



PETITION FOR REMOVAL

Any defendant who has been named in and served with this lawsuit which seeks an injunction or subject to an injunction resulting from this lawsuit who believes he or she was erroneously included in the lawsuit or injunction may petition the Orange County District Attorney's Office for removal from the lawsuit or injunction. Upon notice from the defendant, the Orange County District Attorney's office will hold a hearing to be presided over by a panel of two Senior Deputy District Attorneys not associated with the injunction action, and a representative from the Probation Department. At the hearing, the defendant may present evidence, if he or she chooses, to show that the defendant was never, or at present is not, an active participant in the named criminal street gang. The District Attorney's Office may present evidence to the contrary if there is any. If the panel determines by a preponderance of the evidence that the defendant was never, or at present is not, an active participant in the named criminal street gang, the District Attorney's Office will petition the assigned court to dismiss the defendant from the lawsuit or remove the defendant from the injunction. The findings of the hearing will be kept confidential. If a defendant is dismissed from the lawsuit or removed from the injunction pursuant to this provision and is subsequently found to be engaging in behavior indicative of active participation in a criminal street gang, then that defendant may be re-served with any injunction that results from this lawsuit and will be required to comply with all of its terms. This provision does not prevent the defendant from petitioning the assigned court, at any time, to be dismissed from the lawsuit or removed from any injunction obtained as a result of the lawsuit, or exercising any other legal or equitable rights or remedies.