

seek temporary and permanent injunctions to abate the nuisance and herein file this Original Petition for Abatement of a Nuisance, Application for Temporary Restraining Order, and Temporary and Permanent Injunctions and Request for Disclosure and in support of this action would show the following:

I. Discovery Control Plan

1. Plaintiffs intend to conduct discovery under Level 2 of Texas Rule of Civil Procedure 190 and affirmatively plead this case is not governed by the expedited actions process in Texas Rule of Civil Procedure 169 because i) the relief sought includes non-monetary relief, and ii) the claim for monetary relief—including penalties, costs, expenses, and attorneys' fees—is in excess of \$100,000.

II. Parties

2. Plaintiff, the State of Texas, by and through the Harris County Attorney's Office, brings this action pursuant to Texas Civ. Prac. & Rem. Code § 125.002.

3. Plaintiff, the City of Houston, by and through the City of Houston Legal Department, brings this action pursuant to Texas Civ. Prac. & Rem. Code § 125.002.

4. Defendant Plainfield Inn a/k/a Virani & Manav, L.L.C., is a Texas limited liability company, that owns and operates the Plainfield Inn (formerly Knights Inn) located at 9638 Plainfield, Houston, Texas 77036. Defendant may be served by serving its registered agent Rajan Patel at 9610 Sam Houston Parkway South in Houston, Texas 77099 or 9638 Plainfield Street, Houston, Texas 77036 or wherever he may be found.

5. Defendant Rajan Patel is a manager, director and member of Virani & Manav, L.L.C., and may be served at 403 Brook Shore Court, Sugar Land, Texas 77478-4740 or 9638 Plainfield Street, Houston, Texas 77036 or wherever he may be found.

6. Defendant Dahyabhai Patel, is a director and member of Virani & Manav L.L.C. and may be served at 9638 Plainfield Street, Houston Texas 77036-8010 or wherever he may be found.

7. Defendant the Real Property Known as 9638 Plainfield, Houston, Texas, where the Plainfield Inn is located in Harris County, Texas. The State of Texas and City of Houston bring this suit *in rem*, under Tex. Civ. Prac. & Rem. § 125.002. Defendant Virani & Manav, L.L.C. is the record owner of the Real Property Known as 9638 Plainfield, Houston, Texas and can be served by serving its registered agent, Rajan Patel, at 9610 Sam Houston Parkway South in Houston, Texas 77099.

III. Jurisdiction and Venue

8. This Court has subject matter and personal jurisdiction over the cause and the parties under Texas Civil Practice & Remedies Code § 125.002(a).

9. Venue of this cause is proper in this Court under Section 125.002 (a) of the Texas Civil Practices & Remedies Code as the common nuisance in issue, 9638 Plainfield Street, Houston, Texas, is located in Harris County, Texas.

IV. FACTUAL BACKGROUND

History of the Plainfield Inn and Bissonnet Track.

10. In southwest Houston, the strip of Bissonnet Street between Beltway 8 and the Southwest Freeway is known as the Bissonnet track, known for prostitution and related crimes.

11. Over the years, the Plainfield Inn, just one block south of Bissonnet, has played a key role in supporting an environment for prostitution and associated crimes to thrive on the premises and on the Bissonnet track.

12. Defendant Virani & Manav, L.L.C. acquired the Plainfield Inn (formerly Knights Inn) in 2008. Rajan Patel and Dahyabhai Patel are officers of Virani & Manav, L.L.C. and manage the Plainfield Inn.

13. Defendants are aware of the illegal activities at the Plainfield Inn, described in greater detail below, and yet still rent rooms to known prostitutes, pimps and drug dealers to conduct illegal activities on the premises. Defendants tolerate illegal activities because in doing so they have acquired a steady stream of income from renting rooms to those conducting these activities. As such, it is a common nuisance in violation of Chapter 125 of the Texas Civil Practice & Remedies Code.¹

14. For the two-year period from May 2014 through April 2016 there were over 400 calls to the Houston Police Department for service at the Plainfield Inn, many involving violent assaults, prostitution arrests, drug offenses, weapons offenses, armed robberies, and thefts on the premises. Other crimes in the area also involved suspects who indicated the Plainfield Inn as their home address. For example:

- On April 4, 2016, vice officers arrested a prostitute for offering to perform various sexual acts for \$80 at her room at the Plainfield Inn.
- On March 18, 2016, two prostitutes (who shared a room with another prostitute) attacked a security guard at the Plainfield Inn and pepper-sprayed him in the face before leaving in a black Escalade.
- On March 16, 2016, Houston police officers investigated a stabbing near the Plainfield Inn and confirmed from video surveillance that after the stabbing the suspect returned to the Plainfield Inn covered in blood.

¹ In addition to maintaining a common nuisance, by renting rooms at the Plainfield Inn to prostitutes who engage in sexual conduct for a fee on the premises Defendants are in violation of City of Houston Ordinance 28-14, a misdemeanor.

- On February 27, 2016, a man met a prostitute at D'Place night club on Bissonnet and agreed to follow her to her room at the Plainfield Inn for \$140, where he was threatened with a pistol by two males and robbed of his wallet.
- On February 1, 2016, a woman with a previous history of arrests and convictions for prostitution and aggravated assault with a deadly weapon called police to report that a man threatened to shoot her in her room at the Plainfield Inn. The woman reported to the police officer that her residence was the Plainfield Inn.
- On January 8, 2016, a woman reported that a pimp staying at the Plainfield Inn pointed a gun at her face and threatened to shoot her for allegedly stealing his marijuana from his room.
- On December 21, 2015, a 13 year old boy reported being punched repeatedly in the head by his uncle at the Plainfield Inn where he was living in a single room with four other people. The officer reported the strong smell of marijuana in the room. The uncle has multiple drug and assault convictions.
- On December 12, 2015, while visiting the Plainfield Inn to meet a male he had met on an online dating site, a man reported that his car was stolen from the parking lot and when he attempted to stop the thief, he was almost run over. The car was later found by police in the Plainfield Inn parking lot with two men asleep in it. The crime has been classified as a gang crime.

- On December 11, 2015, officers approached four individuals sitting in a car in the parking lot of the Plainfield Inn and arrested one of them for possession of cocaine.
- On November 26, 2015, a prostitute in the hallway at the Plainfield Inn offered a male sex for \$50.00. In an argument over the money, two males attacked the complainant at the staircase when attempting to leave. The attackers took \$600.00 from the complainant's wallet. The event was classified as a gang crime.
- On November 25, 2015, a woman with a criminal history of theft and forgery, was stabbed in her room at Plainfield Inn by an unidentified male for allegedly stealing \$1,400.00 from another female.
- On October 13, 2015, a woman, with a history of prostitution who was living at the Plainfield Inn was gang raped and robbed by three men at gun point and knife point in their room.
- On October 8, 2015, an undercover officer arrested a male prostitute for felony prostitution (three previous convictions) at the Plainfield Inn.
- On August 21, 2015, law enforcement officers arrested a man sitting in his car at the Plainfield Inn for possession of marijuana. The man has multiple prior drug offenses.
- On July 23, 2015, police investigated a report of a mother abandoning her 4 year old, 3 year old and 2 year old children in her room at the Plainfield Inn while she worked as a prostitute.

- On May 14, 2015, police investigated an aggravated assault of a woman with a deadly weapon at the Plainfield Inn. Both the complainant and the male suspect identified the Plainfield Inn as their residence to police.
- On May 7, 2015, police arrested a woman at the Plainfield Inn parking lot for an outstanding warrant for prostitution.
- On April 23, 2015, officers investigated a case of child endangerment due to unsanitary conditions at the Plainfield Inn where a family was living, and during the investigation the two children (ages 3 and 4) acknowledged that their mommy and daddy smoked “weed” in the bathroom.
- On April 18, 2015, vice officers investigated a case of underage prostitution (16 years old) at the Plainfield Inn. The police believe the girl was coerced by the 22 year old male suspect who was living at the Plainfield Inn.
- On April 13, 2015, police investigated a complaint of an assault by a woman and a man in their room at the Plainfield Inn. The complainant claimed they sold “dope” out of their room.
- On April 12, 2015, police investigated an assault of a woman staying at the Plainfield Inn with her children. The woman has a criminal history of prostitution and drug offenses. Her male assailant has a criminal history of drug offenses, assaulting an officer, evading arrest, and weapons violations.

- On March 23, 2015, vice officers conducting an undercover operation along Bissonnet arrested a prostitute with a long criminal history of prostitution, who provided the Plainfield Inn as her home address.
- On March 21, 2015, police arrested a male in the parking lot of the Plainfield Inn for possession with intent to deliver cocaine, marijuana and Xanax;
- On February 18, 2015, vice officers conducted an undercover operation, which resulted in two arrests for prostitution at the Plainfield Inn;
- On February 9, 2015, police responded to a call at the Plainfield Inn from a prostitute who said her pimp had assaulted her and stolen \$300 she made as a prostitute;
- On January 15, 2015, a woman with a history of prostitution and drug offenses reported that she had been beaten and choked by her “boyfriend” at the Plainfield Inn, where they lived;
- On January 9, 2015, police arrested a man in the parking lot of the Plainfield Inn for possession of marijuana;
- On December 7, 2014, police investigated a robbery and a fight between a john and pimp over money paid to a prostitute at the Plainfield Inn;
- On November 21, 2014, after a shooting from the parking lot of the Plainfield Inn, officers arrested two men, who were staying at the motel, for illegal possession of a firearm by a felon. One of the men was identified as a 52 Hover Crip gang member;

- On October 19, 2014, police investigated an assault of a prostitute by her pimp at the Plainfield Inn;
- On August 24, 2014, a man reported that as he was getting undressed he was sprayed with mace in the face and robbed by two prostitutes at the Plainfield Inn;
- On July 21, 2014, a resident of the Plainfield Inn threatened to shoot two other residents and then threatened to shoot law enforcement officers responding to the call.
- On June 17, 2014, a prostitute claimed she was assaulted on Bissonnet by three males. The prostitute gave the Plainfield Inn as her home address.

Defendants Knowingly Tolerate the Criminal Activities on the Premises.

15. Defendants have long tolerated illegal activities on the property by renting rooms to known prostitutes, pimps, and drug dealers.

16. From 2011 through April 2013, the Houston Police Department received hundreds of calls for service at the Plainfield Inn. During that time period there were at least 28 reported violent crimes and illegal narcotic offenses, including multiple aggravated robberies, aggravated assaults, compelling prostitution and possession and delivery of cocaine. Many of the robberies and assaults involved altercations between prostitutes and their johns or their pimps, according to Houston Police Department reports. Some of the complainants, victims and those arrested listed 9638 Plainfield, the Plainfield Inn, as their home address.

IV. COMMON NUISANCE
TEX. CIV. PRAC. & REM. CODE §§125.001-125.047

17. Plaintiffs incorporate and adopt by reference the allegations contained in each and every preceding paragraph of this Petition.

18. Chapter 125 of the Texas Civil Practice & Remedies Code defines a common nuisance. Tex. Civ. Prac. & Rem. Code §125.0015(a) states that “[a] person who maintains a place to which persons habitually go for the following purposes and who knowingly tolerates the activity and furthermore fails to make reasonable attempts to abate the activity maintains a common nuisance.” The “purposes” that give rise to a Chapter 125 nuisance are set out by statute and include violent crimes, including aggravated assaults, robberies, prostitution, promotion of prostitution, compelling prostitution, weapons offenses, and illegal drug offenses. Tex. Civ. Prac. & Rem. Code §125.0015(a).

19. Section 125.004(a) provides that “[p]roof that an activity described by Section 125.0015 is frequently committed at the place involved or that the place is frequently used for an activity described by Section 125.0015 is *prima facie* evidence that the defendant knowingly tolerated the activity.” Section 125.004(b) states that “[e]vidence that persons have been arrested for or convicted of offenses for an activity described by Section 125.0015 in the place involved is admissible to show knowledge on the part of the defendant with respect to the act that occurred.”

20. Further, “[e]vidence of the general reputation of the place involved is admissible to show the existence of the nuisance.” Tex. Civ. Prac. & Rem. Code §125.004.

21. Defendants own, maintain, operate or use the Plainfield Inn at 9638 Plainfield Street, Houston, Texas and knowingly tolerate the nuisance activity as described herein and further have refused or failed to take reasonable steps to abate the nuisance activity. Tex. Civ. Prac. & Rem. Code §§ 125.002(b). The area in and around the Plainfield Inn at 9638 Plainfield Street is knowingly maintained as a place to which persons habitually go for purposes of prostitution, promotion of prostitution, aggravated assaults and robberies, and delivery, possession, manufacture, or use of controlled substances. As such the property constitutes a common nuisance as defined by Section 125.0015(a) of the Texas Civil Practice & Remedies Code. Plaintiffs, by and through their agents, have considered whether Defendants (1) promptly notified the appropriate governmental entity or the entity's law enforcement agency of the occurrence of criminal acts on the property; and (2) cooperated with the governmental entity's law enforcement investigation of criminal acts occurring at the property.

V. REQUEST FOR TEMPORARY AND PERMANENT INJUNCTION

22. Plaintiffs incorporate and adopt by reference the allegations contained in each and every preceding paragraph of this Petition.

23. Defendants have failed or refused to abate the nuisance at 9638 Plainfield Street, Houston, Texas. Defendants are likely to continue to operate and maintain the property as a common nuisance unless restrained by an injunctive order of the Court. Plaintiffs request the Court enter a temporary and permanent injunction to abate the common nuisance described herein at 9638 Plainfield Street and to enjoin Defendants from maintaining or participating in the nuisance. Tex. Civ. Prac. & Rem. Code

§125.002(e). Plaintiffs further request that the Court include in its order reasonable requirements to prevent the use or maintenance of the place as a nuisance. *Id.*

24. Plaintiffs request that upon issuance of injunctive relief each of Defendants be ordered to post a bond in the name of the State to be forfeited to the State in the event of a violation by Defendants of the injunction. Tex. Civ. Prac. & Rem. Code § 125.003. The bond must be payable to the State of Texas, be in the amount set by the Court, but no less than \$5000 nor more than \$10,000, have sufficient sureties approved by the Court, and be conditioned that the Defendants will not knowingly allow a common nuisance to exist at the 9638 Plainfield Street location. *Id.*

25. Pursuant to § 125.003(a) of the Texas Civil Practice & Remedies Code, should any condition of the bond or any injunctive order by this Court be violated, the Plaintiffs may sue upon the bond and upon showing a violation of any condition of the bond or injunctive order, the whole sum of the bond should be ordered forfeited to the Plaintiffs and the location where the nuisance was found should be closed for one year. In addition, in accordance with § 125.002(d) of the Texas Civil Practice & Remedies Code, a person who violates a temporary or permanent injunctive order is subject to the following sentences for civil contempt: a) a fine of not less than \$1000 nor more than \$10,000; b) confinement in jail for a term of not less than 10 nor more than 30 days; and c) both a fine and confinement. If a Defendant violates the temporary or permanent injunction, under § 125.045(b), the Court may make additional orders to abate the nuisance.

26. Based upon § 125.002 of the Texas Civil Practice & Remedies Code, if the judgment is in favor of the Plaintiffs, the Court shall grant an injunction ordering

Defendants to abate the nuisance and be enjoined from maintaining or participating in the common nuisance. The Court may include in the order reasonable requirements to prevent the use or maintenance of the 9638 Plainfield Street location as a nuisance. The judgment *must* order that the location where the nuisance was found is closed for one year. The judgment shall be a judgment *in rem* against the *in rem* Defendant as well as against the other named Defendants, according to Section 125.002(b) and (e) of the Texas Civil Practice & Remedies Code.

27. In accordance with Tex.Civ.Prac & Rem. Code Ann. § 125.045(b) (Vernon Supp.2012), if a Defendant violates the temporary or permanent injunction, the court may order a political subdivision to:

- a. discontinue the furnishing of utility services to the place at which the nuisance exists;
- b. prohibit the furnishing of utility service to the place by any public utility holding a franchise to use the streets and alleys of the political subdivision;
- c. revoke the certificate of occupancy of the place;
- d. prohibit the use of city streets, alleys, and other public ways for access to the place during the existence of the nuisance or in furtherance of the nuisance;
- e. limit the hours of operation of the place, to the extent that the hours of operation are not otherwise specified by law;
- f. order a landlord to terminate a tenant's lease if:
 - i. the landlord and the tenant are parties to the suit; and
 - ii. the tenant has violated a condition of the injunctive order; or
- g. order any other legal remedy available under the laws of the state.

VI. ATTORNEY'S FEES

28. It was necessary for Plaintiffs to secure the services of the Office of the Harris County Attorney and the City of Houston Legal Department to litigate this cause of action to enjoin and abate the common nuisance being maintained on the property. Pursuant to Tex. Civ. Prac. & Rem. Code §125.003, Plaintiffs requests an award and the Defendants be ordered to pay Plaintiffs' reasonable attorneys' fees and costs, including investigative costs, witness fees, court costs and deposition fees.

VII. REQUEST FOR DISCLOSURE

29. Under Texas Rule of Civil Procedure 194, Plaintiffs request that Defendants disclose, within 50 days of service of this request, the information or material described in Rule 194.2.

VIII. VERIFICATION, BOND EXEMPTION, AND REQUEST FOR JURY TRIAL

30. Plaintiffs are not required to verify the allegations set forth in this petition, nor show any proof of personal injury by the acts complained herein. Tex. Civ. Prac. & Rem. Code § 125.002(a). Plaintiffs also are not required to file a bond. Tex. Civ. Prac. & Rem. Code §6.001, §6.002. Plaintiffs request a jury trial and tender the jury fee to the Harris County District Clerk's Office pursuant to Tex. R. Civ. P. 216 and Tex. Gov't Code §51.604.

IX. PRAYER

WHEREFORE, PREMISES CONSIDERED, Plaintiffs respectfully request that

34. After notice and a hearing on a request for a temporary injunction, the Court order Defendants to deposit cash or execute a bond payable to the STATE OF TEXAS at Harris County; be in the amount set by the Court, but not less than \$5,000, nor

more than \$10,000; have sufficient sureties approved by the Court; and be conditioned that the Defendants will not knowingly maintain a common nuisance at 9638 Plainfield Inn Street, Houston, Texas;

35. If the Court determines that Defendants Virani & Manav, L.L.C., Rajan Patel, Dahyabhai Patel, and the Real Property Known as 9638 Plainfield Street, are maintaining a common nuisance at the property, the Court render any order allowed by law as necessary to abate the common nuisance pursuant to Section 125.046 of the Texas Civil Practice and Remedies Code;

36. Upon a showing by the Plaintiffs that any temporary or permanent injunctive order by this Court has been violated, the person in violation of said order be subject to the following sentences for civil contempt.

- a) a fine of not less than \$1,000 or more than \$10,000;
- b) confinement in jail for a term of not less than 10 or more than 30 days;
- c) both fine and confinement;

37. Upon showing that any defendant has failed to cease and desist from creating and maintaining a common nuisance at the property within a time allowed by the Court, Harris County, the City of Houston, or any other political subdivision having jurisdiction over the Defendant property, may:

- a) discontinue the furnishing of utility services by the political subdivision to the place at which the nuisance exists;

- b) prohibit the furnishing of utility service to the place by any public utility holding a franchise to use the streets and alleys of the political subdivision;
- c) revoke the certificate of occupancy of the place;
- d) prohibit the use of city streets, alleys, and other public ways for access to the place during the existence of the nuisance or in furtherance of the nuisance;
- e) limit the hours of operation of the place, to the extent that the hours of operation are not otherwise specified by law;
- f) order a landlord to terminate a tenant's lease if:
 - i. the landlord and the tenant are parties to the suit; and
 - ii. the tenant has violated a condition of the injunctive order; or
- g) order any other legal remedy available under the laws of the state.

38. If, upon final hearing, the Court finds in favor of the Plaintiffs that a common nuisance exists at 9638 Plainfield Street and the Plainfield Inn, the Court shall order that the property be closed for one year after the date of judgment;

39. The judgment of this Court be a judgment *in rem* against the property, as well as against the Defendants, Virani & Manav, L.L.C., Rajan Patel, Dahyabhai Patel, and the Real Property Known as 9638 Plainfield Street.;

40. Upon final trial and hearing, Plaintiffs pray for judgment against Defendants Virani & Manav, L.L.C., Rajan Patel, Dahyabhai Patel, and the Real Property Known as 9638 Plainfield Street, for court costs, cost of investigation, witness fees and

deposition fees; reasonable attorney's fees; and such other and further relief to which Plaintiffs may be justly entitled.

Respectfully submitted,



Rosemarie Donnelly
Assistant County Attorney
SBN 05983020
rosemarie.donnelly@cao.hctx.net

Celena Vinson
Assistant County Attorney
SBN 24037651
celena.vinson@cao.hctx.net
OFFICE OF VINCE RYAN, HARRIS
COUNTY ATTORNEY
1019 Congress, 15th floor
Houston, Texas 77002
713-274-5334
713-755-8924 (facsimile)

ATTORNEYS FOR PLAINTIFF, THE
STATE OF TEXAS

DONNA L. EDMUNDSON
City Attorney

SANDRA EIDSON
Section Chief, Neighborhood Services

By: _____/s/ _____

Cora Garcia
Sr. Assistant City Attorney
State Bar No. 22260800
Cora.Garcia@houstontx.gov
Damon A. Crenshaw
Sr. Assistant City Attorney
State Bar No. 05065200
Damon.crenshaw@houstontx.gov
City of Houston Legal Department
900 Bagby, 4th Floor

Houston, Texas 77002
832.393.6317 Telephone
832.393.6259 - Facsimile

ATTORNEYS FOR THE PLAINTIFF,
THE CITY OF HOUSTON



I, Chris Daniel, District Clerk of Harris County, Texas certify that this is a true and correct copy of the original record filed and or recorded in my office, electronically or hard copy, as it appears on this date.

Witness my official hand and seal of office this April 27, 2016

Certified Document Number: 69976850 Total Pages: 18

Chris Daniel, DISTRICT CLERK
HARRIS COUNTY, TEXAS

In accordance with Texas Government Code 406.013 electronically transmitted authenticated documents are valid. If there is a question regarding the validity of this document and or seal please e-mail support@hcdistrictclerk.com