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MUNTU DAVIS, M.D., M.P.H., in his capacity  
11 as Health Officer of Los Angeles, and THE  
PEOPLE OF THE STATE OF CALIFORNIA  
12

13 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**  
14 **FOR THE COUNTY OF LOS ANGELES, CENTRAL DISTRICT**  
15

16 COUNTY OF LOS ANGELES, a political  
subdivision of the State of California;  
17 MUNTU DAVIS M.D., M.P.H., in his  
capacity as Health Officer for Los Angeles  
18 County; and THE PEOPLE OF STATE OF  
CALIFORNIA, by and through RODRIGO A.  
19 CASTRO-SILVA, County Counsel for the  
County of Los Angeles ,

20 Plaintiff,

21 v.

22 CROAG, INC., a California corporation;  
23 DAVID ALAN FOLDES, an individual;  
BARFLY, INC., a California corporation;  
24 BARET LEPEJIAN, an individual; AND  
DOES 1 THROUGH 50, inclusive,  
25

26 Defendant.  
27  
28

CASE NO. **21STCV03275**

**COMPLAINT FOR:**

**(1) VIOLATION OF EMERGENCY  
HEALTH ORDERS;**

**(2) VIOLATION OF LOS ANGELES  
COUNTY CODE §§ 1.23.010 ET SEQ.;**  
**8.04.947; 11.02.060;**

**(3) VIOLATION OF LOS ANGELES  
COUNTY CODE § 8.04.946;**

**(4) ABATEMENT OF PUBLIC  
NUISANCE**

1 Plaintiffs County of Los Angeles (the "County"), Muntu Davis, M.D., M.P.H. ("Dr. Davis"  
2 or "County Health Officer"), and the People of the State of California, by and through Rodrigo A.  
3 Castro-Silva, County Counsel for the County of Los Angeles (collectively, the "Plaintiffs") hereby  
4 allege in their Complaint (the "Complaint"), against Defendants CROAG, INC., a California  
5 corporation; DAVID ALAN FOLDES, an individual; BARFLY, INC., a California corporation;  
6 BARET LEPEJIAN, an individual; AND DOES 1 THROUGH 50, inclusive, (collectively,  
7 "Defendants"), as follows:

8 **NATURE OF THE ACTION**

9 1. COVID-19 is an unprecedented public health crisis. Since the start of the  
10 pandemic, more than 25 million people in the United States have been infected and over 419,827  
11 have died. As of January 26, 2021, there were over 1,085,044 known cases of COVID-19 and over  
12 15,592 deaths in the County.

13 2. The County has been in the midst of an alarming surge in new COVID-19 cases,  
14 hospitalizations, and deaths. As of January 26, 2021, there are 6,307 people hospitalized with  
15 COVID-19, 25% of whom are in the ICU.

16 3. Nonetheless, Defendants have continued to operate their restaurants in violation of  
17 County Health Orders and the Los Angeles County Code by allowing outdoor dining.

18 4. In March 2020, State and County officials declared a state of emergency. Using the  
19 authority granted to them by State law, State and local health officers have issued emergency  
20 orders restricting activities that pose the most risk for spreading COVID-19. Health officials have  
21 continuously modified the orders as the situation has changed.

22 5. The virus that causes COVID-19 spreads easily through person-to-person contact.  
23 Because it is spread through respiratory droplets, the risk of transmission is increased when people  
24 are in close proximity for a substantial period of time. There are also significant risks of  
25 transmission from persons who are asymptomatic or pre-symptomatic. For this reason, County  
26 officials have restricted operations at a variety of establishments. Defendants have chosen to flout  
27 the rules, by continuing to offer outdoor dining, putting the health of their workers, customers,  
28 and the community at risk.

1           6. Defendants' actions constitute a public nuisance, and must be stopped.

2 **II. THE PARTIES**

3           **A. Plaintiffs**

4           7. Plaintiff County of Los Angeles is a charter county and a political subdivision of  
5 the State of California.

6           8. Plaintiff Dr. Muntu Davis is the duly appointed health officer for the County.

7           9. Plaintiff People of the State of California, are hereby represented by and through  
8 RODRIGO A. CASTRO-SILVA, County Counsel for the County of Los Angeles, who acts on  
9 their behalf pursuant to Code of Civil Procedure section 731.

10           **B. Defendants**

11           **1. Cronies Sports Grill**

12           10. CROAG, Inc., is operating Cronies Sports Grill, located at 5687 Kanan Rd. Agoura  
13 Hills, California, 91301, and more particularly described by Assessor's Parcel Number ("APN")  
14 2053-007-030. David Alan Foldes is the CEO, CFO, and Director of CROAG, Inc..

15           **2. Tinhorn Flats Saloon & Grill**

16           11. Barfly, Inc., is operating Tin Horn Flats Saloon & Grill, located at 2623 West  
17 Magnolia Boulevard Burbank, California, 91505, APN 2478-023-001. Baret Lepejian is the CEO,  
18 CFO, Secretary, Director, and President of Barfly, Inc..

19           12. The Defendants named as Does 1 through 50, inclusive, are sued and designated by  
20 fictitious names pursuant to Section 474 of the Code of Civil Procedure, for the reason that their  
21 true names and capacities are unknown by the County. The County will amend its complaint to  
22 show the true names and capacities of such defendants fictitiously named when ascertained. The  
23 County is informed and believes, and thereon alleges, that each of the Doe Defendants is  
24 responsible in some manner for the violation of the Health Orders herein alleged.

25           13. The County is informed and believes, and on that basis alleges, that at all times  
26 mentioned herein, each of the Defendants was and is the agent, officer, employee, member,  
27 representative, or alter ego of one or more of the remaining Defendants, and, in doing the things  
28 herein after alleged, was acting within the scope of his, her, or its authority as such agent, officer,

1 employee, member, representative, or alter ego with the permission and consent of the remaining  
2 Defendants.

3 **III. JURISDICTION AND VENUE**

4 14. This case is an unlimited civil case because it is not one of the proceedings  
5 described by statute as a limited civil case.

6 15. Pursuant to Code of Civil Procedure section 410.10, this action lies within the  
7 general jurisdiction of this Court, because the causes of action arise under the California law and  
8 Defendants reside and/or do business within California.

9 16. Moreover, pursuant to Los Angeles Superior Court Local Rule 2.3 and Code of  
10 Civil Procedure sections 392, 393, and 395, venue is proper in the Los Angeles Superior Court,  
11 Central District, as Plaintiffs are seeking to enjoin unlawful conduct occurring on various  
12 properties throughout the county of Los Angeles.

13 **IV. FACTUAL ALLEGATIONS**

14 **A. The COVID-19 Health Orders**

15 17. The County (and the country) is facing an unprecedented public health crisis due to  
16 the spread of COVID-19. Beginning in March 2020, federal, State, and local authorities issued a  
17 series of emergency orders to try to slow the spread of COVID-19 and avoid overwhelming the  
18 healthcare system.

19 18. On March 4, 2020, Governor Gavin Newsom proclaimed a State of Emergency in  
20 California as a result of COVID-19.

21 19. That same day, the Los Angeles County Board of Supervisors proclaimed a local  
22 emergency. The County Health Officer, Dr. Muntu Davis, also declared a local health emergency.

23 20. Since March, state and local officials have issued emergency health orders, which  
24 have been revised several times, based on evolving public health conditions.

25 21. The current County of Los Angeles Department of Public Health Order of the  
26 Health Officer, titled "Temporary Targeted Safer at Home Order for Control of COVID-19: Tier 1  
27 Substantial Surge Response," most recently updated on December 30, 2020 (the "Health Order")  
28 prohibits situations where the virus can spread easily.

1           22.     Among other things, the Health Order prohibits in-person outdoor dining at  
2 restaurants. Research has demonstrated that transmission of COVID-19 can occur in outdoor  
3 settings.<sup>1</sup> This is why it is recommended that individuals wear face coverings whenever they are in  
4 close proximity to one another, regardless of whether they are indoors or outdoors. Dining with  
5 others creates a situation where (a) non-household members are gathering in close proximity to  
6 each other, (b) not wearing masks, and (c) eating, drinking, and projecting their voices (and  
7 respiratory and aerosol droplets) toward each other typically for periods of more than 15 minutes.  
8 Being in close proximity to an unmasked infected person for a prolonged period of time presents a  
9 high risk of COVID-19 infection.

10           23.     To lower the risks associated with in-person dining, the Health Order prohibits both  
11 indoor and outdoor dining at restaurants.

12           **C.     Defendants Are Violating the Health Order**

13           24.     Despite the Health Order, multiple warnings and citations, and health officer  
14 closure orders, Defendants are each continuing to operate outdoor dining at their restaurants.

15           25.     Defendants' refusal to comply with the Health Order is in violation of the law  
16 entitling Plaintiffs to, among other things, injunctive relief.

17           26.     The Health Order is necessary for the health and safety of the citizens of the  
18 County and the State as a whole, and immediate and irreparable injury will result if Defendants do  
19 not comply.

20           **1.     Cronies Sports Grill**

21           27.     On November 28, 2020, a Los Angeles County Department of Public Health  
22 inspector ("public health inspector") visited Cronies Sports Grill ("Cronies"), confirmed Cronies  
23 was operating outdoor dining in violation of the Health Order, and issued a written directive  
24 informing Cronies of the corrective action required.

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26           \_\_\_\_\_  
27           <sup>1</sup> Weed & Foad, Rapid Scoping Review of Evidence of Outdoor Transmission of COVID-  
28           19, doi: <https://doi.org/10.1101/2020.09.04.20188417>; *See also* Qian, Mia, Liu, Zheng, Luo & Li,  
          Indoor transmission of SARVS-CoV-2 (doi: <https://doi.org/10.1101/2020.04.04.20053058>).

1           28.     On December 1, 2020, public health inspectors conducted a follow up visit  
2 confirming continuing outdoor dining and a written directive was issued, instructing Cronies to  
3 take corrective action. Cronies' Public Health Permit was suspended for non-compliance with the  
4 Health Order and a Closure Notice ("Closure Notice") was posted on the front door. A citation  
5 was issued.

6           29.     On December 2, 2020, public health inspectors conducted a follow up visit and  
7 observed 18-22 customers eating and drinking on the outdoor patio in front of the restaurant. The  
8 public health inspector also observed the Closure Notice was no longer visible from the outside  
9 because a banner camouflaged it. A written directive was issued, instructing Cronies to take  
10 corrective action and a citation was issued.

11          30.     On December 5, 2020, December 6, 2020, December 7, 2020, December 9, 2020,  
12 December 10, 2020, a public health inspector conducted follow-up visits. At each follow up visit,  
13 the inspector observed continuing outdoor dining operations in violation of the Health Order and  
14 the Closure Notice. A written directive was issued, instructing Cronies to take corrective action  
15 and a citation was issued on each day

16          31.     On December 10, 2020, a revocation hearing was held by the Department of Public  
17 Health for Cronies' Public Health Permit.

18          32.     On December 12, 2020, Cronies' Public Health Permit was revoked and a written  
19 notice was provided to Cronies to cease all restaurant operations. Cronies has subsequently filed  
20 an administrative appeal of the permit revocation.

21          33.     On December 11, 2020, December, 12, 2020, December 13, 2020, December 14,  
22 2020, December 15, 2020, December 16, 2020, December 17, 2020, December 18, 2020,  
23 December 22, 2020, and December 23, 2020, a public health inspector conducted follow up visits.  
24 At each follow up visit, the inspector observed continuing outdoor dining operations in violation  
25 of the Health Order and the Closure Notice. A written directive was issued, instructing Cronies to  
26 take corrective action and a citation was issued on each day.

27          34.     On December 24, 2020, a public health inspector conducted a follow up visit and  
28 observed Cronies was open for business with outdoor dining patio seating set up with

1 approximately six (6) tables and twenty-four (24) chairs as well as outdoor canopy seating with  
2 approximately twelve (12) tables and 48 chairs. The public health inspector also observed a banner  
3 advertising outdoor dining on the canopy.

4 35. On December 29, 2020, December 31, 2020, January 4, 2021, January 5, 2021,  
5 January 6, 2021, January 7, 2021, January 8, 2021, and January 10, 2021, a public health inspector  
6 conducted a follow up visit. At each follow up visit, the public health inspector observed  
7 continuing outdoor dining operations in violation of the Health Order and the Closure Notice. A  
8 written directive was issued, instructing Cronies to take corrective action and a citation was issued  
9 on each day.

10 36. On January 12, 2021, the County sent a cease and desist letter to Cronies,  
11 demanding immediate compliance with the Health Order and that operations on a revoked health  
12 permit must cease.

13 37. From January 12, 2021 through January 20, 2021, inclusive, a public health  
14 inspector conducted various follow up visits. At each follow up visit, the public health inspector  
15 observed continuing outdoor dining operations (ranging from 10 to 50 customers eating and  
16 drinking on the outdoor patio in front of the restaurant) in violation of the Health Order and the  
17 Closure Notice. A written directive was issued, instructing Cronies to take corrective action and a  
18 citation was issued on each day.

19 38. On January 22, 2021, the city of Agoura Hills issued a Final Notice of Violations to  
20 Cronies to immediately cease all outdoor dining. Cronies' temporary outdoor dining permit issued  
21 by the city expired on January 15, 2021.

22 39. On information and belief, Cronies has been continuously operating outdoor dining  
23 in violation of the Health Order on a daily basis from at least November 28, 2020, to the present.

## 24 2. **Tinhorn Flats Saloon & Grill**

25 40. On December 10, 2020, a public health inspector conducted a Health Order  
26 complaint investigation at Tinhorn Flats Saloon & Grill ("THF"). The public health inspector  
27 observed outdoor dining operations and issued a written directive instructing THF of the  
28 corrective action required and a citation was issued.

1           41.     On December 11, 2020, the California Department of Alcoholic Beverage Control  
2 issued a notice of violation to THF for failure to obey an order issued as part of the Emergency  
3 Services Act pursuant to Government Code Section 8665.

4           42.     On December 12, 2020, public health inspectors conducted a follow up visit  
5 confirming continuing outdoor dining as well as three (3) customers eating inside the restaurant.  
6 During the inspection, three customers began filming the public health inspectors without their  
7 consent. THF later posted a video of the public health inspectors on their multiple social media  
8 accounts. THF's Public Health Permit was suspended for non-compliance with Health Order and a  
9 Closure Notice was posted. A written directive was issued, instructing THF to take corrective  
10 action and a citation was issued.

11          43.     On December 13, 2020, a public health inspector conducted a follow up visit and  
12 observed over twenty (20) customers dining in the outdoor patio of the restaurant without wearing  
13 face coverings. The public health inspector also observed the Closure Notice was taken down.  
14 Written directives were issued instructing THF of the corrective actions required and a citation  
15 was issued.

16          44.     On December 15, 2020, a public health inspector conducted a follow up visit and  
17 observed over twenty-five (25) customers dining in the outdoor patio of the restaurant. The public  
18 health inspector also observed the Closure Notice was taken down again. Written directives were  
19 issued instructing THF of the corrective actions required, a new Closure Notice was posted, and a  
20 citation was issued.

21          45.     On December 16, 2020 and December 17, 2020, a public health inspector  
22 conducted follow-up inspections. At each follow up inspection, the public health inspector  
23 observed continuing outdoor dining operations in violation of the Health Order and that the  
24 Closure Notice was taken down. Written directives were issued, instructing THF of the corrective  
25 action required, a Closure Notice posted and citations were issued on each day.

26          46.     On December 22, 2020, December 23, 2020, December 29, 2020, and December  
27 31, 2020, a public health inspector conducted follow-up visits. At each follow up inspection, the  
28 public health inspector observed that the Closure Notice was not posted and the restaurant was



1 open for business with people entering and exiting the restaurant, some of whom were seen not  
2 wearing face coverings and leaving holding brown paper bags. Written directives were issued,  
3 instructing THF of the corrective action required and citations were issued on each day. On  
4 January 5, 2021, January 6, 2021, and January 7, 2021, a public health inspector conducted  
5 follow-up inspections. At each follow up inspection, the inspector observed continuing outdoor  
6 dining operations in violation of the Health Order. Written directives were issued, instructing THF  
7 of the corrective actions required and a citation was issued on each day.

8 47. On January 8, 2021, a public health inspector conducted a follow up visit and  
9 observed THF was open for business and patrons entering the facility and one patron exiting with  
10 a bag. A written directive was issued, instructing THF of the corrective action required and a  
11 citation was issued.

12 48. On January 10, 2021, a public health inspector conducted a follow up visit and  
13 observed approximately five (5) or more customers seated on the outdoor patio, eating and  
14 drinking. The Closure Order was observed to be taken down. A written directive was issued,  
15 instructing THF of the corrective action required and a citation was issued.

16 49. January 12, 2021, the County sent a cease and desist letter to THF, demanding  
17 immediate compliance with the Health Order and that operations cease.

18 50. On January 14, 2021, a public health inspector conducted a follow up inspection  
19 and observed THF was open for business and customers eating and consuming drinks in the  
20 outdoor patio. A written directive was issued, instructing THF to take corrective action and a  
21 citation was issued.

22 51. On January 15, 2021, a public health inspector conducted a follow up visit and  
23 observed five (5) patrons seated at tables in the outdoor patio and that the closure notice was  
24 removed. A written directive was issued, instructing THF of the corrective action required and a  
25 citation was issued.

26 52. On January 16, 2021, a public health inspector conducted a follow up visit and  
27 observed three (3) patrons eating and drinking in the outdoor patio. A written directive was issued,  
28 instructing THF to take corrective action and a citation was issued.

1 53. On January 17, 2021, a public health inspector conducted a follow up visit and  
2 observed THF was open for business and patrons seated at the tables in the outdoor patio and the  
3 closure notice was missing. A written directive was issued, instructing THF of the corrective  
4 action required and a citation was issued.

5 54. On January 18, 2021, a public health inspector conducted a follow up visit and  
6 observed that THF was closed for business.

7 55. On January 19, 2021, a public health inspector conducted a follow up visit and  
8 observed three (3) patrons seated at tables in the outdoor patio area, one patron drinking a  
9 beverage from a glass cup and one (1) patron exiting the facility holding a white container. A beer  
10 vendor was also observed entering and exiting the patio with metal beer kegs. A written directive  
11 was issued, instructing THF of the corrective action required and a citation was issued.

12 56. On January 20, 2021 a revocation hearing was held by the Department of Public  
13 Health for Tin Horn Flats' Public Health Permit.

14 57. On information and belief, THF has been operating outdoor dining in violation of  
15 the Health Order on each day it has been open from at least December 10, 2020, to the present.

16 **FIRST CAUSE OF ACTION**

17 **(Violation of Emergency Health Orders)**

18 ***By the County and Dr. Davis Against All Defendants and Does 1-50***

19 58. Plaintiffs re-allege and incorporate by reference each and every one of the  
20 allegations contained in Paragraphs 1 through 57 of this Complaint.

21 59. COVID-19 has created both a health emergency as defined by Health & Safety  
22 Code section 101080 and a local emergency as defined by Government Code section 8558. On  
23 March 4, 2020, Governor Gavin Newsom proclaimed a State of Emergency in California as a  
24 result of COVID-19. The County Board of Supervisors proclaimed a local emergency the same  
25 day, and Dr. Davis also declared a local health emergency.

26 60. California Health and Safety Code section 101040(a) provides: "The local health  
27 officer may take any preventative measure that may be necessary to protect and preserve the  
28 public health from any public health hazard during any 'state of war emergency,' 'state of

1 emergency,' or 'local emergency,' as defined by Section 8558 of the Government Code, within his  
2 or her jurisdiction."

3 61. Health and Safety Code section 120175 states that a health officer who knows or  
4 has reason to believe that any contagious, infectious, or communicable disease exists, or recently  
5 existed, "shall take measures as may be necessary to prevent the spread of the disease or  
6 occurrence of additional cases."

7 62. Likewise, under Title 17, California Code of Regulations, section 2501(a), "the  
8 local health officer shall take whatever steps deemed necessary for the investigation and control of  
9 the disease, condition or outbreak reported."

10 63. As set forth above, the County Public Health Officer has the authority under the  
11 law to promulgate orders to protect the public health, including prohibiting the outdoor dining  
12 operations at restaurants in the face of a public health crisis such as the one currently faced.

13 64. Defendants and Does 1-50 are violating the Health Orders by operating outdoor  
14 dining at their restaurants.

15 65. The County cannot be fully compensated in damages and is without a plain,  
16 speedy, or adequate remedy at law because the exact amount of damages to the general public's  
17 health, safety, and welfare is not ascertainable.

18 66. Unless each Defendant is restrained and enjoined by order of this court and/or the  
19 court provides other equitable relief permissible by law, Defendants will continue to operate their  
20 restaurants outdoors in violation of the Health Orders.

21 **SECOND CAUSE OF ACTION**

22 **(Violation of Los Angeles County Code §§ 1.23.010 *et seq.*; 8.04.947; and 11.02.060)**

23 ***By the County and Dr. Davis Against All Defendants and Does 1-50***

24 67. Plaintiffs re-allege and incorporate by reference each and every one of the  
25 allegations contained in Paragraphs 1 through 66 of this Complaint.

26 68. Los Angeles County Code, section 8.04.947 provides, "All persons shall obey all  
27 rules, regulations, orders or directives of the health officer."  
28

1 69. Los Angeles County Code, section 8.04.948 provides, "[a] person who, after notice,  
2 violates, or who, upon demand of the health officer, refuses or neglects to conform to any rule,  
3 regulation, order or directive prescribed by the health officer, may be enjoined from such violation  
4 by any court of competent jurisdiction."

5 70. Los Angeles County Code, section 11.02.060 provides in part, "No person ... shall  
6 refuse to obey any lawful order of the director of public health made in the performance of his  
7 duties within the power conferred upon him by state law or by Division 1 of this title."

8 71. Los Angeles County Code, section 11.02.190 provides that the County may abate  
9 nuisances that endanger the public health, and be entitled to recover costs of such abatement.

10 72. As set forth above, the County Public Health Officer has issued Health Orders  
11 prohibiting outdoor dining operations at restaurants in the face of the current public health crisis.

12 73. Defendants are violating the Health Orders by operating their restaurants outdoors,  
13 and, therefore, violating Los Angeles County Code section 1.23.050 (by causing, maintaining, or  
14 permitting to be caused or maintained a public nuisance on their properties in contravention of the  
15 Health Orders by operating restaurants outdoors).

16 74. The County cannot be fully compensated in damages and is without a plain,  
17 speedy, or adequate remedy at law because the exact amount of damages to the general public's  
18 health, safety, and welfare is not ascertainable.

19 75. Unless each Defendant is restrained and enjoined by order of this court and/or the  
20 court provides other equitable relief permissible by law, Defendants will continue to operate their  
21 restaurants outdoors in violation of the Health Orders.

22 76. The County is entitled to abate these nuisances pursuant to Los Angeles County  
23 Code sections 1.23.060, 8.04.948, and 11.02.190.

24 **THIRD CAUSE OF ACTION**

25 **(Violation of Los Angeles County Code § 8.04.946)**

26 ***By the County and Dr. Davis Against Defendants and Does 1-50***

27 77. Plaintiffs re-allege and incorporate by reference each and every one of the  
28 allegations contained in Paragraphs 1 through 76 of this Complaint.

1           78.    Los Angeles County Code, section 8.04.946 provides, "Any public license  
2 issued...may be suspended or revoked by the county health officer for violation of the Los  
3 Angeles County Code or California Health and Safety Code, or both. Any business...for which the  
4 public health license has been suspended or revoked shall close and remain closed until the license  
5 has been reinstated or reissued."

6           79.    Los Angeles County Code, sections 8.04.936 and 8.04.942 provide that any person  
7 operating without a public health permit may be enjoined by any court of competent jurisdiction  
8 and shall be liable for civil penalties.

9           80.    As set forth above, Defendants have continued operate their restaurant after their  
10 public health permit was suspended and/or revoked.

11          81.    The County cannot be fully compensated in damages and is without a plain,  
12 speedy, or adequate remedy at law because the exact amount of damages to the general public's  
13 health, safety, and welfare is not ascertainable.

14          82.    Unless each Defendant is restrained and enjoined by order of this court and/or the  
15 court provides other equitable relief permissible by law, Defendants will continue to illegally  
16 operate in violation of the County Code.

17   **FOURTH CAUSE OF ACTION**

18   **(Code of Civil Procedure § 731 – Abatement of a Public Nuisance)**

19   ***By the Plaintiffs Against All Defendants and Does 1-50***

20          83.    Plaintiffs re-allege and incorporate by reference each and every one of the  
21 allegations contained in Paragraphs 1 through 82 of this Complaint.

22          84.    Defendants and Does 1-50 have been violating the Health Orders since at least  
23 December 2020 by operating their restaurants outdoors.

24          85.    By refusing to comply with the Health Orders that are designated to combat the  
25 spread of COVID-19, Defendants are committing a public nuisance per se.

26          86.    Based on the number of citizens who have already been infected with COVID-19 in  
27 the County and the concern that the virus spreads rapidly, these violations of the Health Order are  
28 injurious to the health and safety of Los Angeles County residents and will likely lead to

1 additional infections, hospitalizations, and death, thus constituting a public nuisance that should be  
2 abated immediately.

3 87. The Plaintiffs cannot be fully compensated in damages and are without a plain,  
4 speedy, or adequate remedy at law because the exact amount of damages to the general public's  
5 health, safety, and welfare is not ascertainable.

6 88. Unless each Defendant is restrained and enjoined by order of this court and/or the  
7 court provides other equitable relief permissible by law, Defendants will continue to operate  
8 restaurants outdoors in violation of the Health Orders.

9 **PRAYER FOR RELIEF**

10 **WHEREFORE**, Plaintiffs pray for judgment as follows:

11 (1) For injunctive relief prohibiting each Defendant, as well as all of their agents,  
12 officers, and employees from operating or allowing the operation of any restaurant in a manner  
13 that violates of the Health Order;

14 (2) For an abatement order requiring Defendants, as well as their agents, officers, and  
15 employees, to undertake the necessary remedial measures to bring their properties into compliance  
16 with the California law, the Los Angeles County Code, and the Health Order with respect to  
17 permitted restaurant operations;

18 (3) For injunctive relief requiring Defendants, as well as their agents, officers, and  
19 employees, to allow the County Health Officer, or his designees, to enter the subject properties to  
20 verify compliance with the Health Orders;

21 (4) That Defendants, each jointly and separately, be ordered to pay civil penalties for  
22 each day they permitted the use of the Subject Property in a manner that violated the Los Angeles  
23 County Code, pursuant to County Code sections 1.23.090 and 8.04.942;

24 (5) That Defendants, each jointly and separately, be ordered to pay attorneys' fees,  
25 pursuant to County Code section 1.23.080;

26 (6) That Defendants, each jointly and separately, be ordered to pay the costs of the suit;  
27 and

28 (7) For such other and further relief as is just and proper.

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DATED: January 27, 2021

Respectfully submitted,

RODRIGO A. CASTRO-SILVA  
County Counsel

By *Hannah Flores*  
HANNAH FLORES  
VANESSA MIRANDA  
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Attorneys for COUNTY OF LOS ANGELES,  
MUNTU DAVIS, M.D., M.P.H., in his capacity as  
Health Officer of Los Angeles, and THE PEOPLE  
OF THE STATE OF CALIFORNIA