Health & Safety Code section 17980.7(c) states:

If the owner fails to comply within a reasonable time with the terms of the order or notice issued pursuant to Section 17980.6 . . . the enforcement agency . . . may seek and the court may order, the appointment of a receiver for the substandard building pursuant to this subdivision.

59. Beginning on an exact date unknown to the City, but since at least January 30, 2015, Defendant has used or maintained the Property in violation of Cal. Health & Safety Code section 17920.3 and similar local ordinances.

. . . . .





1 throughout the exterior of the property which is blocking the public right-of-way and the required  
2 parking spaces. (H&SC section 17920.3(j) and SDMC sections 54.0110 and 142.0510(a) and (b)).

3 h. Failure to maintain required off street parking free of storage and obstructions.  
4 (SDMC sections 121.0302, 142.0510(a) and (b), and 142.1110).

5 i. Lack of adequate exit facilities. Due to the junk, trash, and debris located on the  
6 exterior and interior of the property egress has been blocked and there is a lack of a clear path of  
7 travel inside the dwelling. (H&SC section 17920.3(a) and (l)).

8 j. General dilapidation or improper maintenance. There is general dilapidation and  
9 maintenance throughout the property. The extent of the interior condition of the structure is  
10 unknown at this time because a complete interior inspection was not completed due to path of  
11 travel being blocked. A full interior inspection needs to be conducted once the interior is cleared  
12 of junk and debris. (H&SC section 17920.3(a)(14)).

13 k. Public nuisance. The accumulation of waste at the property in the interior and  
14 exterior create a public nuisance. There are also rats and noxious odors coming from the property.  
15 (H&SC section 17920.3(c) and SDMC sections 12.0202 and 121.0302(b)(4)).

16 63. During the more than 15 months prior to the issuance of the Notice and Order, the City  
17 issued the Defendant an Administrative Citation Warning, 4 Administrative Citations, and a Civil  
18 Penalty Notice and Order and conducted over 20 inspections of the Property in an attempt to get  
19 Defendant to remedy the code violations at the Property. In addition, on several occasions, City  
20 inspectors spoke directly with Defendant IATRIDIS and personally informed him of the  
21 violations and requested that he remove all of the junk, trash and debris from the Property and  
22 bring the Property into compliance with the law.

23 64. Defendant IATRIDIS has had ample time to comply with the City's Notice and Order,  
24 yet has failed to do so within a reasonable time.

25 65. Defendant IATRIDIS continues to maintain the Property in violation of the Cal.  
26 Health and Safety Code and similar local ordinances in the same manner as described above.

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1 66. Due to the long-term cumulative effect of substandard conditions at the Property, these  
2 violations are so extensive and of such a nature that they substantially endanger the health and  
3 safety of Defendant and the public.

4 67. The City served each person with a recorded interest in the Property, notice of the  
5 City's intent to seek the appointment of a receiver at least three days before filing this Complaint  
6 as required per Cal. Health & Safety Code section 17980.7(c).

7 68. Unless this Court appoints a receiver pursuant to Cal. Health & Safety Code section  
8 17980.7(c), Defendant will continue to maintain the Property in a manner which constitutes a  
9 violation of the Cal. Health and Safety Code and local ordinance provisions.

## 10 II

### 11 SECOND CAUSE OF ACTION

#### 12 MAINTENANCE OF A PUBLIC NUISANCE IN VIOLATION 13 OF CALIFORNIA CIVIL CODE SECTIONS 3479 AND 3480 14 ALLEGED BY PLAINTIFF THE PEOPLE OF THE STATE 15 OF CALIFORNIA AGAINST ALL DEFENDANTS

16 69. Plaintiff the People of the State of California incorporates by reference all allegations  
17 in paragraphs 1 through 53 of this Complaint as though fully set forth here in their entirety.

18 70. California Civil Code sections 3479 and 3480 provide that:

19 Anything which is injurious to health, including, but not limited to,  
20 the illegal sale of controlled substances, or is indecent or offensive  
21 to the senses, or an obstruction to the free use of property, so as to  
22 interfere with the comfortable enjoyment of life or property . . . is a  
23 nuisance. A public nuisance is one which affects an entire  
24 community or neighborhood.

25 71. California Civil Code section 3491 provides for the methods by which public  
26 nuisances such as those alleged in this case may be abated. California Civil Code section 3491  
27 indicates that the remedies against a public nuisance are indictment or information, a civil action,  
28 or abatement. California Civil Code section 3494 states that a public nuisance may be abated by  
any public body or officer authorized thereto by law.

72. California Code of Civil Procedure section 731 authorizes a city attorney to bring an  
action to enjoin or abate a public nuisance. It provides in relevant part "[a] civil action may be

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

3       73. On or about May 22, 2017, the City issued Defendant a Notice and Order to Vacate,  
4 Repair Substandard Building, and Abate Public Nuisance at the Property (Notice and Order)  
5 pursuant to Cal. Health and Safety Code section 17980.6. The Notice and Order advised  
6 Defendant of the unlawful and dangerous conditions found to exist at the Property and declared  
7 that the conditions violate the Cal. Health & Safety Code and the SDMC.

8       74. During the more than 15 months prior to the issuance of the Notice and Order, the City  
9 issued the Defendant an Administrative Citation Warning, 4 Administrative Citations, and a Civil  
10 Penalty Notice and Order and conducted over 20 inspections of the Property in an attempt to get  
11 Defendant to remedy the code violations at the Property. In addition, on several occasions, City  
12 inspectors spoke directly with the Defendant and personally informed him of the violations and  
13 requested that he remove all of the junk, trash and debris from the Property and bring the Property  
14 into compliance with the law.

15       75. Defendant has had ample time to comply with the City citations, the Civil Penalty  
16 Notice and Order, and the Notice and Order provided pursuant to Cal. Health and Safety Code  
17 section 17980.6, yet despite all of this notice, Defendant has failed to comply within a reasonable  
18 time.

19       76. Beginning on an exact date unknown to Plaintiff, but since at least January 30, 2015,  
20 and continuing to the present, Defendant has used or maintained the Property in a manner that  
21 violates the Cal. Health & Safety Code and the SDMC. Due to the long-term cumulative effect of  
22 the substandard conditions at the Property, these violations are so extensive and of such a nature  
23 that the health and safety of the Defendant and the public have been substantially endangered.

24       77. Defendant’s maintenance of the Property in the condition described above constitutes  
25 a continuing public nuisance as defined by California Civil Code sections 3479 and 3480.  
26 Defendant’s Property adversely affects the entire community and neighborhood. The Property as  
27 it currently exists, is injurious to the health, safety, and welfare of the residents and families who  
28 . . . . .

1 live in the community and interferes with the comfortable use and enjoyment of life and property.  
2 Such conditions are objectionable to the neighborhood and community as a whole.

3 78. Plaintiff has no plain, speedy, or adequate remedy at law. Therefore, unless restrained  
4 by this Court, Plaintiffs are informed and believe that Defendant will continue to maintain this  
5 nuisance and thereby cause irreparable injury and harm to the public's health, safety, and welfare.

6 **III**

7 **THIRD CAUSE OF ACTION**

8 **VIOLATIONS OF THE SAN DIEGO MUNICIPAL CODE**  
9 **ALLEGED BY PLAINTIFF CITY OF SAN DIEGO AGAINST**  
10 **DEFENDANTS**

11 79. Plaintiff City of San Diego incorporates by reference all allegations in paragraphs 1  
12 through 53 of this Complaint as though fully set forth here in their entirety.

13 80. SDMC section 121.0302(a) states: "It is unlawful for any person to maintain or use  
14 any premises in violation of any of the provisions of the Land Development Code<sup>2</sup>, without a  
15 required permit, contrary to permit conditions, or without a required variance."

16 81. SDMC section 121.0302(b)(4) states that it is unlawful to maintain or allow the  
17 existence of any condition that creates a public nuisance. Beginning on an exact date unknown to  
18 Plaintiff, but since at least January 30, 2015, and continuing to the present, Defendant has  
19 maintained a public nuisance at the Property in violation of SDMC section 121.0302(b)(4).

20 82. SDMC section 142.1110 (a) provides that only outdoor storage that is incidental to a  
21 residential use is permitted. Beginning on an exact date unknown to Plaintiff, but since at least  
22 January 30, 2015, and continuing to the present, Defendant has maintained and used the Property  
23 in violation of the SDMC by maintaining junk, trash, and debris that is not incidental to a  
24 residential use throughout the front, rear, and side yards of the Property, in violation of SDMC  
25 sections 121.0302(a) and 142.1110(a).

26 83. SDMC section 54.0208(a) provides that it is unlawful to fail to maintain real property  
27 and appurtenances free from waste. Beginning on an exact date unknown to Plaintiff, but since at

28 <sup>2</sup> SDMC § 111.0101(a) states that Chapters 11 through 15 of the San Diego Municipal Code shall be known collectively, and may be referred to, as the Land Development Code.



1 least January 30, 2015, and continuing to the present, Defendant has maintained and used the  
2 Property in violation of the SDMC by maintaining the premises full with waste, in violation of  
3 SDMC section 54.0208(a).

4 84. SDMC section 54.0208(b) provides that it is unlawful to fail to maintain any public  
5 walkway in a condition free from waste, weeds and other plant growth. Beginning on an exact  
6 date unknown, but since at least January 30, 2015, Defendant has used the public sidewalk in  
7 violation of the SDMC by storing a significant amount of waste on the sidewalk in violation of  
8 SDMC section 54.0208(b).

9 85. SDMC section 142.0510 provides that it is unlawful to block, reduce or eliminate  
10 required off-street either temporarily or permanently. Beginning on an exact date unknown to  
11 Plaintiff, but since at least January 30, 2015, Defendant has used the Property in violation of the  
12 SDMC by storing a significant amount of junk, trash and debris in the driveway and by blocking  
13 the garage with such storage, in violation of SDMC sections 121.0302(a) and 142.0510.

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

17 **PRAYER**

18 **WHEREFORE,** Plaintiffs pray for judgment against Defendant as follows:

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

20 **Appointment of a Receiver**

21 1. That pursuant to Cal. Health & Safety Code section 17980(c)(4) and the Court’s  
22 inherent equitable powers, the Court authorize the appointment of a receiver with instructions to  
23 take full and complete possession and control of the Property and to take such actions as  
24 necessary to abate the public nuisance and to remedy all State and local housing code violations.

25 2. Before entering upon the duties of a receiver, the receiver must be sworn to perform  
26 the duties faithfully and must file a bond with a surety approved by this Court to secure the  
27 faithful performance of his duties pursuant to California Code of Civil Procedure section 567.

28 . . . . .

1           3. Plaintiff City of San Diego requests that the Court, pursuant to Cal. Health & Safety  
2 Code section 17980.7(c)(4), authorize the receiver:

3                   a. To take full and complete control of the Property;

4                   b. To manage the Property and pay expenses of the operation of the Property,  
5 including taxes, insurance, utilities, general maintenance, and debt secured by an interest in the  
6 Property;

7                   c. To secure a cost estimate and construction plan from a licensed contractor for the  
8 repairs necessary to correct the conditions cited in the City's Notices;

9                   d. To enter into contracts and employ a licensed contractor as necessary to correct the  
10 conditions cited in the City's Notices;

11                   e. To collect all rents and income, if any, from the Property;

12                   f. To use all rents and income from the Property to pay for the costs of rehabilitation  
13 and repairs determined by the Court as necessary to correct the conditions cited in the City's  
14 Notices;

15                   g. To borrow funds to pay for repairs necessary to correct the conditions cited in the  
16 City's Notices, and secure that debt, with Court approval, with a recorded priority lien on the  
17 Property. The lien shall take priority over all existing encumbrances on the Property except tax  
18 liens; and

19                   h. To exercise the powers granted to receivers under Section 568 of the California  
20 Code of Civil Procedure, including the power to sell the Property, if necessary.

21           4. The City further requests, pursuant to Cal. Health & Safety Code section  
22 17980.7(c)(3) that Defendants and their agents be enjoined from:

23                   a. Collecting any rents from the Property;

24                   b. Interfering with the receiver in the operation of the Property; and

25                   c. Encumbering or transferring the Property, or any portion of the Property, during  
26 the receivership period.

27 . . . . .

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1 5. The City has incurred, and will continue to incur expenses and costs. The City is  
2 entitled to recover those fees and costs from Defendants pursuant to Cal. Health & Safety Code  
3 sections 17980.7(c)(11) and 17980.7(d)(1).

4 6. The receiver shall be entitled to receive compensation for his services with respect to  
5 repairing the Property as necessary as well as reimbursement for expenses as receivers in actions  
6 to foreclose mortgages per Cal. Health & Safety Code section 17980.7(c)(5).

7 7. An order requiring the receiver to prepare monthly reports to the City in accordance  
8 with Cal. Health & Safety Code section 17980.7(c)(8).

9 8. An order that the receiver shall not be discharged until the conditions cited in the  
10 City's Notices have been remedied in accordance with the court order or judgment and a  
11 complete accounting of all costs and repairs has been delivered to the Court as required per Cal.  
12 Health & Safety Code section 17980.7(c)(9).

13 9. An order that the receivership shall be in full force and effect until the court terminates  
14 the receivership.

15 10. An order that, after discharging the receiver, the court shall retain jurisdiction for up to  
16 18 months and require Defendant and the City to report to the court in accordance with a schedule  
17 determined by the court.

18 **AS TO THE SECOND CAUSE OF ACTION:**

19 **Public Nuisance**

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

22 12. That pursuant to California Code of Civil Procedure sections 526 and 731, the Court  
23 grant a preliminary injunction and permanent injunction, enjoining and restraining Defendant, his  
24 agents, heirs, successors, officers, employees and anyone acting on his behalf from maintaining  
25 the Property as a public nuisance as defined per California Civil Code sections 3479 and 3480.

26 13. If after the receiver is discharged, Defendant fails to comply with paragraph 12 of the  
27 Prayer above, then within 48 hours after posting written notice of its intention, the City or its  
28 contractor are authorized pursuant to California Civil Code sections 3491 and 3494 to accomplish

1 the work and recover all costs of abating the nuisance at the Property. The expense of the  
2 abatement is recoverable by the City according to the provisions of California Government Code  
3 sections 38773.1 and 38773.5.

4 14. That Defendant, his agents, heirs, successors, officers, employees and anyone acting  
5 on his behalf be required to stay 100 feet away from the Property while the receiver is in control  
6 of the Property.

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

8 **Violations of the San Diego Municipal Code**

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

10 San Diego Municipal Code sections

11 121.0302(a) 121.0302(b)(4)  
12 142.1110(a) 54.0208(a)  
13 54.0208(b) 142.0510(a) and (b)

14 16. That, pursuant to SDMC sections 12.0202 and 121.0311, the Court grants a  
15 preliminary injunction and permanent injunction, enjoining and restraining Defendant, his agents,  
16 officers, employees and anyone acting on his behalf, from keeping, allowing, or maintaining  
17 violations of the SDMC at the Property.

18 17. That upon discharge of the receiver, Defendant, his agents, heirs, successors, officers,  
19 employees and anyone acting on his behalf, is required to maintain the Property in full  
20 compliance with the SDMC.

21 18. If after the receiver is discharged, Defendant fails to comply with paragraph 17 of the  
22 Prayer above, then within 48 hours after posting written notice of its intention, the City or its  
23 contractor is authorized to accomplish the work and recover all costs of bringing the Property into  
24 compliance. The expense of the abatement is recoverable by the City according to the provisions  
25 of California Government Code sections 38773.1 and 38773.5, and SDMC section 12.0204(a).

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





DEC 29 2017

By: K. Mulligan, Clerk

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SUPERIOR COURT OF CALIFORNIA  
COUNTY OF SAN DIEGO

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

Plaintiffs,

v.

ALEX STEPHEN IATRIDIS, also known as ALEXANDER STEPHAN IATRIDIS, an individual; and DOES 1 through 50, inclusive,

Defendants.

Case No. 37-2017-00045079-CU-MC-CTL

JUDGE RONALD L. STYN

ORDER FOR CONFIRMATION OF RECEIVER AND PRELIMINARY INJUNCTION

IMAGED FILE

This matter came on for hearing on December 29, 2017, at 9:00 a.m. in Department C-62, the Honorable Ronald L. Styn, Judge Presiding. Deputy City Attorney David E. Miller appeared on behalf of Plaintiffs, the People of the State of California and City of San Diego.

NO APPEARANCE appeared on behalf of Defendant Alex Stephen Iatridis. Upon reading Plaintiffs' Motion, the supporting Memorandum of Points and Authorities, and all supporting declarations and exhibits on file in this action, any argument that may be presented, and good cause appearing, the Court finds and Orders:

FINDINGS OF FACT

1. The owner of record of the property located at 5126 Alumni Place, San Diego, CA, 92115 (PROPERTY), is Alex Stephen Iatridis (Defendant).

.....



1           2. If the Receiver has not done so, then within 10 calendar days after this Order is  
2 entered, the Receiver shall 1) execute and file with the Court a Receiver's Oath; and 2) file a bond  
3 with the Court as required per Code of Civil Procedure section 567(b) in the amount of \$10,000  
4 to secure the faithful performance of his duties.

5           3. The Receiver shall have the following powers and duties, including but not limited to:

6           a. Take full and complete control of the PROPERTY;

7           b. Enter and inspect the PROPERTY;

8           c. Remove all trash, junk, and debris from the interior and exterior of the  
9 PROPERTY as soon as practically possible;

10           d. Maintain the PROPERTY vacant during the pendency of the receivership, should  
11 the Receiver believe vacating the PROPERTY to be required to safely and adequately carry out  
12 the purposes of this receivership. If Defendant or any occupant refuses to vacate the PROPERTY,  
13 the Receiver may obtain a writ of possession, or equivalent legal authority under the  
14 circumstances, to remove the Defendant or any occupant from the PROPERTY;

15           e. Secure the PROPERTY and prohibit the entry of unauthorized individuals;

16           f. Post "No Trespassing" signs at the PROPERTY that are visible from the public  
17 right-of-way and file a Letter of Agency with the San Diego Police Department, Eastern  
18 Division;

19           g. Manage the PROPERTY and pay expenses for the operation of the PROPERTY,  
20 including taxes, insurance, utilities, general maintenance, and debt secured by an interest in the  
21 PROPERTY;

22           h. Secure a cost estimate and construction plan from a licensed contractor to make  
23 the repairs necessary to correct the conditions cited in the City's Notices and to correct any other  
24 conditions found during an inspection of the PROPERTY;

25           i. Enter into contracts and employ a licensed contractor as necessary to correct the  
26 conditions cited in the City's Notices and to correct any other conditions found during an  
27 inspection of the PROPERTY, and further, consult with and/or employ appropriate counseling  
28 services to assist receiver in dealing with or helping Defendant;

1 j. Borrow funds to pay for repairs necessary to correct the substandard housing  
2 conditions existing at the PROPERTY, and secure that debt, with Court approval, with a recorded  
3 priority lien on the PROPERTY. The lien shall take priority over all existing encumbrances on  
4 the PROPERTY, except tax liens; and

5 k. Exercise the powers granted to receivers under Section 568 of the California Code  
6 of Civil Procedure, including the power to sell the PROPERTY, if necessary.

7 4. Pursuant to Cal. Health & Safety Code section 17980.7(c)(3), that Defendant and his  
8 agents be enjoined from:

- 9 a. Collecting any rents from the PROPERTY;
- 10 b. Interfering with the Receiver in the operation of the PROPERTY; and
- 11 c. Encumbering or transferring the PROPERTY, or any portion of the PROPERTY,  
12 during the receivership period.

13 5. The City has incurred, and will continue to incur expenses and costs. The City is  
14 entitled to recover those costs, including attorney's fees, from Defendant pursuant to Cal. Health  
15 & Safety Code sections 17980.7(d)(1) and 17980.7(c)(11) as a priority lien on the PROPERTY.

16 6. The Receiver is permitted to fund an initial \$15,000 receivership certificate with  
17 super-priority status to cover the costs of securing the PROPERTY and the initial costs of the  
18 receivership.

19 7. If an order issued by the Receiver under the direction of this Court is refused by any  
20 person, the Receiver is authorized to enlist the assistance of law enforcement to ensure  
21 compliance with the Order. Law enforcement officers are authorized to employ all reasonably  
22 necessary measures to secure cooperation and compliance with the order issued by the Receiver,  
23 including but not limited to, the use of forced entry onto/into the PROPERTY should consent to  
24 enter be refused.

25 8. Failure to comply with this Order, or any other orders issued by the Court, shall be  
26 punishable by civil contempt pursuant to Cal. Health & Safety Code section 17995 et seq., and  
27 any other penalties and fines the Court deems appropriate.

28 . . . . .





1           16. Maintaining a substandard property at 5126 Alumni Place in the City of San Diego, in  
2 violation of state and local building laws and as a public nuisance which is a threat to the health,  
3 safety, and welfare of the public.

4 **THE COURT FURTHER ORDERS:**

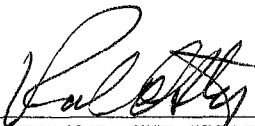
5           17. That Defendant shall not interfere, obstruct, or resist the efforts of the Receiver to  
6 manage, rehabilitate, and maintain the PROPERTY.

7           18. An agent of the City is authorized to post a copy of this Order on the exterior of the  
8 PROPERTY in a place visible to anyone entering and exiting the Property.

9           19. The City is authorized to record this Order with the San Diego County Recorder's  
10 Office and provide notice of the Order to Defendant and any occupants of the PROPERTY.

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

13           Dated: December 29, 2017

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17 JUDGE OF THE SUPERIOR COURT  
18 **RONALD L. STYN**  
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