Nos. A175111 & Pending Appellate Number (March 30, 2026 NOA of final judgment)

IN THE COURT OF APPEAL OF THE

STATE OF CALIFORNIA

FIRST APPELLATE DISTRICT DIVISION TWO

NAPA COUNTY, et al.,

Plaintiffs and Respondents,

v.

LINDSAY BLAIR HOOPES, HOOPES VINEYARD, LLC, and HOOPES FAMILY WINERY PARTNERS, LP,

Defendants and Appellants/Petitioners.

Proceedings of the Napa County Superior Court
Case No. 22CV001262
Hon. Mark Boessenecker
Dept. 4; Tel.: (707) 299-1100

PETITION FOR WRIT OF SUPERSEDEAS; REQUEST FOR IMMEDIATE STAY; MEMORANDUM OF POINTS AND AUTHORITIES

IMMEDIATE STAY REQUESTED
(Excessive Fines and Fees and Issued Writ of Execution Will Bankrupt Company and Disable All Operations Frustrating Purpose of Appeal, Stay of Money Judgment Expires April 9)

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CERTIFICATE OF INTERESTED ENTITIES OR PARTIES

There are no entities or persons having either an ownership interest of 10% or more in the party or parties filing this certificate or a financial or other interest in the outcome of the proceeding. (Rules of Court, rule 8.208(e)(1).)

By: *Lindsay Blair Hoopes*

Lindsay Blair Hoopes

Attorneys for Appellants Lindsay Blair Hoopes, Hoopes Vineyard, LLC, and Hoopes Family Winery Partners, LP

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INTRODUCTION: REQUEST FOR IMMEDIATE STAY

An immediate stay is necessary to prevent irreparable harm to petitioners. For more than 40 years, the Hoopes family has operated a state-licensed winery in Napa County. After an 11-day bench trial, the Superior Court entered a preliminary injunction that shut down virtually all commercial operations. This Court stayed that injunction on March 7, 2025.

Despite the stay, the trial court converted the preliminary injunction to a permanent injunction, word-for-word, without taking further evidence, and imposed a monetary judgment of $3,960,013.05, more than the lifetime revenue from operations on the property. The judgment imposes $1,525,000 in civil penalties imposed to punish past conduct, $2,253,991 in attorney's fees, $111,229.80 in abatement costs, and $69,792.25 in statutory costs. Through an alter ego finding resting on a single paragraph that omits a required element, the full judgment reaches Lindsay Hoopes individually—the sole income provider for four minor children and the primary caretaker for a permanently disabled parent.

The trial court recognized the injunction was too severe to enforce pending appeal, and impliedly found that the operations subject to the fines were licensed. It found the injunction is mandatory—that it "change[s], and not maintain[s], the status quo between the parties"—and therefore automatically stayed under Code of Civil Procedure section 916. (4-PA-2672–2673.)

The monetary penalties and associated costs are equally devastating, and the Court did not stay their enforcement. The fines effectively seize all operating capital and assets. Because the required bond exceeds both the value of the property and the business's lifetime revenue, payment *and* finding an appellate bond is impossible.

As a result, the business faces inevitable sale of the property, bankruptcy and closure—the very irreparable harm cautioning against imposition of the injunction pending appeal. The financial records introduced at trial confirm that the business could never reasonably pay the fines or fees, individually or in the aggregate, precisely because it exceeds the total lifetime revenue generated by the property. Where a party cannot realistically satisfy the underlying penalties, it necessarily follows that it cannot post a bond in that amount. In practical terms, this requirement forecloses any meaningful opportunity to seek appellate relief and effectively closes the courthouse doors.

Notwithstanding, the trial court denied the discretionary bond waiver under section 995.240 and granted only a temporary stay through April 9, 2026. The required bond—over $5.9 million by the County's own calculation—exceeds the defendants' capacity, rendering them indigent for purposes of obtaining a bond. Their cumulative retail merchandise revenue over the past four years was just $22,000 (4-PA-2390; RT 13–14), and defendants submitted declarations and evidence of unsuccessful

efforts to obtain a bond. (4-PA-2365–2367; 4-PA-2372–2375.)) Rather than rebut this evidence, the County pointed to evidence from a trial held two years earlier to the effect that individual defendant Lindsay Hoopes was able to purchase the winery real property, and therefore, the County speculates, she must have means for a bond. The court accepted the County's speculation without developing a current record on bondability, encumbrances, or surety availability—and notwithstanding the County's own attorney's contrary concession at the penalties hearing that Hoopes is "not particularly wealthy." (RT 16; 4-PA-2674–2675.)

After April 9, the County will begin enforcing the full judgment against a small family winery, and against an individual whose personal liability rests on a contested and deeply flawed alter ego theory. This petition asks this Court to issue a decision immediately to maintain the status quo of the lawful business: stay enforcement of the monetary judgment pending appeal.

PETITION FOR WRIT OF SUPERSEDEAS

I. PARTIES AND JURISDICTION

1. Petitioners Hoopes Family Winery Partners, LP, Hoopes Vineyard, LLC, and Lindsay Blair Hoopes are the defendants and cross-complainants in Napa County Superior Court Case No. 22CV001262. (3-PA-1384.) Together, they operate

a licensed Napa County winery commonly known as Hoopes Vineyard. Although these parties have distinct legal identities—a distinction material to the alter ego issues discussed below—this petition uses "Hoopes Vineyard" to refer to the winery enterprise for convenience.

2. The judgment entered on January 27, 2026, imposes a permanent injunction against Hoopes Vineyard and governs the use and operation of the winery property located at 6204 Washington Street, in Napa County, imposing penalties totaling $1,525,000 and attorney's fees of $2,253,991. (4-PA-2309–2312.)

3. Hoopes Vineyard has filed a timely notice of appeal from the permanent injunction, and that appeal is currently pending before this Court in Case No. A175111 (6-PA-3607) as well as a timely notice of appeal from the judgment and denial of post-trial motions. (6-PA-3633)

4. Respondents are Napa County and the People of the State of California ex rel. the Napa County Counsel.

II. BACKGROUND

5. Hoopes Vineyard has operated for decades as a family-owned winery, including production, storage, marketing, on-site tastings, direct-to-consumer sales, and wine club memberships—all activities expressly authorized under its Type-02 ABC license. (Bus. & Prof. Code § 23358, subd. (a)(2), (3); 4-PA-2337–2338.)

6. In 2022, Napa County filed an enforcement action alleging that the winery conducted public tastings exceeding its small winery exemption, sold non-wine merchandise, held social events, and maintained animals for marketing purposes—all in alleged violation of Napa County Code section 18.08.600(C). (1-PA-16–84.) Notably, an earlier judge assigned to this matter—Judge Cynthia Smith—denied the County's request for a preliminary injunction, finding that Hoopes Vineyard's conduct did not constitute nuisance per se under Napa County Code sections 1.20.020 and 18.144.040. Notably, Judge Smith concluded that there were no violations of law based on the conduct alleged. Judge Mark Boessenecker later reached the opposite conclusion.

7. On February 20, 2025, the Superior Court entered a sweeping preliminary injunction that prohibited on-site tastings, tours, consumption, marketing, and virtually all commercial activity—including activities expressly authorized by the winery's ABC license—effectively ordering the shutdown of the winery's operations. (3-PA-1376–1379.) This Court granted interim relief staying enforcement of that injunction pending appellate proceedings.

8. Following a bench trial, the Superior Court entered a permanent injunction adopting the same restrictions. (4-PA-2158.) The permanent injunction—identical in every operative provision to the preliminary injunction this Court previously stayed—among other things:

(a) Prohibits on-site tastings except under narrow court-defined limitations—effectively eliminating the tasting program that is the winery's primary customer-acquisition channel;

(b) Restricts marketing and promotional activity, including activities that constitute protected commercial speech;

(c) Prohibits sale of wine not produced on the property, overriding sales practices authorized under the ABC license;

(d) Requires warrantless access to the property for compliance inspections up to 63 hours per week; and

(e) Imposes operational limitations that compel affirmative restructuring of the winery's business model.

(3-PA-1376–1379.)

9. On March 27, 2026, the trial court found the permanent injunction is mandatory and automatically stayed under section 916, but denied the bond waiver and granted only a temporary stay of the monetary judgment through April 9, 2026. (4-PA-2667–2676.)

STATEMENT OF THE CASE

A. The Hoopes family operates a licensed winery on property the County approved for that use.

10. A winery has operated at 6204 Washington Street in Napa for more than 40 years under a small winery use permit exemption dating to 1984. (4-PA-2385.) In 2019, the Hoopes family applied for a Type-02 ABC license to conduct tastings and direct-to-consumer sales. The County confirmed in writing that the intended use was "allowed and approved" and that a "use permit" had "been approved" as of 1987. (4-PA-2385.) The Department of Alcoholic Beverage Control issued the license. The County raised no objection. The Department approved an expansion in March 2021 for an external consumer wine tasting area, and the County again raised no objection.

11. Spencer Hoopes, the 78-year-old patriarch, is permanently disabled and a two-time organ transplant recipient. His daughter Lindsay manages the winery and supports four young children. (4-PA-2374; 4-PA-2343; 4-PA-2366.)

B. The County filed an enforcement action alleging zoning violations, but an earlier judge denied injunctive relief.

12. In October 2022, Napa County filed an enforcement action alleging zoning and land-use violations. (1-PA-86.) The Second Amended Complaint alleged alter ego liability—but only

as to Hoopes Vineyard, LLC, not Hoopes Family Winery Partners, LP. (3-PA-565.)

13. An earlier judge assigned to the matter—Judge Cynthia Smith—denied the County's request for a preliminary injunction, finding that Hoopes Vineyard's conduct did not constitute nuisance per se under Napa County Code sections 1.20.020 and 18.144.040 or appear to violate any law or condition of the use permit. Judge Mark Boessenecker later reached the opposite conclusion on the same ordinances.

C. After an 11-day bench trial, the court found certain violations but extended alter ego liability on a deficient record.

14. The case proceeded to a Phase I bench trial in January and February 2024—11 days of testimony over two weeks. (3-PA-1307 [trial dates January 29–31, February 1–2, 5–9, 17, 2024].) The court issued its Statement of Decision on November 13, 2024. It found that Hoopes Vineyard conducted public tastings, sold merchandise, held social events, and used animals for marketing purposes in violation of Napa County Code section 18.08.600(C). (3-PA-1321–1323.)

15. On alter ego, the Statement of Decision devoted a single paragraph: the court found that Lindsay Hoopes "controls, directs, and manages Hoopes LLC," "regularly commingles her finances with the LLC finances," and "uses her personal money to support all activities," based primarily on the testimony of Lisa

Brooks. (3-PA-1324–1325.) The court stated it found "the two required factors set forth in *Automotriz*"—but the paragraph addresses only unity of interest (control and commingling). It does not analyze the second required factor: whether an inequitable result would follow from respecting the corporate form. And it extends the finding parenthetically to the LP: "She operates the LLC (and the LP) effectively as a sole proprietorship[.]" (3-PA-1324.) Alter ego was never pleaded against the LP.

16. The Statement of Decision deferred penalties, attorney fees, costs, and the scope of the injunction to supplemental briefing. (3-PA-1325.)

D. This Court stayed the preliminary injunction that shut down winery operations.

17. On February 20, 2025, the trial court entered a preliminary injunction shutting down essentially all commercial winery operations. (3-PA-1376–1379.) Hoopes appealed (Case No. A172626). On March 7, 2025, this Court stayed enforcement of the preliminary injunction, recognizing that the winery's operations warranted preservation pending appellate review.

E. Without further hearing or evidence, the trial court adopts the identical order as permanent.

18. On May 29, 2025, the trial court concluded it retained jurisdiction notwithstanding the appeal and stay. On

November 3, 2025—with the appellate stay still in effect—the court entered a permanent injunction. It did not draft new injunctive language. It did not narrow or modify any provision. It did not address the constitutional concerns that presumably prompted this Court's stay. It simply adopted the preliminary injunction, verbatim, as permanent:

> The parties have submitted no further briefing on Plaintiffs' request for an injunction. Thus, the Preliminary Injunction is adopted as a Permanent Injunction against Defendants.

(4-PA-2143.)

19. The preliminary and permanent injunctions are word-for-word identical in every operative provision. All eight categories of prohibited winery activities, all three categories of prohibited commercial activities, the 63-hour-per-week warrantless inspection regime, and the anti-circumvention provisions are identical. (*Compare* 3-PA-1377–1378, *with* 4-PA-2310–2311; see also 4-PA-2143 and 4-PA-2158 [adopting same].)

20. When defendants attempted to challenge the alter ego finding in their fee opposition, the court summarily denied the challenge as "procedurally improper"—without addressing its merits. (4-PA-2142)

F. The judgment imposes nearly $4 million against a family winery, and the trial court denied a stay.

21. On November 14, 2025, Hoopes filed a notice of appeal from the permanent injunction (Case No. A175111). On November 21, 2025, the first appeal was dismissed—leaving the permanent injunction in place without a stay.

22. On January 27, 2026, the court entered a judgment of $3,960,013.05—jointly and severally against Lindsay Hoopes, Hoopes Vineyard, LLC, and Hoopes Family Winery Partners, LP. (4-PA-2308–2309.) The judgment imposes $1,525,000 in civil penalties ($1,000/day plus $250/day for 1,220 days), $2,253,991 in attorney fees, $111,229.80 in abatement costs, and $69,792.25 in statutory costs. (4-PA-2312.) The permanent injunction is incorporated into and entered as part of the judgment. (4-PA-2309 ["The Preliminary Injunction previously entered by the Court is adopted as the Permanent Injunction and is entered as part of this Judgment."].)

G. The trial court found the injunction is mandatory but denied a stay of the monetary judgment.

23. On March 27, 2026, the trial court ruled on defendants' motion for stay pending appeal. It analyzed the permanent injunction and concluded it is mandatory—that it "change[s], and not maintain[s], the status quo between the parties" and is "in practice, a requirement that Defendants take

affirmative action." (4-PA-2672–2673.) The court therefore found the injunction automatically stayed under section 916.

24. But the court denied the bond waiver under section 995.240. Defendants had submitted declarations and evidence of unsuccessful efforts to obtain a bond. (4-PA-2366–2367; 4-PA-2373–2375.) The County argued that evidence from a trial held two years earlier suggested defendants were not indigent, pointing to the 2024 purchase price of the winery property and Lindsay Hoopes's prior real estate holdings. (4-PA-2402–2403.) The court accepted the County's characterization in a single paragraph, without identifying specific evidence, without addressing whether the financial picture had changed in two years, and without developing a record on current bondability or surety availability. (4-PA-2674–2675.) After that date, the full $3,960,013.05 judgment is enforceable. Defendants requested an ability to pay hearing to support the inability to pay and bond, but were denied.

25. The trial court also denied the motion to vacate the judgment. It held that the Statement of Decision's discussion of penalties "implicitly" addressed the Eighth Amendment excessive fines analysis under *United States v. Bajakajian* (1998) 524 U.S. 321. (4-PA-2687.) The court raised sua sponte that it may lack jurisdiction under section 916 to hear the motion, since the penalties order was already on appeal, but proceeded after both parties stated it had jurisdiction. (4-PA-2681.)

III. IRREPARABLE HARM

26. If the County pursues active enforcement of the monetary judgment—nearly $4 million against entities that bankruptcy attorneys confirm would be forced into bankruptcy (4-PA-2366, 2374)— and the winery will not have sufficient capital. (*Id.*)

27. The total judgment—including $1,525,000 in penalties, $2,253,991 in attorney's fees, and $111,229.80 in abatement costs—exceeds the winery's capacity to pay. Bankruptcy attorneys have indicated that both Hoopes Family Winery Partners, LP and Hoopes Vineyard, LLC are eligible for and would inevitably be forced into bankruptcy. (4-PA-2374.) Napa County has issued a writ of execution and indicated an intent to seize all bank assets, which will abruptly halt all business operations and force termination of employees.

28. California courts have long recognized that destruction of business goodwill and customer relationships constitutes irreparable harm. (*Food & Grocery Bureau of Southern California v. Garfield* (1941) 18 Cal.2d 174, 176–77; *Deepwell Homeowners' Protective Ass'n v. City Council* (1965) 239 Cal.App.2d 63, 65–66.) Once employees are terminated, distribution relationships dissolved, wine club memberships cancelled, and market position eroded, an appellate reversal cannot restore the business to its prior condition.

29. The monetary judgment accomplishes indirectly what the Court recognized could not be done directly through the injunction. In staying the injunction, the Court necessarily determined that enforcing it pending appeal was irreparable harm—namely, the forced shutdown of Defendants' business. But that same outcome is certain if the monetary judgment remains enforceable pending appeal. The judgment is of such magnitude that it would immediately exhaust all operating capital and assets, and it cannot be bonded because it exceeds the value of the property and the entirety of the business's lifetime revenue. Thus, while the Court stayed the injunction to avoid irreparable harm, it left in place a monetary judgment that guarantees the same result. The practical effect is to nullify the stay and foreclose any meaningful right to appellate review.

IV. REQUEST FOR IMMEDIATE TEMPORARY STAY

30. Hoopes Vineyard requests that this Court issue an immediate temporary stay of enforcement of the monetary judgment entered on January 27, 2026—pending determination of this petition. (Code Civ. Proc. § 923; Rules of Ct., rule 8.112.) The trial court's temporary stay of the monetary judgment under section 918 expires April 9, 2026. (4-PA-2674–2676.) Without this Court's intervention before that date, the County may begin enforcing a judgment of $3,960,013.05 against entities that

bankruptcy attorneys have confirmed would be forced into bankruptcy. (4-PA-2374.)

31. Enforcement of the monetary judgment—nearly $4 million against entities that bankruptcy attorneys confirm cannot pay—will force the winery into insolvency, eliminating all business operations, pending appeal. (4-PA-2366, 4-PA-2374.) The total judgment of nearly $4 million—imposed against a small family winery whose retail merchandise generated approximately $22,000 in cumulative retail merchandise revenue (4-PA-2390; RT 13–14)—creates an impossible compliance paradox: the trial court denied the bond waiver, and the judgment exceeds any bond the defendants could post. (4-PA-2390; 4-PA-2675.) Bankruptcy attorneys have confirmed that both entities would inevitably be forced into bankruptcy. (4-PA-2374, 4-PA-2366.)

32. Through an alter ego finding resting on a single paragraph that fails to address the required "inequitable result" element, the full judgment reaches Lindsay Hoopes individually—the sole income provider for four minor children and the primary caretaker for her 78-year-old father, a permanently disabled two-time organ transplant recipient. (3-PA-1324–1325; 4-PA-2366; 4-PA-2374.) That finding was never pleaded against Hoopes Family Winery Partners, LP, yet the court extended it to all three defendants. (3-PA-564–565.)

33. The appeal raises substantial legal questions independently warranting supersedeas, including: (1) whether

the Napa County Code's own definition of agriculture—which encompasses tasting and direct sales—forecloses the County's nuisance theory, and whether a county can enjoin activities the State has expressly licensed to the premises under Civil Code section 3482 and the ABC licensing scheme and that are expressly lawful activities at wineries in Napa (Bus. & Prof. Code § 23358); (2) whether the permanent injunction—adopted verbatim from the preliminary injunction without further briefing, hearing, or tailoring (4-PA-2143)—can stand where six of its twelve operative provisions have no basis in the Statement of Decision (3-PA-1306–1325); (3) whether the alter ego finding satisfies the two-prong *Automotriz* test; (4) whether the injunction's warrantless inspection regime, speech restrictions, and $1,525,000 in penalties against a small family winery satisfy constitutional requirements; and (5) whether the Unfair Competition Claims, duplicitous of the deficient nuisance per se claims, are supported in fact *or* law.

34. The balance of equities is not close. The County litigated on an ordinary civil timeline for four years after seeking interim relief that initially failed (Judge Smith denied the preliminary injunction) and then litigated on an ordinary civil timeline, requesting many continuances to accommodate attorney vacations. No environmental agency has ever intervened. A septic inspection during the litigation confirmed the system was operating and compliant. (3-PA-1344.) A stay will simply preserve the conditions that have existed throughout the

litigation. Denial of a stay will decide the case before this Court can determine whether the judgment was lawful.

V. AUTHENTICITY OF EXHIBITS AND PRAYER FOR RELIEF

35. The exhibits in the Petitioners' Appendix are true and correct copies of original documents on file with the respondent court.

36. Some exhibits accompanying this Petition are true and correct copies, subject to a Motion for Consideration ("MFC") including a Declaration in support of harm derivative of the judgment.

VI. PRAYER FOR RELIEF

Petitioners Lindsay Blair Hoopes, Hoopes Vineyard, LLC, and Hoopes Family Winery Partners, LP respectfully pray that this Court:

Issue an immediate temporary stay of enforcement of the monetary judgment entered on January 27, 2026, pending determination of this petition;

- Issue a writ of supersedeas pursuant to Code of Civil Procedure section 923 and Rules of Court, rule 8.112, staying enforcement of the monetary judgment entered on January 27, 2026, in Napa County Superior Court, Case No. 22CV001262, pending final

determination of the appeal in Case No. A175111, or, in the alternative, staying enforcement against Lindsay Hoopes individually pending resolution of the alter ego issues on appeal, or, in the further alternative, barring active execution on the judgment—including levies, keepers, turnover orders, receivership, or forced sale—while permitting the County to preserve lien priority through passive recordation, conditioned on anti-dissipation and notice requirements as this Court deems just; and

- Grant such other and further relief as this Court deems just and proper.

Respectfully submitted,

By: *Lindsay Blair Hoopes*
Lindsay Blair Hoopes

Attorneys for Appellants Lindsay Blair Hoopes, Hoopes Vineyard, LLC, and Hoopes Family Winery Partners, LP

VERIFICATION

I have read the foregoing Petition for Writ of Supersedeas and know its contents. I am a party to this action. The matters stated in the document are true of my own knowledge except as to those matters which are stated on information and belief, and as to those matters I believe them to be true.

I declare under penalty of perjury under the laws of the state of California that the foregoing is true and correct.

Executed on April 2, 2026, at Napa, California.

Lindsay Blair Hoopes

Lindsay Blair Hoopes

MEMORANDUM OF POINTS AND AUTHORITIES

SUMMARY OF ARGUMENT

This petition presents the Court with a case in which the trial court has already done much of the work. The court found the permanent injunction is mandatory and automatically stayed. What remains is the monetary judgment—$3,960,013.05—which the temporary stay protects only through April 9, 2026.

The monetary judgment is the real emergency. Absent relief by April 9, the County is poised to commence aggressive enforcement—indeed, it has expressly indicated it will—against a small, family-run winery that has generated only $22,000 in total retail merchandise revenue. The scale of the judgment renders compliance impossible. The County will also enforce the full $3.96 million judgment against Lindsay Hoopes individually, without the requisite alter-ego findings. The court refused to make any finding that Lindsay Hoopes personally could pay that amount, and she declared she could not. The appeal raises substantial legal questions, including whether the trial court's denial of the bond waiver under section 995.240 was an abuse of discretion.

The appeal presents substantial legal questions independently warranting supersedeas. The trial court imposed $1,525,000 in penalties with only an "implicit" finding under the Excessive Fines Clause. The alter ego finding extends the full

judgment to an individual based on a single paragraph that omits a required element and reaches an entity against which alter ego was never pleaded. The permanent injunction—adopted verbatim from the preliminary injunction this Court previously stayed—reaches far beyond the trial court's own findings. And the injunction mirrors one this Court already found warranted preservation.

The balance of equities is straightforward. The Winery's only significant asset is real property—it is not going anywhere. The County litigated for four years after seeking interim relief that initially failed (Judge Smith denied the preliminary injunction) and then litigating on an ordinary civil timeline. A stay preserves existing conditions. Denial decides the case.

STANDARD OF REVIEW

A writ of supersedeas protects the appellate court's jurisdiction and ensures that its eventual decision has practical effect. (Code Civ. Proc. § 923; *Mills v. County of Trinity* (1979) 98 Cal.App.3d 859.) Supersedeas is appropriate when (1) enforcement will cause irreparable harm, (2) the appeal presents substantial legal questions, and (3) the balance of equities favors maintaining the status quo. (*Deepwell Homeowners' Protective Ass'n v. City Council* (1965) 239 Cal.App.2d 63, 65–66.)

This Court's authority under section 923 and Rules of Court, rule 8.112, extends to monetary judgments as well as injunctions. Where the trial court has denied a bond waiver under section 995.240, this Court retains independent authority to stay enforcement on whatever conditions it deems just. (*Deepwell*, *supra*, 239 Cal.App.2d at pp. 65–66.) The purpose of section 916 "is to protect the appellate court's jurisdiction by preserving the status quo until the appeal is decided." (*Elsea v. Saberi* (1992) 4 Cal.App.4th 625, 629.) Code of Civil Procedure section 917.8, subdivision (c)—which addresses stays in nuisance actions—governs automatic stays under section 916, not discretionary supersedeas under section 923. This Court's authority to preserve its jurisdiction through supersedeas is independent of the automatic-stay provisions. (*Mills*, *supra*, 98 Cal.App.3d at p. 861.) The rule is that courts will grant supersedeas where denial would deprive the appellant of the benefit of a reversal. (*People ex rel. San Francisco Bay Conserv. & Dev. Comm'n v. Town of Emeryville* (1968) 69 Cal.2d 533, 537.)

ARGUMENT

A. Without supersedeas, the appeal is meaningless—active enforcement—levies on operating accounts, receivership, or forced sale of the winery property—will destroy the Winery before this Court can review the judgment.

Supersedeas is appropriate where enforcement would so change existing conditions that meaningful appellate relief becomes unavailable, depriving the appellant of the benefit of a reversal. (*San Francisco Bay Conserv. & Develop. Commn.*, *supra*, 69 Cal.2d at p. 537.) (*Deepwell*, *supra*, 239 Cal.App.2d at pp. 65–66; *Mills*, *supra*, 98 Cal.App.3d at p. 861.)

The permanent injunction is textually identical to the preliminary injunction this Court stayed. (*Compare* 3-PA-1377–1378, *with* 4-PA-2310–2311.) The trial court adopted it without modification or further analysis. (4-PA-2143.) As the trial court agreed, the permanent injunction warrants a stay. But it is incoherent to pause the injunction while allowing enforcement of the fines to move forward. Enforcement of the fines will effectively have the same devastating impact on the Winery's business as the injunction.

1. Enforcement of the monetary penalties eliminates the Winery's capacity to survive.

A stay is warranted to prevent the business from being "wiped out" during the pendency of the appeal. (*Davis v. Custom Component Switches, Inc.* (1970) 13 Cal.App.3d 21, 27 [ordering writ of supersedeas].) California courts have long recognized that destruction of business goodwill and customer relationships constitutes irreparable harm that cannot be remedied by a later appellate reversal. (*Food & Grocery Bureau of Southern California v. Garfield* (1941) 18 Cal.2d 174, 176–77.) Customers who cannot visit Hoopes Vineyard will redirect patronage to competing wineries. Distribution and referral relationships weakened during the cessation period may shift permanently. Even a complete appellate reversal cannot compel former customers to return, reconstruct dissipated goodwill, or reclaim lost market share. (*Id.*)

2. The judgment creates an impossible compliance paradox.

The total judgment approaches $4 million against a small family winery whose retail merchandise in the past four years generated total cumulative retail merchandise revenue of approximately $22,000. (4-PA-2390; RT 13–14.) The judgment demands nearly $4 million from entities that the trial court itself found warranted protection from the injunction pending appeal. Yet the trial court denied the bond waiver under section 995.240

without an adequate record on current bondability, encumbrances, or surety availability—leaving the Defendants exposed to active enforcement of a judgment they demonstrably cannot satisfy or bond. (Decl. of Paul Fazzio, ¶¶ 4–8.) Bankruptcy attorneys have confirmed that both entities are eligible for and would inevitably be forced into bankruptcy. (4-PA-2374, 4-PA-2390.) An appellate reversal cannot resurrect a family winery that enters bankruptcy and will be forced to cease all operations during the pendency of the appeal.

3. Without a stay, active enforcement will accomplish what the stayed injunction cannot.

Even though the trial court found the injunction is automatically stayed as mandatory, enforcement of the monetary judgment achieves the identical shutdown. If the County pursues active enforcement after April 9—which they have communicated without hesitation they will—levying on operating accounts, seeking a receiver, or forcing a sale of the winery property—the result will be the same operational destruction the stayed injunction was meant to prevent.

4. The alter ego finding extends devastation to an individual and her family.

Through the alter ego finding, the full judgment reaches Lindsay Hoopes individually—the sole income provider for four minor children and the primary caretaker for Spencer Hoopes,

her 78-year-old father, who is permanently disabled and a two-time organ transplant recipient. (4-PA-2366; 4-PA-2374.) That finding rests on a single paragraph in the Statement of Decision that does not address the "inequitable result" element required by *Automotriz Del Golfo De California v. Resnick* (1957) 47 Cal.2d 792, 796, and extends alter ego to an entity against which it was never pleaded. (3-PA-1324–1325; 3-PA-565.) If the finding is erroneous—and it raises substantial questions discussed in Part C.4 below—enforcement will devastate an individual and her family based on a legal theory no published California decision has sanctioned in a nuisance abatement action.

B. The appeal raises substantial legal questions reviewed de novo.

This Court may consider whether the appeal presents substantial, non-frivolous legal issues warranting full appellate consideration. (*Mills*, *supra*, 98 Cal.App.3d at p. 861.) Hoopes Vineyard need not establish that it will prevail; it is sufficient that the issues are serious. (*Deepwell*, *supra*, 239 Cal.App.2d at pp. 65–66.)

This Court's prior stay of the preliminary injunction—which is textually identical to the permanent injunction now under review—itself demonstrates the substantiality of the legal questions presented. The critical appellate questions are legal, not factual. What Hoopes Vineyard did is largely undisputed—it conducted tastings, direct-to-consumer sales, and marketing

activities authorized under its ABC license. The legal questions—whether those activities are actionable as a nuisance per se given the ABC license and Civil Code section 3482, whether the injunction exceeds the trial court's own findings, whether the alter ego finding satisfies the requirements for piercing the corporate veil, and whether the remedy is constitutionally permissible—are reviewed de novo. The appeal presents at least five such questions that independently satisfy the substantial-issue threshold.

1. The injunction enjoins, and the monetary penalty penalizes, activities the State has expressly licensed, raising a substantial preemption question.

Hoopes Vineyard operates under a Type-02 ABC license, which expressly authorizes on-site tastings, direct-to-consumer sales, and related commercial activity. (Bus. & Prof. Code § 23358, subd. (a)(2), (3).) Civil Code section 3482 provides that "[n]othing which is done or maintained under the express authority of a statute can be deemed a nuisance." The permanent injunction enjoins the very activities that the State has licensed. The monetary judgment assesses fines for activities expressly authorized by Petitioner's state license, the Napa County Code, and that the first judge to consider the issue determined did not amount to violation of any law. Whether a county can declare as a nuisance and enjoin conduct that the State has expressly authorized is a question of statutory interpretation and

regulatory preemption that this Court reviews de novo. (*Korean American Legal Advocacy Foundation v. City of Los Angeles* (1994) 23 Cal.App.4th 376, 393.)

Under California's permissive zoning framework, an expressly authorized use cannot be impliedly prohibited by reading disparate code provisions together. (*People v. Venice Suites, LLC* (2021) 71 Cal.App.5th 715, 730–34 [under permissive zoning scheme, court's function "is simply to ascertain and declare what is in terms or in substance contained therein, not to insert what has been omitted"] (quoting Code Civ. Proc. § 1858).) The County confirmed in writing that the winery's intended use was "allowed and approved." (4-PA-2385.) The County cannot now manufacture a prohibition by creatively interpreting separate code sections to impliedly restrict what it expressly authorized and what the State licensed at the premises.

2. Two judges reached opposite conclusions on the same ordinances—and the nuisance per se theory requires more than the trial court provided.

Judge Cynthia Smith denied the County's request for a preliminary injunction, finding that Hoopes Vineyard's conduct did not constitute nuisance per se under Napa County Code sections 1.20.020 and 18.144.040. Judge Boessenecker reached the opposite conclusion on the same ordinances. That two judges reviewing the same code provisions reached directly contradictory legal conclusions on the same facts and in reference to the same

Napa codes is itself powerful evidence that the legal question is substantial. The interpretation of those ordinances—whether they establish nuisance per se liability—is a legal question reviewed de novo on appeal.

Napa County admits it did not establish harm; thus, they concede there is no liability in general public nuisance, which they cannot prove absent a predicate offense identified. The Napa County Code further indicates that small winery exemptions "shall" have "[m]arketing, sales, and other accessory uses." The injunction and monetary judgments expressly contradict local law, as well. (NCC § 18.08.040(H)(2).) Tastings, marketing, and wine sales are allowed at wineries, and there is no dispute that Petitioner is a winery. The liability finding and injunction directly contradict these express legal authorizations. A nuisance per se can never lie as to expressly legal conduct.

The nuisance per se theory is particularly vulnerable because it requires identification of a specific code provision that the defendant violated, and the violation must itself constitute the nuisance. (*People v. ConAgra Grocery Products Co.* (2017) 17 Cal.App.5th 51, 112.) Despite repeated requests, Napa County refused to declare one, and the Court did not hold them to this burden. This is a due process problem, as well.

Further, a general finding that conduct violated zoning ordinances—without identifying the specific provision and explaining how its violation constitutes a nuisance—does not

support nuisance per se liability. Under *Venice Suites*, conditions on land use cannot be implied; they must be expressly stated. (*People v. Venice Suites, LLC*, *supra*, 71 Cal.App.5th at pp. 730–34.) The County confirmed the winery's use was "allowed and approved"—it cannot now impose conditions that were never part of that approval. Restrictions on accessory uses cannot be implied, either, as they are derivative of the primary use by law. (NCC § 18.04.040; Gov't Code § 65852.)

3. The permanent injunction exceeds the scope of the trial court's own findings.

The overbreadth of the injunction belies the shaky ground on which the underlying judgment rests. Of the permanent injunction's twelve operative provisions, six have no basis in the Statement of Decision (non-estate wine sales, food service, warrantless compliance access, civil penalties, attorney fees, anticircumvention provision), three are broader than the violations actually found (wine tastings, marketing, unpermitted spaces), and only two are directly supported (assuming they are even violations of any law). The scope of this disconnect raises a substantial question about whether the permanent injunction can stand. This is a legal question reviewed de novo. And the fact that the court adopted the preliminary injunction without modification or reconciliation with its findings underscores the problem: it never performed the tailoring analysis that *Gallo* and *Englebrecht* require.

4. The alter ego finding extends the entire judgment to an individual without the traditional justifications for piercing the corporate veil.

The trial court's alter ego finding transforms a code-enforcement dispute into a personal liability action against Lindsay Hoopes, making her individually responsible for the permanent injunction, $1,525,000 in penalties, and $2,253,991 in attorney fees. (3-PA-1324; 4-PA-2312.) That finding raises a substantial legal question because it rests on a single paragraph in the Statement of Decision that does not satisfy the doctrine's requirements—and because it extends to an entity against which alter ego was never pleaded.

Alter ego requires two showings: (1) a unity of interest and ownership such that the separate personalities of the entity and individual no longer exist, and (2) an inequitable result if the corporate form is respected. (*Automotriz Del Golfo De California v. Resnick* (1957) 47 Cal.2d 792, 796.) The County bore the burden on both. (*Associated Vendors, Inc. v. Oakland Meat Packing Co.* (1962) 210 Cal.App.2d 825, 837.)

The court found that Lindsay Hoopes "controls, directs, and manages Hoopes LLC," "regularly commingles her finances with the LLC finances," and "uses her personal money to support all activities." (3-PA-1324.) But these findings, even taken at face value, do not satisfy the doctrine.

The findings address only the first *Automotriz* factor—unity of interest. The Statement of Decision does not analyze, or even mention, the second required factor: whether an inequitable result would follow from respecting the corporate form. The court stated it found "the two required factors"—but the paragraph contains analysis of only one. That omission is not a gap in reasoning; it is the absence of a required element.

What the court found actually undermines the doctrine's purpose. Lindsay Hoopes uses "her personal money to support all activities" of the entities. (3-PA-1324.) An individual putting personal money *into* a business entity is the *opposite* of the conduct alter ego was designed to address. The doctrine targets individuals who siphon assets *out* of entities to evade obligations—not individuals who fund entities with personal resources. (*Sonora Diamond Corp. v. Superior Court* (2000) 83 Cal.App.4th 523, 538–39 [piercing the corporate veil allows courts to disregard the corporate identity "where an abuse of the corporate privilege justifies holding the equitable ownership of a corporation liable for the actions of the corporation" and alter ego targets use of corporate form "to perpetrate a fraud, circumvent a statute, or accomplish some other wrongful or inequitable purpose"].) There is no finding that Lindsay Hoopes used the entities to shield personal assets, strip entity value, or evade any obligation.

The finding extends to Hoopes Family Winery Partners, LP—but the County's Second Amended Complaint pleaded alter

ego only as to Hoopes Vineyard, LLC. (3-PA-565.) The court's parenthetical extension—"She operates the LLC (and the LP) effectively as a sole proprietorship" (3-PA-1324)—imposes alter ego liability on an entity against which it was never alleged and that the undisputed facts indicated Ms. Hoopes has no ownership in. That is a due process problem.

No published California decision has applied alter ego in a nuisance abatement action to impose personal monetary liability on a corporate manager of solvent entities. The proper framework for individual liability in a nuisance action is personal participation—not veil piercing. (*People v. Pac. Landmark, LLC* (2005) 129 Cal.App.4th 1203 [managers of limited liability companies are not immune from personal liability if they have participated in tortious or criminal conduct—but liability was imposed based on personal involvement in allowing the nuisance to persist, not merely management status].) The trial court bypassed this framework and used alter ego to reach the same result—without the personal-participation findings that *Pacific Landmark* requires.

Whether the trial court properly applied alter ego raises questions reviewed under distinct standards. The threshold pleading defect—that alter ego was never alleged against the LP—is reviewed de novo. But the factual findings underlying the first *Automotriz* factor (unity of interest, commingling) are reviewed for substantial evidence. And the legal question whether those findings satisfy the doctrine's requirements is

reviewed de novo. (*Mesler v. Bragg Mgmt. Co.* (1985) 39 Cal.3d 290, 300.) It independently satisfies the substantial-issue standard.

5. The judgment implicates multiple independent constitutional constraints.

The appeal raises constitutional questions that independently warrant supersedeas.

Excessive fines. The trial court made only an "implicit" finding under the Excessive Fines Clause. The $1,525,000 in penalties raises serious Eighth Amendment concerns under *United States v. Bajakajian* (1998) 524 U.S. 321, 334 (a punitive forfeiture violates the Excessive Fines Clause if grossly disproportional to the gravity of the offense). But the trial court never performed the proportionality analysis *Bajakajian* requires. When defendants raised the issue on the motion to vacate, the court held that the Statement of Decision's discussion of penalties "implicitly" addressed the constitutional standard. (4-PA-2687.) An "implicit" finding on a constitutional question is not a finding—it is the absence of one. At the October 2025 penalties hearing, the County's own attorney conceded that they do not claim that "Hoopes is particularly wealthy." (RT 16:18–19.) The County nonetheless sought to nearly double the penalties—from $1,525,000 to $2,745,000—characterizing them as punishment for "four years" of "willfully violating" ordinances through past conduct, distinct from the injunction's forward-looking remedial

purpose. (RT 11:19–27.) A penalty imposed to punish past conduct is a "fine" subject to the Excessive Fines Clause. Whether $1,525,000 in penalties imposed against a small family winery that generated $22,000 in cumulative retail merchandise revenue satisfies the Excessive Fines Clause is a substantial legal question this Court reviews de novo. (*Timbs v. Indiana* (2019) 586 U.S. 146, 149–50.) The $2,253,991 in attorney fees, which the trial court characterized as "solely remedial," compounds the disproportionality: the total monetary burden of nearly $4 million dwarfs the cumulative retail merchandise revenue that generated the alleged violations.

The bond requirement creates a constitutional circularity. The trial court denied the bond waiver under section 995.240, yet the entire judgment exceeds the defendants' ability to pay. If the penalty is excessive under the Eighth Amendment because it is grossly disproportional to the defendants' means, then the bond—which must equal or exceed the judgment—is by definition also beyond their means. Requiring an unobtainable bond as a condition of appellate review does not protect the judgment creditor; it forecloses review of the judgment's legality and closes the courthouse doors. Whether this circularity denies meaningful appellate access is itself a substantial legal question. (*See Lindsey v. Normet* (1972) 405 U.S. 56, 77–79 [conditioning appellate review on requirements appellants cannot meet raises due process concerns].)

The trial court compounded this constitutional defect. It denied Defendants' request for an ability-to-pay hearing, yet relied on "evidence from trial" of alleged ability to pay in denying the bond waiver. (4-PA-2674–2675.) Without a separate ability-to-pay determination, the court bootstrapped an unconstitutional penalty into an unattainable bond requirement—foreclosing meaningful appellate review of both.

Regulatory taking, warrantless inspection, and First Amendment concerns. The permanent injunction, if ultimately enforced, would eliminate all economically beneficial use of property developed for licensed winery operations—a per se taking under *Lucas v. South Carolina Coastal Council* (1992) 505 U.S. 1003, 1015–19, and/or regulatory taking under *Penn Cent. Transp. Co. v. City of New York* (1978) 438 U.S. 104. The nuisance exception does not apply because the government authorized the very use it now seeks to abate. (Civ. Code § 3482.) Whether an injunction that strips a state-licensed business of all commercial operations effects a compensable taking is a constitutional question reviewed de novo. The injunction also requires warrantless property access up to 63 hours per week (4-PA-2311), raising Fourth Amendment concerns (*See v. City of Seattle* (1967) 387 U.S. 541, 543), and restricts marketing and promotional activity, implicating First Amendment protections for truthful commercial speech (*Cent. Hudson Gas & Elec. Corp. v. Public Serv. Comm'n* (1980) 447 U.S. 557, 566).

Statutory authority for penalties and attorney fees. The County sued Hoopes for public nuisance under Civil Code section 731—a general civil action—rather than following the administrative enforcement procedures in Chapter 1.20 of the Napa County Code. But the $1,525,000 in civil penalties and $2,253,991 in attorney fees the County recovered are remedies available only under Chapter 1.20, which was enacted under Government Code section 25845. Section 25845 conditions the exercise of that authority on mandatory administrative prerequisites—citation, an opportunity to remediate, and a hearing before the Board of Supervisors (Gov't Code § 25845, subd. (a); NCC § 1.20.010(A)(1))—none of which occurred here. The question on appeal is whether the County can bypass the mandatory procedures that authorize Chapter 1.20, yet still collect Chapter 1.20 remedies. That is a question of statutory interpretation reviewed de novo, and it implicates over $3.7 million of the judgment. (*San Diego County v. California Water and Tel. Co.* (1947) 30 Cal.2d 817, 823–24 [where the Legislature specifies the manner to exercise a statutory power, the specified procedure is "exclusive"]; *Comm. of Seven Thousand v. Superior Court* (1988) 45 Cal.3d 491, 511.)

Each of these questions independently satisfies the substantial-question standard and warrant supersedeas.

C. The balance of equities overwhelmingly favors a stay.

1. Enforcement threatens irreversible destruction; a stay preserves existing conditions.

Where denial of a stay threatens irreparable harm and issuance merely preserves existing conditions pending review, the balance of equities favors maintaining the status quo. (*Mills*, *supra*, 98 Cal.App.3d at p. 859.)

On one side: enforcement will compel cessation of a family business, bankrupt both entities, and inflict irreversible harm on a disabled patriarch and his daughter's family. Closure of the business that was established over decades, and business goodwill and reputation developed over time, cannot be reversed by a later appellate ruling. (4-PA-2338–2339.)

On the other side: a stay will simply preserve the operational conditions that existed throughout four years of litigation, during which the County did not seek or obtain emergency relief. A government's choice to tolerate conditions for years undermines its claim of urgency. (*Beames v. City of Visalia* (2019) 43 Cal.App.5th 741 [the fact that "the city was content to leave the nonconforming use alone for years pointed to a lack of urgency with which the potential hardship on the property owner was incommensurate"].) The County's four-year ordinary litigation timeline is the strongest possible evidence that there is no emergency requiring enforcement during the brief period of

appellate review. Whatever interest the County may have in speeding up collection of the monetary penalty at this point certainly does not rise to the level that would be necessary to justify the extreme measure of bankrupting the Winery before its appeal can be heard.

The County faces no risk from a stay. The Winery's only significant asset is real property—the 6204 Washington Street parcel. Real property cannot be dissipated or hidden pending appeal. A stay without a traditional surety bond does not prejudice the County because the security—the real property itself—will remain available to satisfy any judgment this Court ultimately affirms.

2. Targeted conditions—including alternative security and the indigency exception—can protect any public interest without destroying the family business.

If this Court has specific concerns, those concerns can be addressed through targeted stay conditions without shutting down the Winery's entire commercial operation. Rule 8.112, subdivision (d)(1), of the Rules of Court authorizes this Court to impose "any conditions it deems just" on a supersedeas stay—including conditions that go beyond a traditional surety bond.

Concerning the fines, Code of Civil Procedure section 995.240 provides that a court shall waive the bond requirement upon a showing that the party is unable to obtain the bond

because of indigency or its equivalent. The total judgment of $3,960,013.05—jointly and severally imposed against entities that the judgment simultaneously threatens with bankruptcy—presents precisely the circumstances the indigency exception addresses. Lindsay Hoopes has no current income from the winery and has invested her lifetime earnings into the business. (4-PA-2342–2343.) Spencer Hoopes, permanently disabled and a two-time organ transplant recipient, has no assets beyond Social Security that could support a bond. (4-PA-2374.) Bankruptcy attorneys have confirmed that both entities are eligible for bankruptcy. (4-PA-2374.) No surety will bond a judgment that exceeds the obligor's capacity to pay. Sureties do not accept real property as collateral for the type of bond needed here, and the winery property has already been declined as collateral. (Decl. of Paul Fazzio, ¶¶ 6–7.) The limited assets of Hoopes Vineyard are not sufficient nor acceptable collateral to obtain a surety bond, even for a lower amount than the monetary judgment that has been imposed. (Decl. of Paul Fazzio, ¶¶ 6–8.) Requiring an unobtainable bond as a condition of a stay is functionally indistinguishable from denial of meaningful appellate review. (Code Civ. Proc. § 995.240.) There will be nothing to salvage upon appeal because the business will not exist if the monetary judgment is not stayed.

CONCLUSION

The trial court has found the injunction is mandatory and automatically stayed. What remains is the monetary judgment—which, if enforced after April 9, will destroy the family winery before this Court can determine whether the judgment was lawful. The appeal presents substantial de novo legal questions, including an excessive fines analysis resting on an "implicit" finding and an alter ego theory extending nearly $4 million in personal liability on a deficient record. The County faces no risk: the Winery's only significant asset is real property that cannot be dissipated.

Hoopes Family Winery requests that this Court issue a writ of supersedeas staying enforcement of the monetary judgment pending resolution of the appeal, with such conditions as the Court deems appropriate—including, for example, a lien on the real property at 6204 Washington Street to secure any judgment ultimately affirmed, and an anti-dissipation order prohibiting transfer or encumbrance of the property pending appeal.

Respectfully submitted,

Lindsay Blair Hoopes

Attorneys for Appellants Lindsay Blair Hoopes, Hoopes Vineyard, LLC, and Hoopes Family Winery Partners, LP

CERTIFICATE OF WORD COUNT

Pursuant to rule 8.204, subdivision (c)(1) of the Rules of Court, attorney Lindsay Blair Hoopes, counsel for Appellants Lindsay Blair Hoopes, Hoopes Vineyard, LLC, and Hoopes Family Winery Partners, LP, certifies and represents that this brief, including footnotes, contains 8,014 words, as counted by Microsoft Word 365, the word-processing software used to produce this brief.

By: *Lindsay Blair Hoopes*
Lindsay Blair Hoopes

Attorneys for Appellants Lindsay Blair Hoopes, Hoopes Vineyard, LLC, and Hoopes Family Winery Partners, LP

DECLARATION OF SERVICE

I, Karmen R. Bushman, declare as follows:

I am a resident of the State of Wisconsin, employed in Sacramento, California. I am over the age of 18 years and am not a party to the above-entitled action. My business address is Pacific Legal Foundation, 555 Capitol Mall, Suite 1290, Sacramento, California 95814.

On April 2, 2026, a true copy of PETITION FOR WRIT OF SUPERSEDEAS, MOTION FOR CONSIDERATION AND ATTACHED EXHIBIT, AND PETITIONERS' APPENDIX OF EXHIBITS (SIX VOLUMES), was electronically filed with the Court through Truefiling.com. Notice of this filing will be sent to those below who are registered with the Court's efiling system. Those who are not registered will receive a hard copy via first-class U.S. Mail, postage thereon fully prepaid, and deposited in a mailbox regularly maintained by the United States Postal Service in De Pere, Wisconsin.

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I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed this 2nd day of April, 2026, at Los Angeles, California.

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