

SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF NAPA
THE HONORABLE MARK BOESSENECKER, JUDGE PRESIDING

NAPA COUNTY and THE PEOPLE OF
THE STATE OF CALIFORNIA ex. rel.
SHERYL L. BRATTON, as Napa County
Counsel,

Plaintiffs,

v. Case No. 22CV001262

HOOPES FAMILY WINERY PARTNERS, LP,
HOOPES VINEYARD, LLC, LINDSAY
BLAIR HOOPES, and DOES 1 through
10, inclusive,

Defendants.

AND RELATED CROSS-ACTION.

REPORTER'S TRANSCRIPT OF PROCEEDINGS
Friday, February 21, 2025
NAPA SUPERIOR COURT, DEPARTMENT 1

Reported remotely by: Tina M. Velasquez, CSR No. 10072

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1 PROCEEDINGS

2 Friday, February 21, 2025, 8:39 a.m.

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4 THE BAILIFF: All rise. The Court of the State of
5 California, for the County of Napa, is now in session. The
6 Honorable Mark S. Boessenecker, judge presiding.
7 Please be seated.

8 THE COURT: Okay. The proceedings in the courtroom
9 today will be recorded by a court reporter, who is appearing
10 remotely. Our available staff reporters are assigned and
11 working in other courtrooms, reporting contested hearings
12 and trials. Rather than employ the use of electronic
13 recording, and since this is a master calendar courtroom,
14 this is the best department in which to use a remote
15 reporter. This decision has been made by our presiding
16 judge in consultation with our court executive officer.
17 (Other cases heard, but not reported.)

18 THE CLERK: On your 8:30 ad hoc calendar, People v. --
19 or Napa County v. Lindsay Hoopes Blair.

20 MR. SPELLBERG: I believe we have a court reporter
21 online, Your Honor.

22 THE COURT: Correct. We have Ms. Velasquez, who is
23 reporting simply on this matter.

24 All right. So this is Napa County v. Hoopes at
25 22CV001262.

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1 Can I have appearances, please?

2 MR. SPELLBERG: Geoff Spellberg, Your Honor,
3 representing the County and The People.

4 MR. DOOLEY: Jason Dooley, Chief Deputy County Counsel,
5 representing the County.

6 MS. FALACE: Good morning, Your Honor. Katharine
7 Falace on behalf of Defendants.

8 THE COURT: All right. We're on for setting of the
9 future motions, motion for judgment on the pleadings, and so
10 forth.

11 Have the parties talked about a date that works for
12 them?

13 MR. SPELLBERG: We have not, Your Honor.

14 THE COURT: What are you requesting?

15 MR. SPELLBERG: So, Your Honor, what I would like to
16 suggest, we need to update our penalties request and the fee
17 requests. So I was going to ask that we would do that by
18 next Wednesday, and then our papers have been filed and
19 served for over two months now. So we were going to suggest
20 that all of the opposition papers and so forth from the
21 defense would be due on March 7th. We would have two weeks,
22 the County, to respond, till March 21, and then if the Court
23 could set the hearing the week of April 7, that would give
24 the Court two weeks with everything. So that's my
25 suggestion, Your Honor.

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1 THE COURT: Ms. Falace?
 2 MS. FALACE: Your Honor, I think that's too compressed
 3 of a timeline, especially since we haven't even seen what
 4 these updated costs and fees are going to be. If they're
 5 not going to be filing that until next Wednesday, that gives
 6 us less than a week to respond.
 7 We would request at least having until March 21st to be
 8 able to respond. And also, we'll be filing a motion to tax
 9 on the costs. So I just want to make sure that all those
 10 different things coincide.
 11 THE COURT: So I'm actually going to be out between
 12 April 2nd and about the 16th. So in any event, we would
 13 need to come back for the hearing a couple of weeks after
 14 that, frankly. Maybe we look at April 29th for the hearing,
 15 and then we can work backwards in terms of the filing.
 16 So you said the 21st is what you were requesting,
 17 Ms. Falace?
 18 MS. FALACE: Yes, Your Honor. Or if the hearing is not
 19 going to be until the 29th, just to look backwards would --
 20 I'm trying to do this in my head.
 21 THE COURT: Yeah, I'm trying to do this.
 22 MS. FALACE: Okay.
 23 MR. SPELLBERG: It's why the paper calendar works
 24 better, Judge.
 25 THE COURT: If we do an April -- Mr. Spellberg has got

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1 hearing....
 2 MR. SPELLBERG: Your Honor, can I make a suggestion?
 3 THE COURT: Yeah.
 4 MR. SPELLBERG: Could we set the -- I know they're
 5 going to make a motion to tax on the costs, which is a
 6 little different scheduling than the other motions. The
 7 other motions are just we're waiting on the opposition, and
 8 then our reply with the motion to tax. They'll file the
 9 motion, we'll file the opposition, and then defense will get
 10 a reply. So maybe that could be on a little closer schedule
 11 so that there's enough time for that, so we end up all on
 12 the same day for the hearing?
 13 THE COURT: So what's your suggestion in terms of --
 14 since nothing has been filed at this point.
 15 MR. SPELLBERG: Right. Maybe they file their moving
 16 papers on March 18th, we file our opposition the same time
 17 as we file our reply, which is April 8th, and then they have
 18 till the 15th of April to file their reply. That would just
 19 be on a little different schedule.
 20 THE COURT: Ms. Falace?
 21 MS. FALACE: Just to make sure I'm clear, Your Honor,
 22 that March --
 23 THE COURT: You're saying March 18th --
 24 MS. FALACE: -- we need to file our motion to tax,
 25 correct?

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1 a calendar in front of him.
 2 MS. FALACE: Yes, I have one.
 3 THE COURT: If we have an April 29th hearing, if you go
 4 three weeks back for the reply, what date would that be?
 5 MR. SPELLBERG: April 8th, Your Honor.
 6 THE COURT: April 8th. And then if you go two weeks
 7 back before that for the opposition, that would be...?
 8 MR. DOOLEY: March 25th.
 9 THE COURT: How does that work, Ms. Falace?
 10 MS. FALACE: March 25th?
 11 THE COURT: Yeah.
 12 MS. FALACE: That's fine, Your Honor.
 13 THE COURT: All right.
 14 MS. FALACE: And I'm sorry, Your Honor. So then it
 15 would be March 25th for the opposition, and then...?
 16 THE COURT: So let's have the updated County paperwork
 17 done by the -- how about March 11th?
 18 MR. SPELLBERG: Yes, Your Honor. There's nothing to
 19 it. All we're doing is adding an additional 38 days on the
 20 penalties, and then the fees for a couple of months. I
 21 mean, there's no additional argument. It's just updating
 22 it, so it's really nothing.
 23 THE COURT: So you're fine with the 11th?
 24 MR. SPELLBERG: That's fine.
 25 THE COURT: So we're going to set this for the

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1 THE COURT: Yeah. Then April 8th would be the
 2 opposition. April 15th would be the reply.
 3 And then we'd leave it on for the 29th for the hearing?
 4 MR. SPELLBERG: Everything stays on the 29th, yes.
 5 MS. FALACE: I think that makes sense, Your Honor.
 6 THE COURT: All right. So we'll set this for hearing
 7 on the motion for judgment on the pleadings, cost, fees and
 8 penalties, as well as the motion to tax costs, for
 9 April 29th at -- I'm going to put it at 11:00 in this
 10 department.
 11 And then in terms of the briefing schedule, with
 12 regards to the motion for judgment on the pleadings and
 13 costs and fees, the County is to file their updated briefing
 14 by March 11th. The defense will file their opposition by
 15 March 25th, and the County will file their reply by
 16 April 8th.
 17 With regard to the motion to tax costs, the defense
 18 will file their motion by March 18th, County's opposition
 19 April 8th, and then Defendants' reply April 15th, and our
 20 hearing date is April 29th at 11:00.
 21 MS. FALACE: Your Honor, may I also be heard on the
 22 injunction?
 23 THE COURT: Yes.
 24 MS. FALACE: Your Honor, we had requested temporary
 25 stay on the injunctive relief. I know that Your Honor

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1 indicated in the order that it was a prohibitory injunction.
 2 However, even in the County's initial moving papers, they
 3 recognized that some of the injunctive relief was mandatory,
 4 such as the search provision.
 5 Additionally, it would be impossible for Hoopes to be
 6 able to comply with everything today. For example, with the
 7 animals, the injunction says that the keeping of all animals
 8 that do not qualify as animal husbandry. Hoopes has horses
 9 on the property, as well as other animals that may not
 10 constitute animal husbandry. It would just be, quite
 11 frankly, impossible to either -- to move them by today's
 12 date.
 13 So we would be requesting -- I mean, I don't think it
 14 comes as any surprise that we'll be filing an appeal, but we
 15 also believe that as part of that appeal that this
 16 injunction would be stayed. I appreciate that there
 17 probably is a difference of opinion with The People, but if
 18 Your Honor would like that to be on a noticed motion for
 19 briefing, we can certainly set that now, unless the Court is
 20 inclined to grant a stay under 916 and 918.
 21 THE COURT: What's your position?
 22 MR. SPELLBERG: Your Honor, we object to the stay. The
 23 mandatory injunction sections were not included in the final
 24 version of the preliminary injunction. We anticipate Hoopes
 25 is going to take an appeal. Because it's a prohibitory

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1 point out again that the -- for example, section a., little
 2 iv., that all "marketing of wine," that the Hoopes label has
 3 an animal on the label. And if you look at the way that the
 4 injunction is written, it says, "Any use of all animals as a
 5 marketing activity related to a lawful winery use."
 6 Again, it was just -- I don't want to repeat the
 7 arguments that I made during the initial hearing, but I am
 8 concerned of how to comply with this injunction and not have
 9 Hoopes violate the injunction by having sales of wine with a
 10 dog on the label at the winery. That would be a marketing
 11 tool, the label. Using a dog on the label is using an
 12 animal as a marketing device and, on the face of this, could
 13 potentially be in violation.
 14 So, again, if the Court -- we would be able to come in
 15 on ex parte motion on Monday if the Court isn't inclined to
 16 issue a stay. I just want to flesh it all out today, while
 17 we're all here, of what the Court would prefer. Perhaps
 18 setting it on that same motion schedule that we just did and
 19 grant a stay while we're hearing it, if the Court would like
 20 it fully briefed. We could, of course, file our ex parte on
 21 Monday. I just want to bring it to the Court's attention.
 22 I don't think it -- I'm sure it doesn't come as a surprise
 23 what we're going to be requesting.
 24 THE COURT: Mr. Spellberg?
 25 MR. DOOLEY: I'm actually Jason Dooley. The proposed

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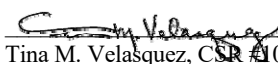
1 injunction, there is no automatic stay. They would have to
 2 obtain the stay either from this court or the appellate
 3 court.
 4 We have no problem if Hoopes or the Court agrees for
 5 additional time to remove the animals; that's fine with us,
 6 but all the other provisions should be effective immediately
 7 as of yesterday. So no more --
 8 THE COURT: And what's your position with regards to
 9 how much of a stay that would be allowed to accommodate
 10 that?
 11 MR. SPELLBERG: Oh, I would presume a week is fine. If
 12 they want two weeks, that's fine with us as well. It would
 13 just be time to move the animals. A week or two seems
 14 perfectly reasonable to us.
 15 THE COURT: Ms. Falace?
 16 MS. FALACE: Well, Your Honor, it does go beyond that.
 17 For instance, the paragraphs three, five, six -- four, five,
 18 six and seven on the Court's new injunction were under the
 19 mandatory injunction on the initial proposed order. So,
 20 now, just because it doesn't have that caption of
 21 "mandatory" anymore, the County had already proposed those
 22 as mandatory injunctive relief items. Now, they're under
 23 the provision of prohibitory, but we still would submit that
 24 those are mandatory relief items.
 25 Your Honor, in addition to the animals, we would just

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1 preliminary injunction provisions regarding mandatory
 2 preliminary injunction didn't relate to the sections that
 3 the Court maintained in the order, the paragraphs that
 4 Ms. Falace pointed out. Those were administrative
 5 provisions of the injunction intended to ensure compliance
 6 with it, not the mandatory provisions, which related to
 7 demolition of the unpermitted structures.
 8 The other part about labeling, an injunction is
 9 interpreted in the context of the case that it's issued.
 10 There was nothing in this case about labeling. This is
 11 about the use of live animals as an enticement to encourage
 12 visitation at the property. The fact that they use an
 13 animal on -- a depiction of an animal on the label was not
 14 at issue. It's not part of this case. There's no
 15 reasonable interpretation of this preliminary injunction
 16 that would affect the labeling of wine. The fact is that
 17 the marketing -- use of the animals as a marketing device is
 18 what is prohibited by this injunction.
 19 Regarding the stay, these are -- again, we're fine with
 20 a brief stay to allow for the practicalities of complying
 21 with this injunction, but most of these are stopping
 22 operations that they shouldn't be doing in any event, and
 23 that should be effective immediately.
 24 THE COURT: All right. Thank you.
 25 MR. SPELLBERG: So in short, Your Honor, we object to

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1 the stay, except for what we've mentioned.
 2 THE COURT: All right. Anything further?
 3 MS. FALACE: Just, Your Honor, that if we're having to
 4 do something that requires something like moving animals
 5 off, that is a mandatory injunction.
 6 THE COURT: Right. What I'm going to do is grant you
 7 two weeks in which to -- so by March 21 -- I'm sorry. By
 8 the 7th, to deal with the animals. I agree with Mr. Dooley.
 9 That's how I interpreted the order, and that was my intent.
 10 I don't think the labeling is any issue or would be a
 11 violation of the injunctive order, but I will give the
 12 defense two weeks to deal with the animals.
 13 Okay. Thank you.
 14 MS. FALACE: Thank you, Your Honor.
 15 MR. SPELLBERG: Thank you, Your Honor.
 16 MR. DOOLEY: Thank you, Your Honor.
 17 (The proceedings concluded at 9:02 a.m.)
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1 STATE OF CALIFORNIA)
)
 2 COUNTY OF CONTRA COSTA)
 3
 4 I, TINA M. VELASQUEZ, Certified Shorthand Reporter of
 5 the State of California, County of Contra Costa, do hereby
 6 certify:
 7 That I took down in machine shorthand notes all
 8 proceedings had and testimony given;
 9 That I thereafter transcribed said shorthand notes with
 10 the aid of a computer;
 11 That the above and foregoing transcript is a full,
 12 true, and correct transcription of said shorthand notes
 13 taken by such reporter of the proceedings, Pages 1 through
 14 14, in the above-entitled matter;
 15 That I am not a party to the action or related to a
 16 party or counsel;
 17 That I have no financial or other interest in the
 18 outcome of the action.
 19
 20 February 25, 2025
 21
 22

 Tina M. Velasquez, CSR #10072
 Certified Shorthand Reporter
 23
 24
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