

Lewis, Tammymae

From: lorraine harrington <lfh415@yahoo.com>
Sent: Monday, November 5, 2018 10:21 AM
To: COB
Cc: Wheeler, Timothy; District3
Subject: Opposition to BOS Nov 6 Agenda Item: Fast Track No 2018-01 for Plot Plan 180019

Please distribute this letter to all Supervisors prior to the Public Hearing on Nov 6, 2018. Thank you. 19.2

To: Supervisor Chuck Washington, 3rd District, and entire Board of Supervisors

Re: Opposition to Fast Track No 2018-01 for Plot Plan 180019; Request to Augment Noise Testing

Dear Supervisors,

I am writing to you as a resident of Wine Country and a neighbor who may be impacted by the outdoor amplified music proposed in Plot Plan 180019 (De Portola Estate Winery). I know from the many months I spent as a member of the Wine Country Community Plan Advisory Committee that noise levels generated by outdoor amplified music were of real concern to the neighborhoods surrounding AND IN THE VICINITY OF the wineries. I remember in particular a study that was done at the request of neighbors a mile from Monte de Oro Winery that illustrated that noise measurements at the required measurement points on the winery property lines showed compliance with County Standards, but measurements **a mile away** showed unacceptable levels, due to topographical anomalies. I also remember a major winery owner (Mike Rennie of Leoness) telling the Committee that this "was not Rocket Science. Just put the amplified music indoors". Much to the dismay of many residents, this foolproof solution was cut from the final version of the Plan.

We all know that topography in the Wine Country does unpredictable things to noise. What we must acknowledge is that the County's current standards may not fit all situations.

What we have with the current Plot Plan is a winery with a neighborhood up the hill from it. (I live beyond this immediate neighborhood). I don't think any of us know how the sound is going to travel. I realize that the Conditions of Approval already require that De Portola Estate Winery do a follow up Noise Evaluation at its first outdoor event, but should we discover then that neighbors are being disturbed, we would face either an Enforcement issue (and we know the constant complaints about enforcement) or a cost issue for the owner (in potentially having to alter his plot design **after the fact**). Why not try to figure this out before the project is built? My suggestion is to try to prevent a bad situation by requiring the winery to hold an event **prior to project approval**, with band and DJ (because sound from DJs is worse than bands) while measuring the noise

impact in the surrounding neighborhood as well as at the property's perimeter. I would ask that you do this before approving the project.

This might sound at first like a hokey idea. But I know from my involvement with the residents that: 1) people are generally amenable to cooperating in a neighborly fashion to "make things work" with implementation of the Wine Country Plan, and 2) they don't pay much attention to notification of Public Hearing like today's, but will bang on my and other Committee members' doors after something is put in place to try to get it turned around. I think we all want to avoid situations of potential conflict. I am trying to reach the winery owner to discuss this idea but I urge the Board of Supervisors to postpone approval until such a test event could be staged. The cost/benefit to both the project budget and the goodwill of the neighborhood suggests the BOS could help create a win/win.

Or, take the easiest approach and require that amplified music be put indoors.

Thank you.

Lorraine Harrington
3580 Pauba Road, Temecula



OFFICE OF THE
CLERK OF THE BOARD OF SUPERVISORS
1st FLOOR, COUNTY ADMINISTRATIVE CENTER
P.O. BOX 1147, 4080 LEMON STREET
RIVERSIDE, CA 92502-1147
PHONE: (951) 955-1060 FAX: (951) 955-1071

KECIA HARPER-IHEM
Clerk of the Board of Supervisors

KIMBERLY A. RECTOR
Assistant Clerk of the Board

October 11, 2018

THE PRESS ENTERPRISE
ATTN: LEGALS
P.O. BOX 792
RIVERSIDE, CA 92501

PH : (951) 368-9225
E-MAIL: legals@pe.com

RE: NOTICE OF PUBLIC HEARING: PP 180019

To Whom It May Concern:

Attached is a copy for publication in your newspaper for **One (1) time on Tuesday, October 16, 2018.**

We require your affidavit of publication immediately upon completion of the last publication.

Your invoice must be submitted to this office, **WITH TWO CLIPPINGS OF THE PUBLICATION.**

NOTE: PLEASE COMPOSE THIS PUBLICATION INTO A SINGLE COLUMN FORMAT.

Thank you in advance for your assistance and expertise.

Sincerely,

Karen Barton

Board Assistant to:
KECIA HARPER-IHEM, CLERK OF THE BOARD

NOTICE OF PUBLIC HEARING BEFORE THE BOARD OF SUPERVISORS OF RIVERSIDE COUNTY ON A PLOT PLAN, NOISE EXCEPTION AND INTENT TO ADOPT A MITIGATED NEGATIVE DECLARATION IN THE RANCHO CALIFORNIA AREA, THIRD SUPERVISORIAL DISTRICT

NOTICE IS HEREBY GIVEN that a public hearing at which all interested persons will be heard, will be held before the Board of Supervisors of Riverside County, California, on the 1st Floor Board Chambers, County Administrative Center, 4080 Lemon Street, Riverside, on **Tuesday, November 6, 2018 at 10:30 A.M.** or as soon as possible thereafter, to consider the approval of **Fast Track No. 2018-01 for Plot Plan No. 180019**, which proposes a Class V Winery "Project" in two (2) phases on 22.2 gross acres. Phase One will consist of a two-story wine tasting room and bar with a restaurant and covered patio attached on the first floor with restrooms and a wine production building with a wine lab and conference area, employee restrooms and storage. Outside the building will be production equipment comprised of vats, coolers, de-stemmers and crush pads. Special occasions (weddings/events) will also be offered on the project site with a trellis stage area. Phase Two will consist of a three-story, 44 room Wine Country Hotel with a public lounge area, a restaurant, spa treatment facilities, offices, conference room suites, hotel rooms, VIP suites and a roof deck viewing patio. The hotel will also offer an outdoor pool and spa and fire pit areas. The applicant currently has a type 02 ABC license (winegrower). Additionally a type 42 ABC license (on-sale wine for Public Premises) and/or other type licenses will be required for the Class V Winery. **Noise Exception No. 1800002** has been applied in relation to the special occasion facility (outdoor events, weddings and/or live music with amplified sound) to allow for continuous event exceptions as it pertains to noise as required per Ordinance No. 348, Section 14.93.C.4. This project is located in the Temecula Valley Wine Country Policy Area in the Third Supervisorial District.

The Planning Department recommends that the Board of Supervisors approve the project and adopt a Mitigated Negative Declaration for **Environmental Assessment No. CEQ180061**.

The project case file may be viewed from the date of this notice until the public hearing, Monday through Friday, from 8:00 a.m. to 5:00 p.m. at the Riverside County Planning Department at 4080 Lemon Street, 12th Floor, Riverside, California 92501.

FOR FURTHER INFORMATION REGARDING THIS PROJECT, PLEASE CONTACT TIM WHEELER, URBAN REGIONAL PLANNER, AT (951) 955-6060 OR EMAIL twheeler@rivco.org

Any person wishing to testify in support of or in opposition to the project may do so in writing between the date of this notice and the public hearing, or may appear and be heard at the time and place noted above. All written comments received prior to the public hearing will be submitted to the Board of Supervisors and the Board of Supervisors will consider such comments, in addition to any oral testimony, before making a decision on the project.

If you challenge the above item in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence to the Planning Department or Board of Supervisors at, or prior to, the public hearing. Be advised that as a result of the public hearing and the consideration of all public comment, written and oral, the Board of Supervisors may amend, in whole or in part, the project and/or the related environmental document. Accordingly, the designations, development standards, design or improvements, or any properties or lands within the boundaries of the project, may be changed in a way other than specifically proposed.

Alternative formats available upon request to individuals with disabilities. If you require reasonable accommodation, please contact Lisa Wagner at (951) 955-1063, at least 72 hours prior to hearing.

Please send all written correspondence to: Clerk of the Board, 4080 Lemon Street, 1st Floor, Post Office Box 1147, Riverside, CA 92502-1147

Dated: October 11, 2018

Kecia Harper-Ihem, Clerk of the Board
By: Karen Barton, Board Assistant

CERTIFICATE OF POSTING

(Original copy, duly executed, must be attached to
the original document at the time of filing)

I, Karen Barton, Board Assistant to Kecia Harper-Ihem, Clerk of the Board of Supervisors, for the County of Riverside, do hereby certify that I am not a party to the within action or proceeding; that on October 11, 2018, I forwarded to Riverside County Clerk & Recorder's Office a copy of the following document:

NOTICE OF PUBLIC HEARING

Plot Plan No. 180019

to be posted in the office of the County Clerk at 2724 Gateway Drive, Riverside, California 92507. Upon completion of posting, the County Clerk will provide the required certification of posting.

Board Agenda Date: November 6, 2018 @ 10:30 a.m.

SIGNATURE: *Karen Barton* DATE: October 11, 2018
Karen Barton

CERTIFICATE OF MAILING

(Original copy, duly executed, must be attached to
the original document at the time of filing)

I, Karen Barton, Board Assistant, for the County of Riverside, do hereby certify that I am not a party to the within action or proceeding; that on October 11, 2018, I mailed a copy of the following document:

NOTICE OF PUBLIC HEARING

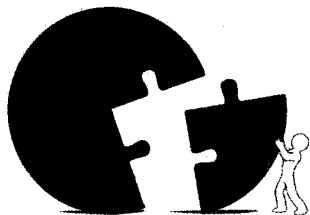
Plot Plan No. 180019

to the parties listed in the attached labels, by depositing said copy with postage thereon fully prepaid, in the United States Post Office, 3890 Orange St., Riverside, California, 92501.

Board Agenda Date: November 6, 2018 @ 10:30 a.m.

SIGNATURE: *Karen Barton*
Karen Barton

DATE: October 11, 2018



RIVERSIDE COUNTY PLANNING DEPARTMENT

Charissa Leach, P.E.
Assistant TLMA Director

DATE: October 10, 2018

TO: Clerk of the Board of Supervisors - November 6, 2018 BOS meeting

FROM: Planning Department – Riverside – Tim Wheeler, Urban Regional Planner III (5-6060)

SUBJECT: PPT180019 / NE1800002 / CEQ180061

(Charge your time to these case numbers)

TRANSPORTATION & LAND MANAGEMENT AGENCY/PLANNING: PUBLIC HEARING FOR FAST TRACK NO. 2018-01 FOR PLOT PLAN NO. 180019 and NOISE EXCEPTION NO. NE1800002 – Intent to adopt a Mitigated Negative Declaration – Applicant: RTN Development, Rick Neugebauer – Engineer/Representative: RTN Development, Ted Neugebauer - Third Supervisorial District – Rancho California Zoning Area – Southwest Area Plan: Agriculture: Agriculture (AG: AG) within the Temecula Valley Wine County Policy Area–Winery District – Location: North of Pauba Road, Southeast of Avenida Verde, and West of De Portola Road – 20.86 Acres - Zoning: Wine Country-Winery (WC-W) - **REQUEST:** Plot Plan No. 180019 proposes a Class V Winery “Project” in two (2) phases on 22.2 gross acres. Phase One will consist of a two-story wine tasting room and bar with a restaurant and covered patio attached on the first floor with restrooms and a wine production building with a wine lab and conference area, employee restrooms and storage. Outside the building will be production equipment comprised of vats, coolers, de-stemmers, and crush pads. Special occasions (weddings/events) will also be offered on the Project site with a trellis stage area. Phase Two will consist of a three-story, 44 room Wine Country Hotel with a public lounge area, a restaurant, spa treatment facilities, offices, conference room suites, hotel rooms, VIP suites, and a roof deck viewing patio. The hotel will also offer an outdoor pool and spa and fire pit areas. The applicant currently has a type 02 ABC license (winegrower). Additionally a type 42 ABC license (on-sale wine for Public Premises) and/or other ABC type licenses will be required for the Class V Winery. Noise Exception No. 1800002 has been applied for in relation to the special occasion facility (outdoor events, weddings, and/or live music with amplified sound) to allow for continuous event exceptions as it pertains to noise as required per Ordinance No. 348, Section 14.93.C.4. – APN: 927-640-008, 009, 011, 012, and 015. Applicant Fees 100%.

The attached item(s) require the following action(s) by the Board of Supervisors:

- Place on Administrative Action
- Receive & File
- EOT
- Labels provided If Set For Hearing
 - 10 Day
 - 20 Day
 - 30 day
- Place on Consent Calendar
- Place on Policy Calendar (Resolutions; Ordinances; PNC)
- Place on Section Initiation Proceeding (GPIP)
- Set for Hearing (Legislative Action Required: CZ, GPA, SP, SPA)
- Publish in Newspaper: (3rd Dist) Press Enterprise
- Mitigated Negative Declaration
 - 10 Day
 - 20 Day
 - 30 day
- Notify Property Owners (app/agencies/property owner labels provided)

Designate Newspaper used by Planning Department for Notice of Hearing:
(3rd Dist) Press Enterprise

Riverside Office · 4080 Lemon Street, 12th Floor
P.O. Box 1409, Riverside, California 92502-1409
(951) 955-3200 · Fax (951) 955-1811

Desert Office · 77-588 Duna Court, Suite H
Palm Desert, California 92211
(760) 863-8277 · Fax (760) 863-7040

“Planning Our Future... Preserving Our Past”

**SUBMITTAL TO THE BOARD OF SUPERVISORS
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA**



FROM: TLMA – Planning Department

SUBMITTAL DATE:
October 10, 2018

TRANSPORTATION & LAND MANAGEMENT AGENCY/PLANNING: PUBLIC HEARING FOR FAST TRACK NO. 2018-01 FOR PLOT PLAN NO. 180019 and NOISE EXCEPTION NO. NE1800002 – Intent to adopt a Mitigated Negative Declaration – Applicant: RTN Development, Rick Neugebauer – Engineer/Representative: RTN Development, Ted Neugebauer - Third Supervisorial District – Rancho California Zoning Area – Southwest Area Plan: Agriculture: Agriculture (AG: AG) within the Temecula Valley Wine County Policy Area–Winery District – Location: North of Pauba Road, Southeast of Avenida Verde, and West of De Portola Road – 20.86 Acres - Zoning: Wine Country-Winery (WC-W) - **REQUEST: Plot Plan No. 180019 proposes a Class V Winery “Project” in two (2) phases on 22.2 gross acres. Phase One will consist of a two-story wine tasting room and bar with a restaurant and covered patio attached on the first floor with restrooms and a wine production building with a wine lab and conference area, employee restrooms and storage. Outside the building will be production equipment comprised of vats, coolers, de-stemmers, and crush pads. Special occasions (weddings/events) will also be offered on the Project site with a trellis stage area. Phase Two will consist of a three-story, 44 room Wine Country Hotel with a public lounge area, a restaurant, spa treatment facilities, offices, conference room suites, hotel rooms, VIP suites, and a roof deck viewing patio. The hotel will also offer an outdoor pool and spa and fire pit areas. The applicant currently has a type 02 ABC license (winegrower). Additionally a type 42 ABC license (on-sale wine for Public Premises) and/or other ABC type licenses will be required for the Class V Winery. Noise Exception No. 1800002 has been applied for in relation to the special occasion facility (outdoor events, weddings, and/or live music with amplified sound) to allow for continuous event exceptions as it pertains to noise as required per Ordinance No. 348, Section 14.93.C.4. – APN: 927-640-008, 009, 011, 012, and 015. Applicant Fees 100%.**

Departmental Concurrence

Charissa Leach
Assistant TLMA Director

Juan C. Perez
TLMA Director

FINANCIAL DATA	Current Fiscal Year:	Next Fiscal Year:	Total Cost:	Ongoing Cost:	POLICY/CONSENT (per Exec. Office)
COST	\$ N/A	\$ N/A	\$ N/A	\$ N/A	Consent <input type="checkbox"/> Policy <input type="checkbox"/>
NET COUNTY COST	\$ N/A	\$ N/A	\$ N/A	\$ N/A	

SOURCE OF FUNDS: Applicant Fees 100% **Budget Adjustment:** No

For Fiscal Year: N/A

C.E.O. RECOMMENDATION: Click here to enter text.

County Executive Office Signature

**SUBMITTAL TO THE BOARD OF SUPERVISORS, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA
FORM 11: for PLOT PLAN NO. 180019 and NOISE EXCEPTION NO. NE1800002**

DATE: November 6, 2018

PAGE: Page 2 of 3

Positions Added
 Change Order
 A-30
 4/5 Vote

Prev. Agn. Ref.:

District: 3

Agenda Number:

RECOMMENDED MOTION: That the Board of Supervisors:

ADOPT a **MITIGATED NEGATIVE DECLARATION** for **ENVIRONMENTAL ASSESSMENT NO. CEQ180061**, based on the findings and conclusions provided in the initial study, attached hereto, and the conclusion that the project will not have a significant effect on the environment; and,

APPROVE NOISE EXCEPTION NO. 1800002, based on the findings and conclusions in the initial study, attached conditions of approval, and based upon the findings and conclusions provided in this staff report.

APPROVE PLOT PLAN NO. 180019, subject to the attached conditions of approval, and based upon the findings and conclusions provided in this staff report.

BACKGROUND:

Summary

The proposed Project was approved by the Economic Development Agency (EDA) February 9, 2018 for Fast Track processing (FTA-2018-01). During this time and until June 21, 2018, when the Class V Winery Project was applied for, the applicant had discussed the Project with various County departments; preparing for the submittal.

On July 19, 2018 comments on this Project were provided to the applicant in a Development Advisory Committee (DAC) meeting. Various discussions on the project relating to architecture and layout, design and color, vineyard planting, landscaping, parking, and special occasions and/or outdoor events, items pertaining to Ordinance No. 348, Section 14.93 Development Standards, and processing timeline of the project getting to a Board of Supervisors (Board) hearing were discussed. A second round review was completed on September 27, 2018, with all departments clearing the project.

Regarding the architecture and layout, design, color, and vineyard planting; it was determined by the Director that it is similar to a few other existing wineries in the Wine Country Policy Area. The applicants color choice of white with accent colors to invoke a "Modern Spanish" design theme will be up to the final decision of the Board.

Since the project will have outdoor events as a part of their special occasions allowed; an Exception to the Noise Ordinance No. 847 (NE1800002) was applied for as required per Ordinance No. 348, Section 14.93.C.4, and will proceed with the Project to the Board of Supervisors hearing.

The Project is located in the Temecula Valley Wine Country Policy Area – Winery District. Residential dwellings are to the north and west of the Project site. Existing wineries are to the immediate south and east across De Portola Rd; as well as a horse ranch. The owner/applicant opted-in to the County's Wine Country

**SUBMITTAL TO THE BOARD OF SUPERVISORS, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA
FORM 11: for PLOT PLAN NO. 180019 and NOISE EXCEPTION NO. NE1800002**

DATE: November 6, 2018

PAGE: Page 3 of 3

zone change (CZ07929), changing their Project's zone to WC-W. The project meets the Wine County Policy Area standards and Winery District zone and development standards as listed below in this report. With this Project submitted as a Class V Winery, there will be special occasions and/or outdoor events, and hotel accommodations. The Project also propose a restaurant in the tasting building.

Impact on Citizens and Businesses

The Projects have no direct impact on citizens or businesses, as these are private projects. All impacts have been studied through CEQA.

SUPPLEMENTAL:

Additional Fiscal Information

All potential project impacts have been studied under CEQA and noticed to the public pursuant to the requirements of the County.

ATTACHMENTS:

- A. **STAFF REPORT**
- B. **SITE PLAN, COLOR ELEVATIONS, FLOOR PLANS, and RENDERINGS**
- C.



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DOUGLAS C WALL
YVONNE K WALL
78450 AVE 41
BERMUDA DUNES CA 92203

927150012
TSM PROP
531 W HOLT BLVD
ONTARIO CA 91762

927150014
STARNEX
C/O C/O STEVEN SMITH
16092 JENNER ST
WESTMINSTER CA 92683

927150036
STEVEN L SMITH
JUDY E SMITH
16092 JENNER ST
WESTMINSTER CA 92683

927280010
FOXTAIL RANCH
C/O C/O JAMES ARTHUR SORCE
37100 OAK MOUNTAIN RD
TEMECULA CA 92592

927280019
BRIAN J BRADY
CAROL LEE BRADY
37850 DE PORTOLA RD
TEMECULA CA. 92592

927280036
KENNETH FALIK
CHRISTINA L FALIK
37750 DE PORTOLA RD
TEMECULA CA. 92592

927280037
ADOBE LAND CO
525 PLAZA DEL CID
CHULA VISTA CA 91910

927280039
ADOBE LAND CO
525 PLAZA DEL SID
CHULA VISTA CA 91910

927280040
ADOBE LAND CO
525 PLAZA DEL SID
CHULA VISTA CA 91910

927540036
STEVEN S WALL
FRANNE M FICARA
36290 PALMADOR LN
TEMECULA CA. 92592

927630021
VVUS
C/O SOLEBY STREET E1 4PN
0
CA. 0

927630022
DE PORTOLA WINERY
1015 FREMONT AVE NO 2
SOUTH PASADENA CA 91030

927640003
RENZONI VINEYARDS INC
37350 DE PORTOLA RD
TEMECULA CA. 92592



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TEMECULA CA 92592

927640008
DPW I
C/O NO 311
28465 OLD TOWN FRONT ST
TEMECULA CA 92590

927640009
DPW I
C/O NO 311
28465 OLD TOWN FRONT ST
TEMECULA CA 92590

927640011
DPW I
C/O NO 311
28465 OLD TOWN FRONT ST
TEMECULA CA 92590

927640012
DPW I
C/O NO 311
28465 OLD TOWN FRONT ST
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927640015
DPW I
C/O NO 311
28465 OLD TOWN FRONT ST
TEMECULA CA 92590

927650011
BACHA BHAVAN
43950 MARGARITA RD NO J
TEMECULA CA 92592

927650015
THOMAS J MACE
KRISTINA E MACE
36745 AVENIDA VERDE
TEMECULA CA 92562

927650018
KEITH P ASKEV
36730 AVENIDA VERDE
TEMECULA CA. 92592

927650021
MACE FAMILY REVOCABLE TRUST 2006
C/O C/O THOMAS J MACE
36745 AVENIDA VERDE
TEMECULA CA. 92592

927650023
JUDY Z ROBERTS
36735 AVENIDA VERDE
TEMECULA CA. 92592

927650024
PEYTON CROW
C/O C/O ADAM CROW
44045 MARGARITA RD STE
205 TEMECULA CA 92592

927650025
JUDY Z ROBERTS
36735 AVENIDA VERDE
TEMECULA CA. 92592

927650026
PEYTON CROW
C/O C/O ADAM CROW
44045 MARGARITA RD STE
205 TEMECULA CA 92592



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KIMBERLEY D PERROT
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TEMECULA CA. 92592

927650030
PEYTON CROW
42909 JOSHUA TREE CT
MURRIETA CA 92562

927650035
JEAN LUC ANNET
JULIE ANNET
41690 CORPORATE CENTER
MURRIETA CA 92562

927660005
TIANA HALLETT
37975 DE PORTOLA RD
TEMECULA CA. 92592

927660026
BIZHAN FAZELI
WENDY FAZELI
36800 AVENIDA VERDE
TEMECULA CA. 92592

927660027
RIMBA WEST
9 KINGS CT
VALLEY COTTAGE NY 10989

927660029
MARIO ZEPPIERI
RITA ZEPPIERI
P O BOX 2046
FALLBROOK CA 92088

927660037
KIRK KIRKPATRICK
KIM KIRKPATRICK
MICHAEL KIRKPATRICK

36533 VIA VERDE
TEMECULA CA. 92592

927660038
ALI R SAKHAPOUR
BLANCA E SAKHAPOUR
33381 MORNING VIEW DR
TEMECULA CA 92592

927660039
JEAN LUC ANNET
JULIE ANNET
41690 CORPORATE CENTER
MURRIETA CA 92562

RCHA (Rancho California Horseman Association)
P.O. Box 1622
Temecula CA 92593

Temecula Valley Winegrowers Association
P.O. Box 1601
29377 Rancho California Road Suite #203
Temecula, CA 92593

The GlenOak Hills HOA
Avalon Management Group, John Ellett
43529 Ridge Park Drive
Temecula, CA 92590

RTN Development
28465 Old Town Front Street, Suite 311
Temecula, CA 92590
Attn: Rick & Ted Neugebauer

Lorraine F. Harrington
35820 Pauba Rd.
Temecula CA 92592

Visit Temecula Valley Wine Country
28690 Mercedes Ave., Suite A
Temecula, CA 92590

Larry Smalley
35725 Los Nogales Rd.
Temecula CA 92592

Terilee Hammett
40540 Chaparral Drive
Temecula, CA 92592

Pechanga Temecula Band of Luiseño Indians
Ebru Ozdil, Planning Specialist
P.O. Box 2183
Temecula, CA 92593



OFFICE OF THE
CLERK OF THE BOARD OF SUPERVISORS
1st FLOOR, COUNTY ADMINISTRATIVE CENTER
P.O. BOX 1147, 4080 LEMON STREET
RIVERSIDE, CA 92502-1147
PHONE: (951) 955-1060 FAX: (951) 955-1071

KECIA HARPER-IHEM
Clerk of the Board of Supervisors

KIMBERLY A. RECTOR
Assistant Clerk of the Board

October 22, 2018

THE PRESS ENTERPRISE
ATTN: LEGALS
P.O. BOX 792
RIVERSIDE, CA 92501

PH : (951) 368-9225
E-MAIL: legals@pe.com

RE: NOTICE OF PUBLIC HEARING: PP 180019

To Whom It May Concern:

Attached is a copy for publication in your newspaper for **One (1) time on Friday, October 26, 2018.**

We require your affidavit of publication immediately upon completion of the last publication.

Your invoice must be submitted to this office, **WITH TWO CLIPPINGS OF THE PUBLICATION.**

NOTE: PLEASE COMPOSE THIS PUBLICATION INTO A SINGLE COLUMN FORMAT.

Thank you in advance for your assistance and expertise.

Sincerely,

Karen Barton

Board Assistant to:
KECIA HARPER-IHEM, CLERK OF THE BOARD

NOTICE OF PUBLIC HEARING BEFORE THE BOARD OF SUPERVISORS OF RIVERSIDE COUNTY ON A PLOT PLAN, NOISE EXCEPTION AND INTENT TO ADOPT A MITIGATED NEGATIVE DECLARATION IN THE RANCHO CALIFORNIA AREA, THIRD SUPERVISORIAL DISTRICT

NOTICE IS HEREBY GIVEN that a public hearing at which all interested persons will be heard, will be held before the Board of Supervisors of Riverside County, California, on the 1st Floor Board Chambers, County Administrative Center, 4080 Lemon Street, Riverside, on **Tuesday, November 6, 2018 at 10:30 A.M.** or as soon as possible thereafter, to consider the Planning Commission's approval on **Fast Track No. 2018-01 for Plot Plan No. 180019**, which proposes a Class V Winery "Project" in two (2) phases on 22.2 gross acres. Phase One will consist of a two-story wine tasting room and bar with a restaurant and covered patio attached on the first floor with restrooms and a wine production building with a wine lab and conference area, employee restrooms and storage. Outside the building will be production equipment comprised of vats, coolers, de-stemmers and crush pads. Special occasions (weddings/events) will also be offered on the project site with a trellis stage area. Phase Two will consist of a three-story, 44 room Wine Country Hotel with a public lounge area, a restaurant, spa treatment facilities, offices, conference room suites, hotel rooms, VIP suites and a roof deck viewing patio. The hotel will also offer an outdoor pool and spa and fire pit areas. Additionally a type 42 ABC license (on-sale wine for Public Premises) and/or other type licenses will be required for the Class V Winery. **Noise Exception No. 1800002** has been applied in relation to the special occasion facility (outdoor events, weddings and/or live music with amplified sound) to allow for continuous event exceptions as it pertains to noise as required per Ordinance No. 348, Section 14.93.C.4. This project is located west of De Portola Road, north of Pauba Road, and southeast of Avenida Verde. The project address is 37440 De Portola Road in the Temecula Valley Wine Country Policy Area of the Third Supervisorial District.

The Planning Commission recommended that the Board of Supervisors approve the project and adopt a Mitigated Negative Declaration for **Environmental Assessment No. CEQ180061**.

The project case file may be viewed from the date of this notice until the public hearing, Monday through Friday, from 8:00 a.m. to 5:00 p.m. at the Riverside County Planning Department at 4080 Lemon Street, 12th Floor, Riverside, California 92501.

FOR FURTHER INFORMATION REGARDING THIS PROJECT, PLEASE CONTACT TIM WHEELER, URBAN REGIONAL PLANNER, AT (951) 955-6060 OR EMAIL twheeler@rivco.org

Any person wishing to testify in support of or in opposition to the project may do so in writing between the date of this notice and the public hearing, or may appear and be heard at the time and place noted above. All written comments received prior to the public hearing will be submitted to the Board of Supervisors and the Board of Supervisors will consider such comments, in addition to any oral testimony, before making a decision on the project.

If you challenge the above item in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence to the Planning Commission or Board of Supervisors at, or prior to, the public hearing. Be advised that as a result of the public hearing and the consideration of all public comment, written and oral, the Board of Supervisors may amend, in whole or in part, the project and/or the related environmental document. Accordingly, the designations, development standards, design or improvements, or any properties or lands within the boundaries of the project, may be changed in a way other than specifically proposed.

Alternative formats available upon request to individuals with disabilities. If you require reasonable accommodation, please contact Lisa Wagner at (951) 955-1063, at least 72 hours prior to hearing.

Please send all written correspondence to: Clerk of the Board, 4080 Lemon Street, 1st Floor, Post Office Box 1147, Riverside, CA 92502-1147

Dated: October 22, 2018

Kecia Harper-Ihem, Clerk of the Board
By: Karen Barton, Board Assistant

CERTIFICATE OF POSTING

(Original copy, duly executed, must be attached to
the original document at the time of filing)

I, Karen Barton, Board Assistant to Kecia Harper-Ihem, Clerk of the Board of Supervisors, for the County of Riverside, do hereby certify that I am not a party to the within action or proceeding; that on October 22, 2018, I forwarded to Riverside County Clerk & Recorder's Office a copy of the following document:

NOTICE OF PUBLIC HEARING

Plot Plan No. 180019

to be posted in the office of the County Clerk at 2724 Gateway Drive, Riverside, California 92507. Upon completion of posting, the County Clerk will provide the required certification of posting.

Board Agenda Date: November 6, 2018 @ 10:30 a.m.

SIGNATURE: *Karen Barton* DATE: October 22, 2018
Karen Barton

CERTIFICATE OF MAILING

(Original copy, duly executed, must be attached to
the original document at the time of filing)

I, Karen Barton, Board Assistant, for the County of Riverside, do hereby certify that I am not a party to the within action or proceeding; that on October 22, 2018, I mailed a copy of the following document:

NOTICE OF PUBLIC HEARING

Plot Plan No. 180019

to the parties listed in the attached labels, by depositing said copy with postage thereon fully prepaid, in the United States Post Office, 3890 Orange St., Riverside, California, 92501.

Board Agenda Date: November 6, 2018 @ 10:30 a.m.

SIGNATURE: *Karen Barton*
Karen Barton

DATE: October 22, 2018

SEE OTHER SIDE FOR
OPENING INSTRUCTIONS



Riverside County Clerk of the Board
County Administrative Center
4080 Lemon Street, 1st Floor Annex
P. O. Box 1147
Riverside, CA 92502-1147

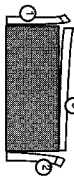
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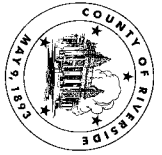
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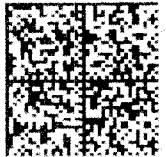


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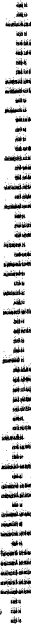
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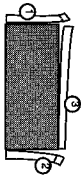
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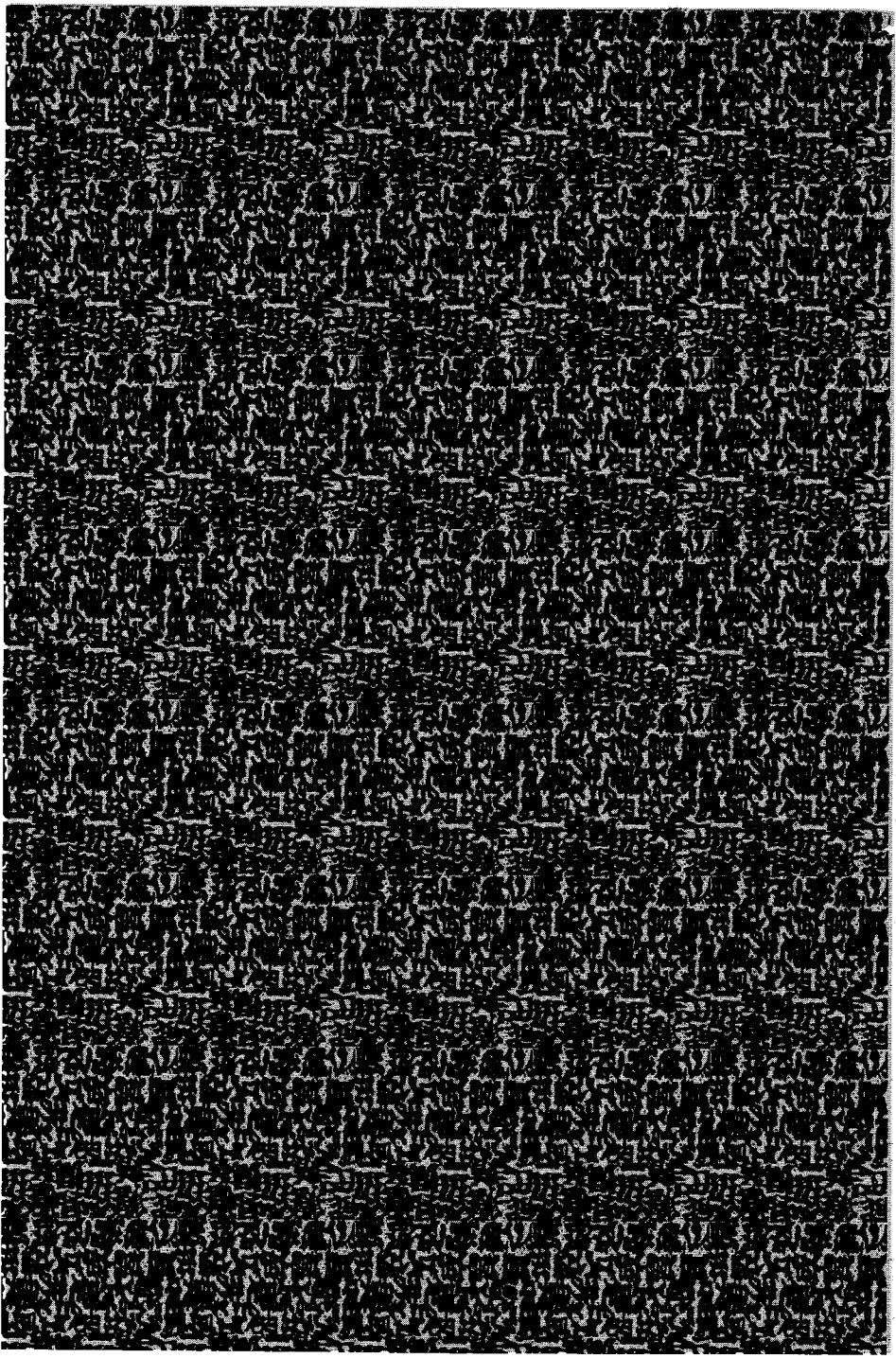
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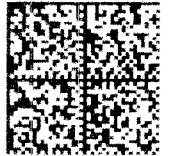
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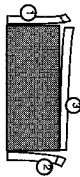
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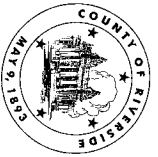
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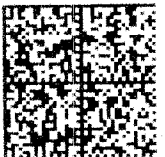




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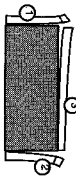
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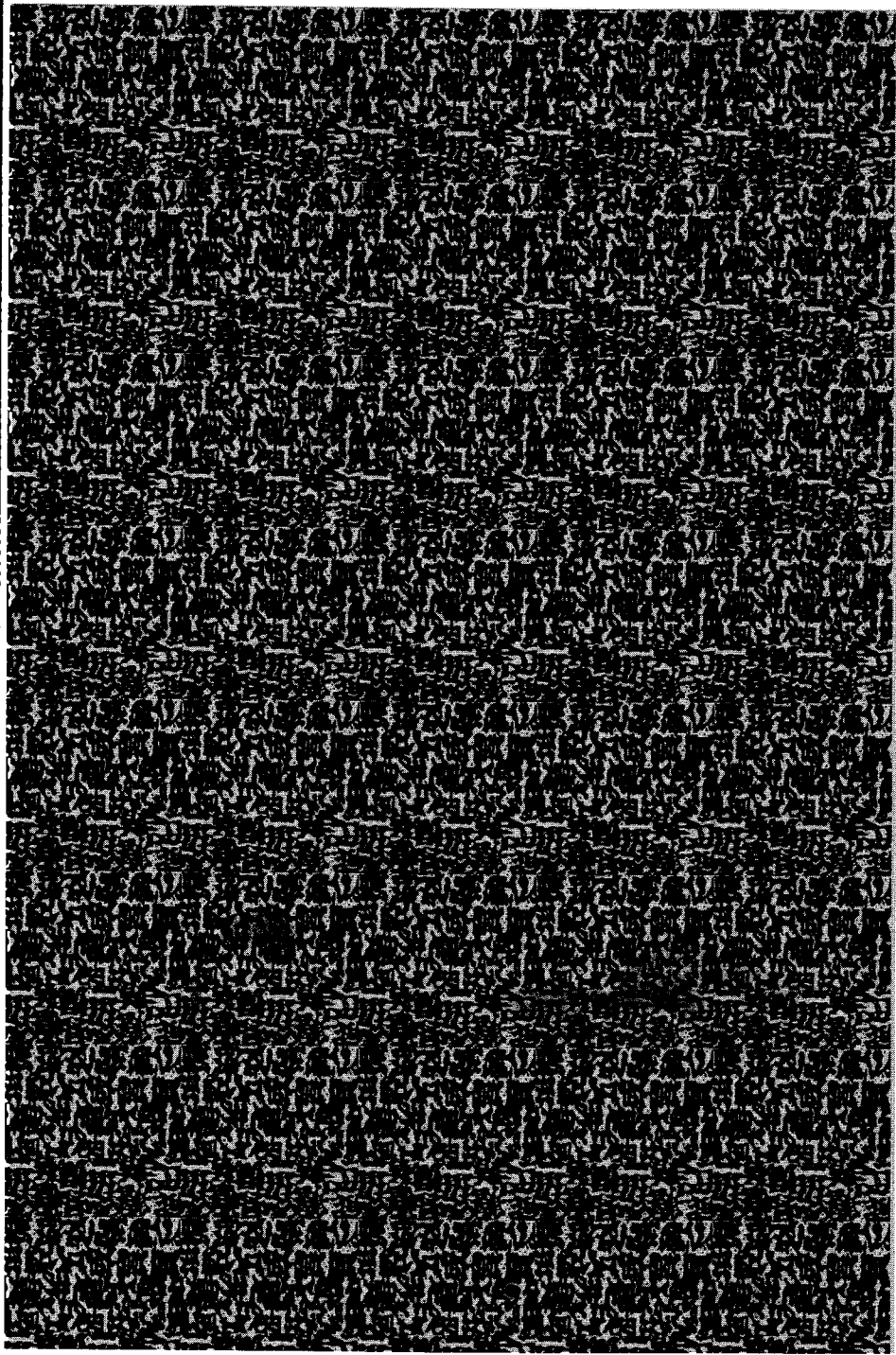
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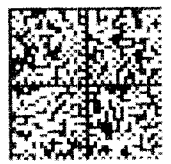



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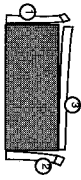
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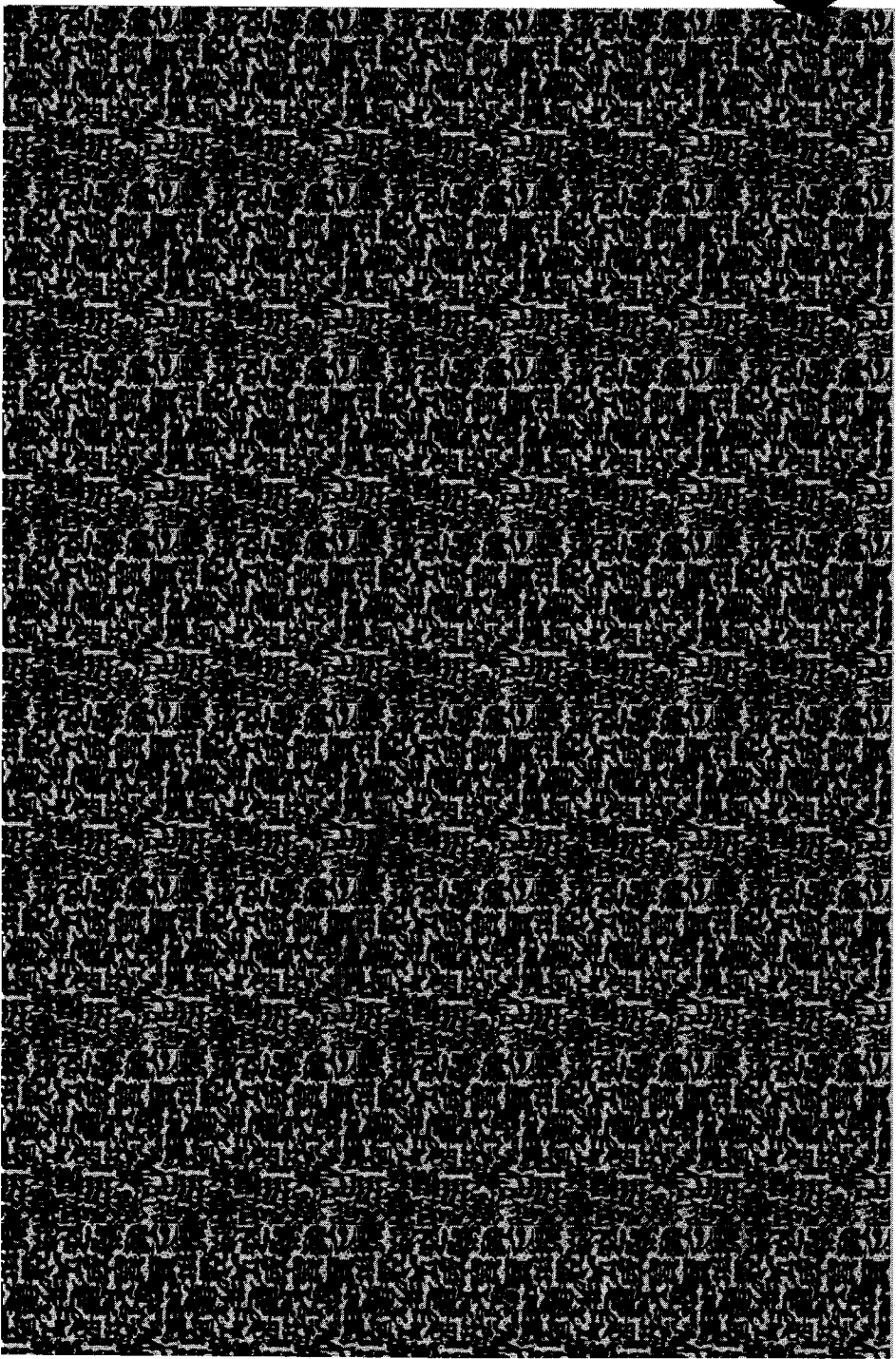
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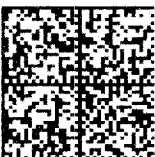


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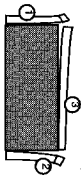
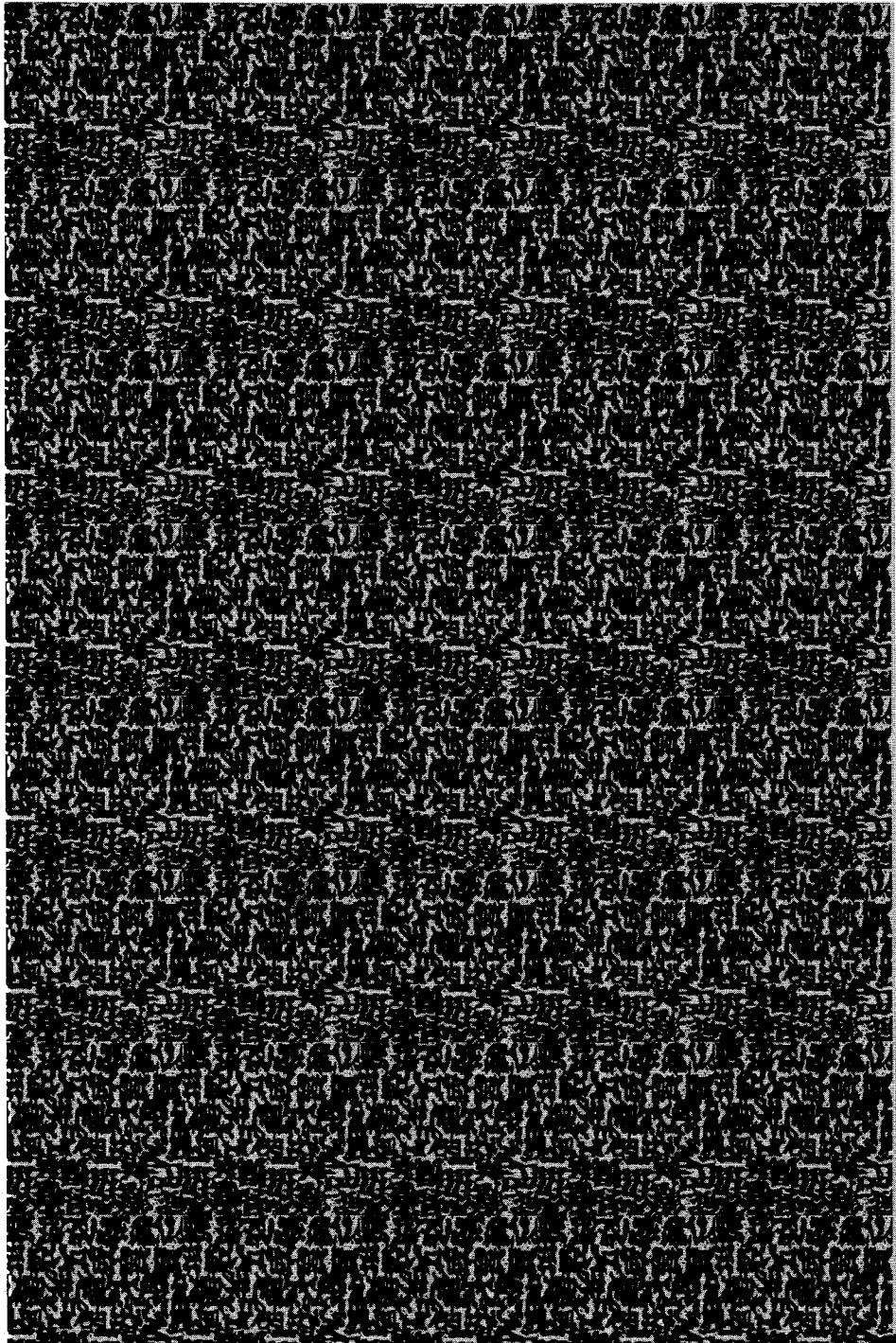
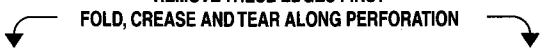
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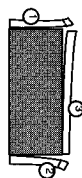
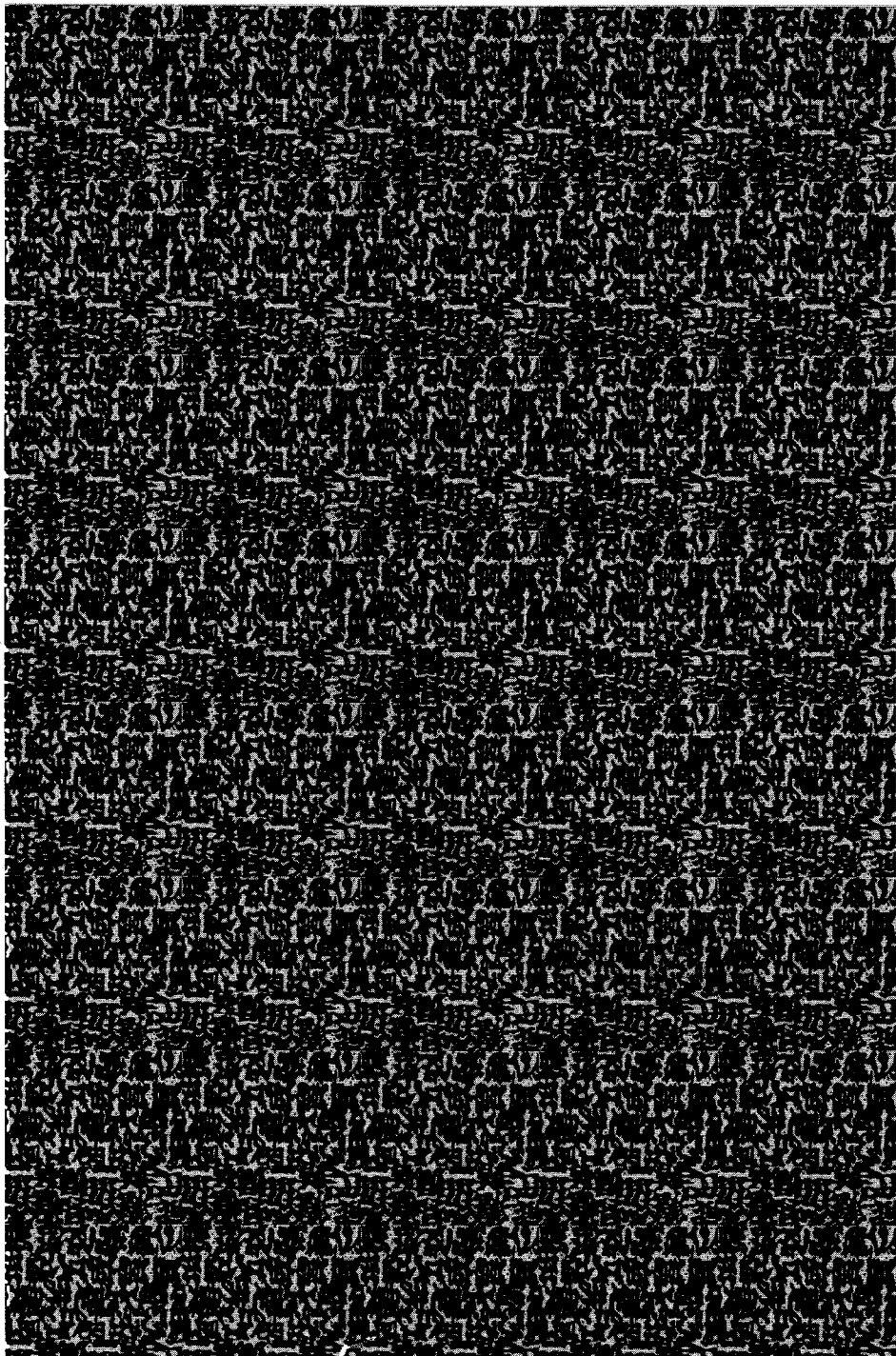
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**Riverside County Board of Supervisors
Request to Speak**

Submit request to Clerk of Board (right of podium),
Speakers are entitled to three (3) minutes, subject
Board Rules listed on the reverse side of this form.

SPEAKER'S NAME: JEFF ARMSTRONG
JEFF KUSHBERG

Address: _____
(only if follow-up mail response requested)

City: TEMUCULA **Zip:** _____

Phone #: _____

Date: _____ **Agenda #** 19.2

PLEASE STATE YOUR POSITION BELOW:

Position on "Regular" (non-appealed) Agenda Item:

_____ **Support** **Oppose** _____ **Neutral**

Note: If you are here for an agenda item that is filed
for "Appeal", please state separately your position on
the appeal below:

_____ **Support** _____ **Oppose** _____ **Neutral**

WE BOTH SUBMITTED REQUEST TO SPEAK ELECTRONICALLY
I give my 3 minutes to: BUT REQUEST TO COMBINE
OUR ITEMS & SPEAK TOGETHER WITH JEFF
ARMSTRONG
SPEAKING FIRST

BOARD RULES

Requests to Address Board on "Agenda" Items:

You may request to be heard on a published agenda item. Requests to be heard must be submitted to the Clerk of the Board before the scheduled meeting time.

Requests to Address Board on items that are "NOT" on the Agenda:

Notwithstanding any other provisions of these rules, member of the public shall have the right to address the Board during the mid-morning "Oral Communications" segment of the published agenda. Said purpose for address must pertain to issues which are under the direct jurisdiction of the Board of Supervisors. YOUR TIME WILL BE LIMITED TO THREE (3) MINUTES.

Power Point Presentations/Printed Material:

Speakers who intend to conduct a formalized Power Point presentation or provide printed material must notify the Clerk of the Board's Office by 12 noon on the Monday preceding the Tuesday Board meeting, insuring that the Clerk's Office has sufficient copies of all printed materials and at least one (1) copy of the Power Point CD. Copies of printed material given to the Clerk (by Monday noon deadline) will be provided to each Supervisor. If you have the need to use the overhead "Elmo" projector at the Board meeting, please insure your material is clear and with proper contrast, notifying the Clerk well ahead of the meeting, of your intent to use the Elmo.

Individual Speaker Limits:

Individual speakers are limited to a maximum of three (3) minutes. Please step up to the podium when the Chairman calls your name and begin speaking immediately. Pull the microphone to your mouth so that the Board, audience, and audio recording system hear you clearly. Once you start speaking, the "green" podium light will light. The "yellow" light will come on when you have one (1) minute remaining. When you have 30 seconds remaining, the "yellow" light will begin flash, indicating you must quickly wrap up your comments. Your time is up when the "red" light flashes. The Chairman adheres to a strict three (3) minutes per speaker. **Note: If you intend to give your time to a "Group/Organized Presentation", please state so clearly at the very bottom of the reverse side of this form.**

Group/Organized Presentations:

Group/organized presentations with more than one (1) speaker will be limited to nine (9) minutes at the Chairman's discretion. The organizer of the presentation will automatically receive the first three (3) minutes, with the remaining six (6) minutes relinquished by other speakers, as requested by them on a completed "Request to Speak" form, and clearly indicated at the front bottom of the form.

Addressing the Board & Acknowledgement by Chairman:

The Chairman will determine what order the speakers will address the Board, and will call on all speakers in pairs. The first speaker should immediately step to the podium and begin addressing the Board. The second speaker should take up a position in one of the chamber aisles in order to quickly step up to the podium after the preceding speaker. This is to afford an efficient and timely Board meeting, giving all attendees the opportunity to make their case. Speakers are prohibited from making personal attacks, and/or using coarse, crude, profane or vulgar language while speaking to the Board members, staff, the general public and/or meeting participants. Such behavior, at the discretion of the Board Chairman may result in removal from the Board Chambers by Sheriff Deputies.

**Riverside County Board of Supervisors
Request to Speak**

Submit request to Clerk of Board (right of podium),
Speakers are entitled to three (3) minutes, subject
Board Rules listed on the reverse side of this form.

SPEAKER'S NAME: SHAWN KAWAGI

Address: _____
(only if follow-up mail response requested)

City: _____ **Zip:** _____

Phone #: 951-296-3888

Date: 11/6/18 **Agenda #** 19.2

PLEASE STATE YOUR POSITION BELOW:

Position on "Regular" (non-appealed) Agenda Item:

_____ **Support** **Oppose** _____ **Neutral**

Note: If you are here for an agenda item that is filed
for "Appeal", please state separately your position on
the appeal below:

_____ **Support** _____ **Oppose** _____ **Neutral**

I give my 3 minutes to: _____

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September 24, 2018

Mr. Rick Neugebauer
37440 De Portola Road
Temecula, CA 92592

Subject: Status of Sewer Service along De Portola Road, North of Pauba Road

Dear Mr. Neugebauer:

It was a pleasure speaking with you recently regarding your pending development within the Temecula Wine Country. For reference, I have enclosed a copy of an exhibit reflecting EMWD Wine County Infrastructure Phasing Plan. Phase 1 of the plan was completed and operational in August of 2016, including the gravity main, force main and two lift stations, reflected in green and blue on the enclosed exhibit. Phase 2A is currently under design by the Twelve Oaks development and will be constructed by the developer. Phase 2B, reflected in orange will be constructed by EMWD when sufficient connections have occurred to warrant the effort. The design and construction of Phase 2C will be performed by future development.

The attached Infrastructure Phasing Plan Exhibit has the Special Benefit Area outlined and shadowed in pink. This is the area that will proportionally reimburse EMWD for the construction of the infrastructure identified as the properties are developed or expanded. I have also enclosed a copy of the County of Riverside's Wine Country Policy Area. The outline of EMWD's Special Benefit Area "Wine Country Area" does not match the Winery District identified by the County. For reference, I have outlined in red this area on both documents. Your property on De Portola Area where your property is situated in this area outlined in red.

I have provided a third exhibit that is titled Wine Country Special Benefit Overlay which reflects the De Portola Area as a part of the Highway 79 area, indicating that it is not included in the Wine Country Special Benefit Area. As the exhibit reflects this area is expected to sewer at a future date through Temecula Parkway to EMWD's Temecula treatment facilities. There are no specified dates or plans for sewer within this area at this time.

Board of Directors

David J. Slavson, *President* Ronald W. Sullivan, *Vice President* Joseph J. Kuebler, CPA, *Treasurer* Philip E. Paule Randy A. Record

2270 Trumble Road • P.O. Box 8300 • Perris, CA 92572-8300

T 951.928.3777 • F 951.928.6177 www.emwd.org

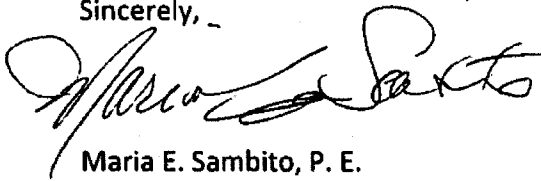
Mr. Neugebauer: Wine Country De Portola Area

September 24, 2018

Page 2

Please let me know if additional information is required to successfully process your development application with the County or if I am able to assist with anything else.

Sincerely, -

A handwritten signature in black ink, appearing to read "Maria E. Sambito". The signature is fluid and cursive, with a large initial "M" and "S".

Maria E. Sambito, P. E.

Director of Development Services

MES

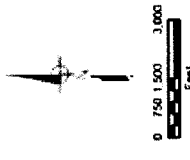
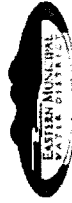
Enclosures

c: Joe Mouawad, Assistant General Manager
Maroun El Hage, Senior Civil Engineer



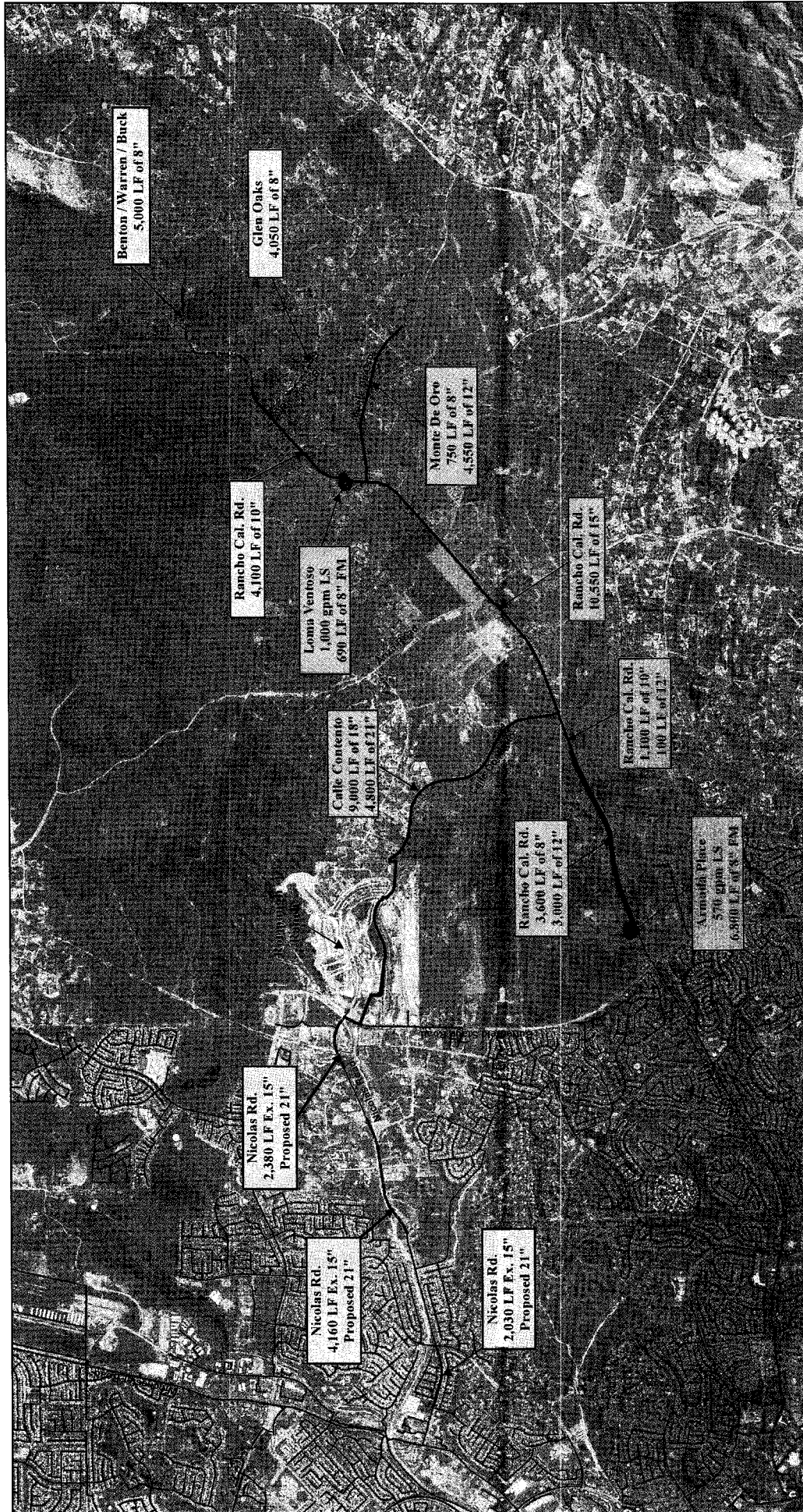
PROJECT LOCATION AND PHASING MAP
Wine Country Infrastructure Project

Date: 10/31/14

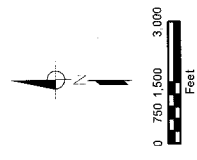


Legend

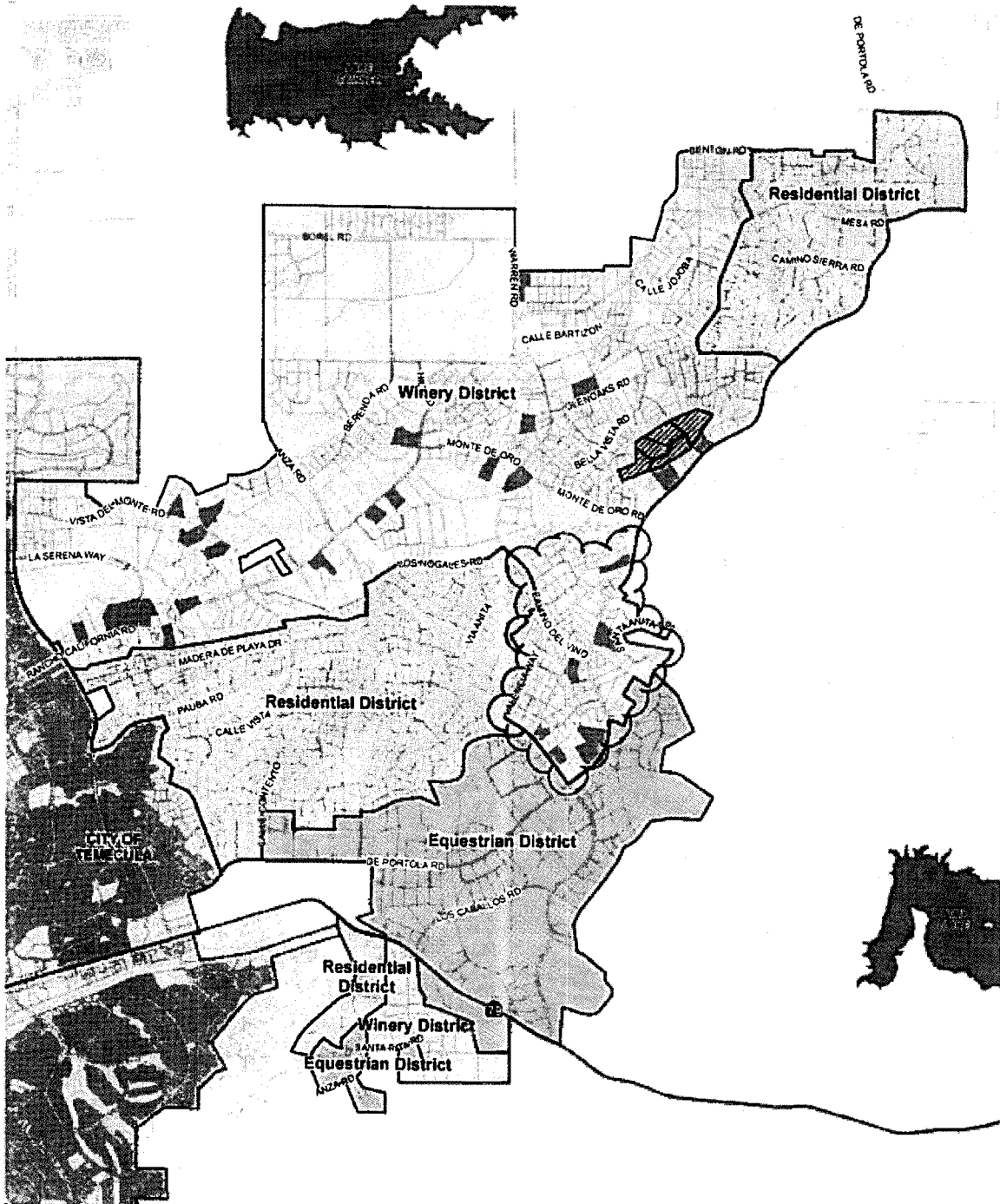
- | | | |
|-------------------|-----------------------|--------------|
| Existing Sewers | Included in Phase 1 | Other Phases |
| Wine Country Area | Proposed Gravity Main | Phase 2A |
| Tributary Area | Proposed Force Main | Phase 2B |
| | Proposed Lift Station | Phase 2C |



PROJECT LOCATION AND PHASING MAP
Wine Country Infrastructure Project
 Date: 10/31/14



- Legend**
- Existing Sewers
 - Wine Country Area
 - Tributary Area
 - Included in Phase I
 - Proposed Gravity Main
 - Proposed Force Main
 - Proposed Lift Station
 - Other Phases
 - Phase 2A
 - Phase 2B
 - Phase 2C



Data Source: Riverside County 2011

- Existing Wineries (Less than 20 acres gross)
- Equestrian District
- Residential District
- Winery District
- Winery District Overlay
- Highways
- City Boundary
- Waterbodies

Figure 4B

September 24, 2015
 0 0.5 1 Miles






Disclaimer: Maps and data are to be used for reference purposes only. Map features are approximate and not guaranteed to be accurate. The City of Temecula is not responsible for any errors or omissions in this map. Any use of the product not intended by the City of Temecula shall be the sole responsibility of the user.



TEMECULA VALLEY WINE COUNTRY POLICY AREA WITH DISTRICTS

Map Data: Riverside County 2011. City of Temecula 2015. All rights reserved. No part of this publication may be reproduced without the prior written permission of the City of Temecula.

Legend

-  Wine Country Special Benefit Overlay Area
-  Upper Residential Area*
-  Highway 79 Area*
-  Wine Country Boundary
-  EMWD Boundary

* Not included in Special Benefit Overlay

Project Area

BUTTERFIELD STAGE RD

RANCHO CA

VALLAKE








4,000 2,000 0 4,000 Feet

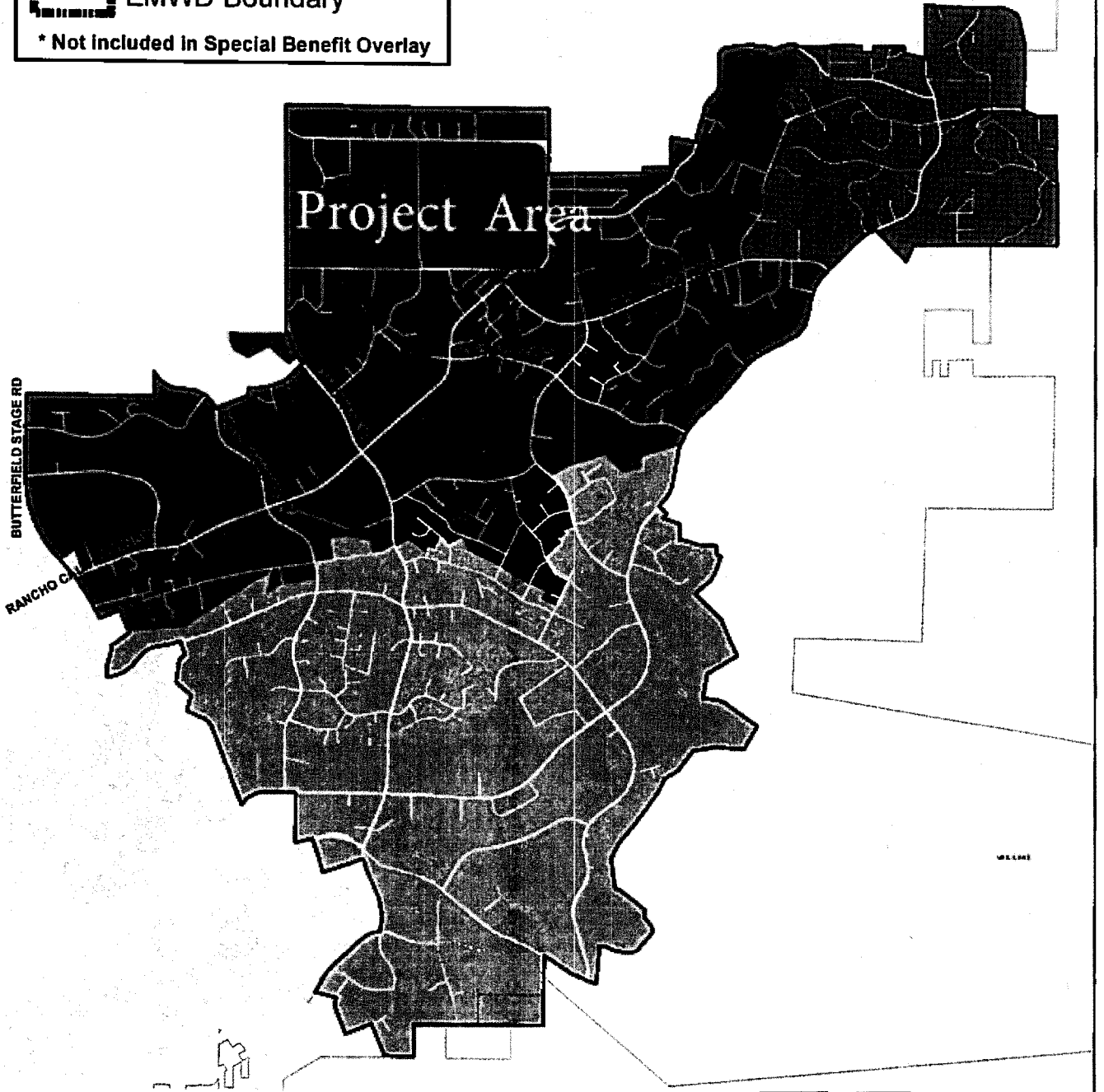


Special Benefit Overlay
Wine Country
Location Map

Legend

-  Wine Country Special Benefit Overlay Area
-  Upper Residential Area*
-  Highway 79 Area*
-  Wine Country Boundary
-  EMWD Boundary

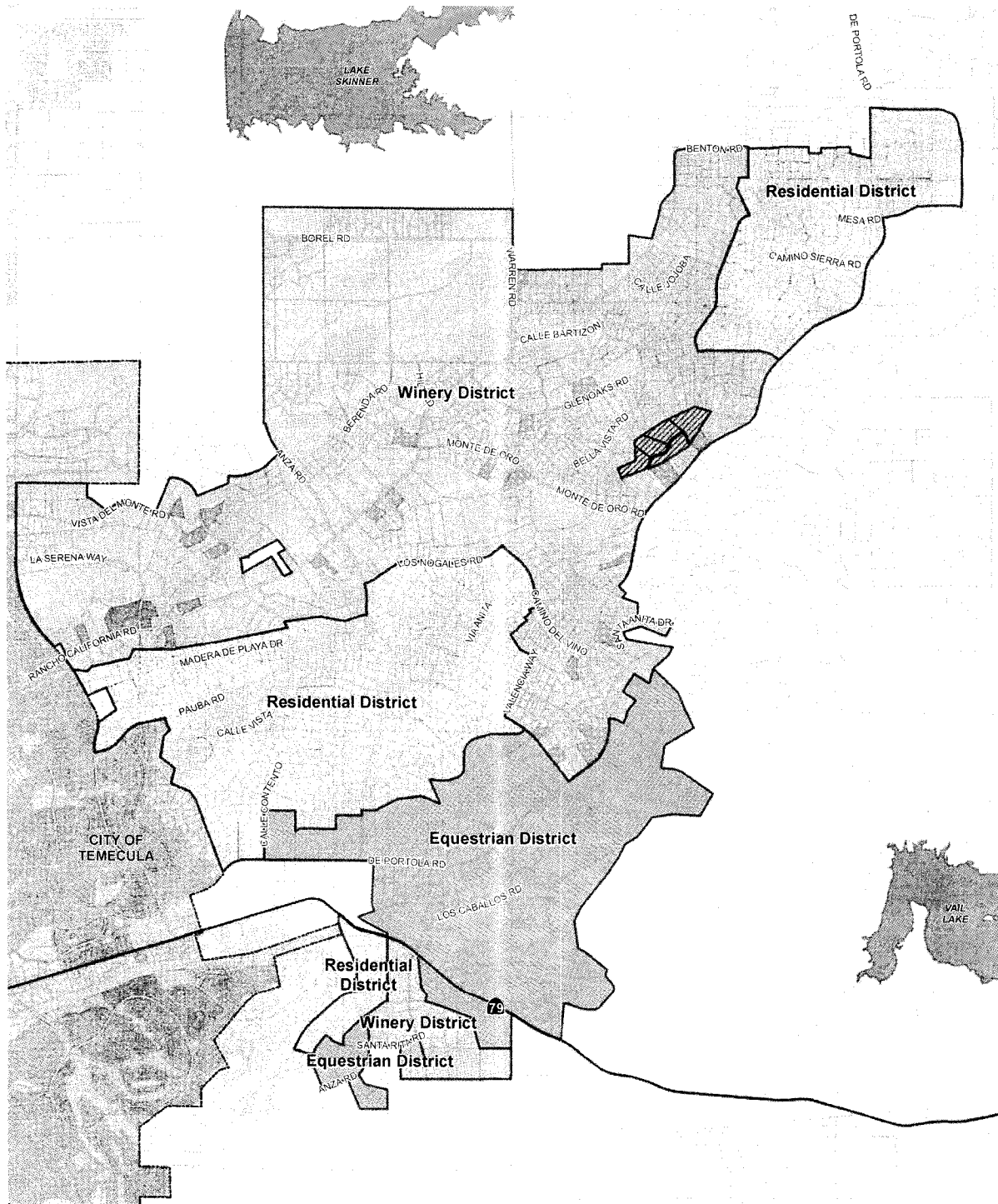
* Not included in Special Benefit Overlay



4,000 2,000 0 4,000 Feet



**Special Benefit Overlay
Wine Country
Location Map**



Data Source: Riverside County 2011









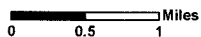
-  Existing Wineries (Less than 20 acres gross)
-  Highways
-  Equestrian District
-  City Boundary
-  Residential District
-  Waterbodies
-  Winery District
-  Winery District Overlay

Figure 4B



September 24, 2015



Disclaimer: Maps and data are to be used for reference purposes only. Map features are approximate and are not necessarily accurate to surveying or engineering standards. The County of Riverside makes no warranty or guarantee as to the content (the "source" as often used) of any accuracy, timeliness, or completeness of any of the data provided, and assumes no legal responsibility for the information contained on this map. Any use of this product with respect to accuracy and precision shall be the sole responsibility of the user.



**TEMECULA VALLEY
WINE COUNTRY POLICY AREA
WITH DISTRICTS**

Lewis, Tammymae

From: Amanda Przybyla <amanda@thetemeculalawfirm.com>
Sent: Tuesday, November 6, 2018 9:32 AM
To: COB
Cc: Shaun Knapp
Subject: Public Hearing for Fast Track 2018-01 for Plot Plan No. 180019
Attachments: 181106 Letter to Board with enclosures.pdf

Good Morning Ms. Harper-Ihem:

Enclosed please find correspondence from Shaun Knapp regarding the above referenced matter. Please advise if you are unable to open the attachment.

Thank you,

Amanda Przybyla, Legal Assistant to
J. Luke Hendrix, Shaun V. Knapp and Jenny D. Shin, for
Rosenstein & Associates
28600 Mercedes Street, Suite 100
Temecula, CA 92590
Office: 951-296-3888
Facsimile: 951-296-3889
Email: amanda@thetemeculalawfirm.com
Website: www.thetemeculalawfirm.com



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If you have received this transmission in error, please do not read it. Please immediately reply to the sender that you have received this communication in error and then delete it.

Thank you.

THE LAW OFFICES OF
ROSENSTEIN
&
ASSOCIATES

28600 Mercedes Street
Suite 100
Temecula, CA 92590
(951) 296-3888 Fax (951) 296-3889
www.thetemeculalawfirm.com

Robert B. Rosenstein
J. Luke Hendrix
Shaun V. Knapp
Jenny D. Shin

November 6, 2018

Hand Delivery and Via E-Mail: cob@rivco.org

Kecia Harper-Ihem
Clerk of the Board
4080 Lemon St., 1st Floor
Post Office Box 1147
Riverside, CA 92502-1147

Re: Public Hearing for Fast Track 2018-01 for Plot Plan No. 180019

Dear Ms. Harper-Ihem:

This firm represents businesses affected by this hearing, including but not limited to Fazeli Vineyards, LLC, dba Fazeli Cellars. We have been requested on behalf of our client to submit the following:

We are writing in response to the Public Hearing for Fast Track 2018-01. Based upon our research into the Land Use Application for this Fast Track request, and our interaction with the parties involved in this matter, we believe that the approval of the Fast Track Request should be postponed pending resolution of the issues presented below.

We are confused as to the identity of the actual applicant for this Fast Track request. While the Action Item listed in the Riverside County Meeting Portal lists the Applicant as "RTN Development, Rick Neugebauer", and the Indemnification Agreement for Plot Plan 180019, attached to the Action Item, lists "DPW I, LLC" as the property owner, these entities do not coincide with public representations as to the owner of the property.

In an article in the "Valley News" dated October 25, 2018, Mr. Neugebauer stated that RTN Development, of which he was listed as "... president and CEO ..." would be building the winery, and would in fact be moving its offices to the winery location. This would indicate that RTN Development was possibly more than just the winery developer, but was in fact an owner of the property.

The confusion over the role of RTN Development, raises further questions as to the actual owner of the property. Mr. Neugebauer signed the Indemnification Agreement as Manager of DPW I, LLC, purportedly the owner of the property. However, in a sworn Declaration dated October 10, 2018, Mr. Neugebauer stated that he was the president of De Portola Estate Winery, LLC. In that Declaration, he referred to this entity as "his winery". We feel that it would be in the best interest of the County of Riverside to conduct a thorough review of the application submitted in this matter, to accurately determine the actual owner of the property, and the roles of the other entities.

In addition to the concerns surrounding the identity of the property owner, there is also a question about the representation by Mr. Neugebauer, and others, concerning the existence of a Type 02 (winegrowers) license, and the manufacture of wine under this license by De Portola Estate Winery.

THE LAW OFFICES OF
ROSENSTEIN
&
ASSOCIATES

Ms. Harper-Ihem
November 6, 2018
Page 2

The Notice of Public Hearing issued by the Board of Supervisors for this matter, dated October 11, 2018, stated specifically that "[the] applicant currently has a type 02 ABC license . . ." This statement was removed on a subsequent update to the Notice of Public Hearing dated October 22, 2018.

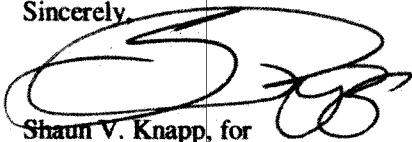
We are unable to determine why this statement was included, or to which entity it refers. If it is actually referring to the Applicant, then RTN Development would be the licensee, lending more credence to the argument that RTN Development is more than the property developer. If this statement referred to DPW I, LLC, or De Portola Estate Winery, LLC, then this would indicate that they are an operational winery, which they obviously are not, since the winery does not currently exist. A search of the California Department of Alcoholic Beverage Control's License Query System shows no Type 02 (winegrowers) license issued to any of the aforementioned entities.

For the Board's information, this issue of licensing has previously arisen in the sworn Declaration of Paul Warson, a winemaker engaged by Mr. Neugebauer to assist in the production of De Portola Estate Winery wines. Per Mr. Warson, at the time of his Declaration, De Portola Estate Winery was having wine produced for it by another winery. Receipt of such wines by De Portola Estate Winery, without a Type 02 (winegrowers) license would be a violation of §§ 23358 and 23356 of the California Business and Professions Code. Such violation of the California Business and Professions Code could prevent the issuance of Type 02 (winegrowers) license that De Portola Estate Winery needs to operate as a winery.

It is our belief that the County of Riverside should postpone the approval of the Fast Track request until it can conduct a more in depth review of the issues presented here, to ensure that they will be issuing permits to the correct parties, and that the parties in question will be able to meet the licensing requirements of the California Department of Alcoholic Beverage Control to operate a winery.

Should you have any questions, please feel free to contact us.

Sincerely,



Shaun V. Knapp, for
ROSENSTEIN & ASSOCIATES

SVK

Encl.

**NOTICE OF PUBLIC HEARING BEFORE THE BOARD OF SUPERVISORS OF RIVERSIDE COUNTY
ON A PLOT PLAN, NOISE EXCEPTION AND INTENT TO ADOPT A MITIGATED NEGATIVE
DECLARATION IN THE RANCHO CALIFORNIA AREA, THIRD SUPERVISORIAL DISTRICT**

NOTICE IS HEREBY GIVEN that a public hearing at which all interested persons will be heard, will be held before the Board of Supervisors of Riverside County, California, on the 1st Floor Board Chambers, County Administrative Center, 4080 Lemon Street, Riverside, on **Tuesday, November 6, 2018 at 10:30 A.M.** or as soon as possible thereafter, to consider the Planning Commission's approval on **Fast Track No. 2018-01** for **Plot Plan No. 180019**, which proposes a Class V Winery "Project" in two (2) phases on 22.2 gross acres. Phase One will consist of a two-story wine tasting room and bar with a restaurant and covered patio attached on the first floor with restrooms and a wine production building with a wine lab and conference area, employee restrooms and storage. Outside the building will be production equipment comprised of vats, coolers, de-stemmers and crush pads. Special occasions (weddings/events) will also be offered on the project site with a trellis stage area. Phase Two will consist of a three-story, 44 room Wine Country Hotel with a public lounge area, a restaurant, spa treatment facilities, offices, conference room suites, hotel rooms, VIP suites and a roof deck viewing patio. The hotel will also offer an outdoor pool and spa and fire pit areas. Additionally a type 42 ABC license (on-sale wine for Public Premises) and/or other type licenses will be required for the Class V Winery. Noise Exception No. 1800002 has been applied in relation to the special occasion facility (outdoor events, weddings and/or live music with amplified sound) to allow for continuous event exceptions as it pertains to noise as required per Ordinance No. 348, Section 14.93.C.4. This project is located west of De Portola Road, north of Pauba Road, and southeast of Avenida Verde. The project address is 37440 De Portola Road in the Temecula Valley Wine Country Policy Area of the Third Supervisorial District.

The Planning Commission recommended that the Board of Supervisors approve the project and adopt a Mitigated Negative Declaration for Environmental Assessment No. CEQ180061.

The project case file may be viewed from the date of this notice until the public hearing, Monday through Friday, from 8:00 a.m. to 5:00 p.m. at the Riverside County Planning Department at 4080 Lemon Street, 12th Floor, Riverside, California 92501.

FOR FURTHER INFORMATION REGARDING THIS PROJECT, PLEASE CONTACT TIM WHEELER, URBAN REGIONAL PLANNER, AT (951) 955-6060 OR EMAIL twheeler@rivco.org

Any person wishing to testify in support of or in opposition to the project may do so in writing between the date of this notice and the public hearing, or may appear and be heard at the time and place noted above. All written comments received prior to the public hearing will be submitted to the Board of Supervisors and the Board of Supervisors will consider such comments, in addition to any oral testimony, before making a decision on the project.

If you challenge the above item in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence to the Planning Commission or Board of Supervisors at, or prior to, the public hearing. Be advised that as a result of the public hearing and the consideration of all public comment, written and oral, the Board of Supervisors may amend, in whole or in part, the project and/or the related environmental document. Accordingly, the designations, development standards, design or improvements, or any properties or lands within the boundaries of the project, may be changed in a way other than specifically proposed.

Alternative formats available upon request to individuals with disabilities. If you require reasonable accommodation, please contact Lisa Wagner at (951) 955-1063, at least 72 hours prior to hearing.

Please send all written correspondence to: Clerk of the Board, 4080 Lemon Street, 1st Floor, Post Office Box 1147, Riverside, CA 92502-1147

Dated: October 22, 2018

Kecia Harper-Ihem, Clerk of the Board
By: Karen Barton, Board Assistant

**NOTICE OF PUBLIC HEARING BEFORE THE BOARD OF SUPERVISORS OF RIVERSIDE COUNTY
ON A PLOT PLAN, NOISE EXCEPTION AND INTENT TO ADOPT A MITIGATED NEGATIVE
DECLARATION IN THE RANCHO CALIFORNIA AREA, THIRD SUPERVISORIAL DISTRICT**

NOTICE IS HEREBY GIVEN that a public hearing at which all interested persons will be heard, will be held before the Board of Supervisors of Riverside County, California, on the 1st Floor Board Chambers, County Administrative Center, 4080 Lemon Street, Riverside, on **Tuesday, November 6, 2018 at 10:30 A.M.** or as soon as possible thereafter, to consider the approval of **Fast Track No. 2018-01 for Plot Plan No. 180019**, which proposes a **Class V Winery "Project"** in two (2) phases on 22.2 gross acres. Phase One will consist of a two-story wine tasting room and bar with a restaurant and covered patio attached on the first floor with restrooms and a wine production building with a wine lab and conference area, employee restrooms and storage. Outside the building will be production equipment comprised of vats, coolers, de-stemmers and crush pads. Special occasions (weddings/events) will also be offered on the project site with a trellis stage area. Phase Two will consist of a three-story, 44 room Wine Country Hotel with a public lounge area, a restaurant, spa treatment facilities, offices, conference room suites, hotel rooms, VIP suites and a roof deck viewing patio. The hotel will also offer an outdoor pool and spa and fire pit areas. The applicant currently has a type 02 ABC license (winegrower). Additionally a type 42 ABC license (on-sale wine for Public Premises) and/or other type licenses will be required for the Class V Winery. Noise Exception No. 1800002 has been applied in relation to the special occasion facility (outdoor events, weddings and/or live music with amplified sound) to allow for continuous event exceptions as it pertains to noise as required per Ordinance No. 348, Section 14.93.C.4. This project is located in the Temecula Valley Wine Country Policy Area in the Third Supervisorial District. — NO ADDRESS

The Planning Department recommends that the Board of Supervisors approve the project and adopt a Mitigated Negative Declaration for Environmental Assessment No. CEQ180061.

The project case file may be viewed from the date of this notice until the public hearing, Monday through Friday, from 8:00 a.m. to 5:00 p.m. at the Riverside County Planning Department at 4080 Lemon Street, 12th Floor, Riverside, California 92501.

FOR FURTHER INFORMATION REGARDING THIS PROJECT, PLEASE CONTACT **TIM WHEELER**, URBAN REGIONAL PLANNER, AT (951) 955-6060 OR EMAIL twheeler@rivco.org

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Alternative formats available upon request to individuals with disabilities. If you require reasonable accommodation, please contact Lisa Wagner at (951) 955-1063, at least 72 hours prior to hearing.

Please send all written correspondence to: Clerk of the Board, 4080 Lemon Street, 1st Floor, Post Office Box 1147, Riverside, CA 92502-1147

Dated: October 11, 2018

Kecia Harper-Ithem, Clerk of the Board
By: Karen Barton, Board Assistant

1 Christina Vanarelli (242288)
2 **CHRISTINA VANARELLI, INC.**
3 **A PROFESSIONAL LAW CORPORATION**
4 674 County Square Drive, Suite 304
5 Ventura, CA 93003-9026
6 Ph: 805-233-7848 Fax: 805-456-0885
7 Christina@YourVenturaCountyLawyer.com

8 Attorney for Defendants PLANAW LLC dba Reach Wine Consulting
9 and PAUL WARSON, and Cross-Complainant PLANAW LLC

10
11 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
12 **IN AND FOR THE COUNTY OF RIVERSIDE**

13 FAZELI VINEYARDS, LLC dba FAZELI
14 CELLARS, a California limited liability company,

15 Plaintiff,

16 v.

17 PLANAW, LLC dba REACH WINE
18 CONSULTING, a California limited liability
19 company;
20 PAUL WARSON, an individual;
21 DE PORTOLA ESTATE WINERY, LLC, a
22 California limited liability company, and
23 DOES 1 through 20, inclusive,

24 Defendants,

Case No. MCC1800856

**DEFENDANTS PAUL WARSON
AND PLANAW LLC'S OPPOSITION
TO PLAINTIFF'S MOTION FOR
TEMPORARY RESTRAINING
ORDER AND PRELIMINARY
INJUNCTION**

Date: October 11, 2018
Time: 8:30 a.m.
Dept.: S302

Complaint filed July 31, 2018.
*Assigned for all purposes to Hon. Angel M
Bermudez, Dept. S302.*
Trial date not yet set.

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AND CROSS-ACTION.

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DECLARATION OF PAUL WARSON

I, Paul Warson, declare:

1. I am a defendant in the above-captioned matter. The following facts are true of my own personal knowledge and if called as a witness, I would and would testify competently to those facts.

2. I have over twenty years of winemaking experience over my progressively-advancing career, as follows: After graduating from the University of California at Davis with a Bachelor of Science degree in Fermentation Science, I obtained employment as an enologist at Newton Vineyards in St. Helena, California. One year later, I was hired as the Assistant Winemaker at Chateau Potelle in Napa, California. In 1999, I was hired as the Winemaker at Threftthen Family Vineyards in Napa, California, a position I held for nine years. I was then offered, and I accepted, the position of Winemaker at Firestone Vineyards in Los Olivos, California, where I was responsible for all aspects of winemaking for Firestone Vineyards, Proximity 26, EOS Estate, and Gretzky Wines. My duties included:

- a. Manage all aspects of winemaking from vineyard to bottle for a 1,800 ton estate winery producing 100,000 cases for 3 brands in addition to the direction of two negociant brands;
- b. Direct custom winemaking and bottling at Firestone facility for in company brands;
- c. Direct vineyard operations through both a house vineyard manager and a viticultural consultant;
- d. Manage all winery personnel, government compliance and regulatory reporting, inventory and record keeping;
- e. Represent the winery and related brands in the market place including distributor presentations, work withs, and winemaker dinners;
- f. Oversee the development of new vineyards and wine programs in an effort to establish new positions in the marketplace;

1 g. Develop operating budget and capital spending plan for winery and
2 vineyard; and
3 h. Negotiate sale and purchase of grapes, and purchase of bulk wine.

4 3. My wife and I have three children, all under age eighteen. In late 2016, my father
5 became very ill, and my family made the decision to relocate to Southern California to care for
6 him. I therefore resigned my position as Winemaker for Firestone Vineyards, and we moved to
7 Studio City, California.

8 4. Given that the employment opportunities for winemakers are quite limited in and
9 near Studio City, I decided to draw on my 20 years' experience in the wine industry, and start my
10 own business as a consultant for wineries in Southern California. On October 11, 2016, I filed
11 Articles of Organization for PLANAW LLC for the purpose of operating my new business.
12 (PLANAW is an acronym consisting of the first letters of my first name, my wife's first name
13 our three children's first name.) Attached as Exhibit A is a true and complete copy of those
14 Articles of Organization. Attached as Exhibit B is a true and complete copy of the Statement of
15 Information for PLANAW LLC, filed on October 11, 2016. PLANAW LLC is member-
16 managed and my wife and I are the only members.

17 5. Once PLANAW LLC was formed, I began the process of seeking clients for my
18 new business. To that end, I met with representatives of various wineries throughout Southern
19 California and I attended various wine industry events. During the course of these meetings and
20 events, several people I spoke with told me that I should reach out to Fazeli Cellars because it
21 was "having problems."

22 6. In April 2017, I was having lunch with a representative of another winery, who
23 was one of the people who had previously told me that I should reach out to Fazelli Cellars,
24 because, he said, they "need help." This person repeated his suggestion that I reach out to Fazelli
25 Cellars, and asked me if I was going to be at the annual "Grape Day" winegrowers conference,
26 which was being held later that month. He told me that every winery owner in Temecula would
27 be there and strongly recommended that I go.

1 7. I attended Grape Day on or about April 19, 2017. During one of the sessions at
2 that event, I was able to identify Bizhan "BJ" Fazeli as the owner of Fazeli Cellars because he
3 had identified himself when asking a question to one of the presenters. After the event was over,
4 many of the attendees remained to network, including Mr. Fazeli. I walked over to him,
5 introduced myself, and told him that I had heard that he could use some help. We spoke briefly
6 and I gave him my card. During this conversation, there was no mention that Mr. Fazeli was
7 looking for a winemaker from outside the Temecula Valley and no one who had recommended
8 that I contact Fazeli Cellars had made any suggestion of this. The only thing they had said to me
9 was that Fazeli Cellars was "having problems." And the only thing that Mr. Fazeli and I spoke
10 about during our conversation at Grape Day was the fact that he could use some help and that I
11 was interested in providing that help.

12 8. After Grape Day, I spoke with Mr. Fazeli by phone, and we also exchanged email
13 correspondence, in order to set up a meeting to further discuss the services that I could provide.
14 This lunch meeting was set for April 28, 2017. Attached as Exhibit C hereto is a true and
15 complete copy of that email chain between Mr. Fazeli and me, which included my resume,
16 attached as hereto Exhibit D.

17 9. On April 28, 2017, I met with Mr. Fazeli at Fazeli Cellars. We had lunch there. I
18 brought six bottles of wine that I had made, to show him the kind of wine I make. (When you
19 hire a winemaker, you hire that winemaker's style of wine. If Mr. Fazeli did not like the wine I
20 had made, then the meeting would be over quickly. No winemaker is a good fit for every
21 winery.) Mr. Fazeli liked my wines. At the end of the meeting, Mr. Fazeli expressed his interest
22 in further discussing my services. We agreed that the next step would be for me to meet his
23 staff. During this meeting, there was no discussion at all about the idea that Mr. Fazeli was
24 looking for an exclusive arrangement with a winemaker outside the Temecula Valley. There was
25 no discussion about a unique line of Persian-style wines; I actually would have found that odd
26 since no wine is currently made in the area of the world historically known as Persia (modernly,
27 Iran). While winemaking dates back nearly 7,000 years, no wine has been produced in Iran since
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1 1979. Mr. Fazeli did, however, speak about how the Persian poets and seasonal events in Persia
2 inspired him.

3 10. About one week after the April 28, 2017 lunch meeting described above, I
4 returned to Fazeli Cellars, where I met the assistant winemaker and the cellar worker. I spent
5 some time examining the barrels there to see if I could ascertain the "problems" that I had heard
6 about. I found that many of the barrels contained wines that were oxidized. Some barrels
7 contained wine that was contaminated with Brettanomyces (a yeast that is present in all wines
8 which, if not controlled, can grow to contaminate the wine, as was the case here). This caused
9 some of the wine to smell like horse manure. I attributed these issues to improper cellar
10 practices, and I knew how to remedy those issues.

11 11. After examining the barrels and speaking with the assistant winemaker and cellar
12 worker, as described above, I sat down with Mr. Fazeli and explained to him what I had
13 observed, as well as my recommendations for addressing the problems with his barrels. I
14 explained to him that he was not employing proper cellar techniques, and I gave him some
15 suggestions about what to do. During this conversation, I offered my services to him, with the
16 option of a flat monthly fee which would be determined after further analysis, or an hourly fee of
17 \$125. Whichever option he selected, I would provide services, on-site as needed, from one to
18 several days per month. Mr. Fazeli chose the hourly rate, and told me that he would send me a
19 written contract to sign. Up to this point, there had been no mention of any exclusive
20 relationship and no mention of any unique line of Person-style wines that he now says he wanted
21 to make. There was no discussion whatsoever about any trade secrets, or any information at all
22 that I would be receiving that needed to be kept confidential. He was hiring me to correct the
23 problems that he was having with his wines, because I had the knowledge and experience to to
24 accomplish that. I did not need any confidential information from Fazeli Cellars, and received
25 none, in order to provide my services.

26 12. On or about May 17, 2017, Mr. Fazeli sent me a contract that he wanted me to
27 sign, a true and complete copy of which is attached as Exhibit E. After reviewing that contract, I
28

1 spoke with Mr. Fazeli and told him that I would not be signing it, because of all of the language
2 about confidentiality and trade secrets. I specifically told him that my services required me to
3 use my own knowledge and tricks of the trade that I developed on my own, to help him, and that
4 if anyone in this arrangement had confidential information, it was me, not him. I said to him, "I
5 am the one who is going to get you out of this mess." I recognized that he was behind on
6 bottling and that he was bringing in more fruit than could be used, because many of his wines
7 were not selling due to the contamination and oxidization described in Paragraph 10 above.
8 After I explained all of that, Mr. Fazeli said to me, "Your right." I repeated to him that I would
9 not sign the contract that he sent to me. I told him that I would send him my form of contract for
10 his consideration. Up until this point, there was never any discussion about any exclusive
11 arrangement; there was not even an exclusivity provision in the contract that he wanted me to
12 sign; and there was no request by Mr. Fazeli that I not provide services to any other winery, in
13 the Temecula Valley or otherwise.

14 13. I began providing services to Fazeli Cellars on or about May 25, 2017, and Fazeli
15 Cellars paid all of my invoices except my final invoice for the services I provided in June 2018.

16 14. On or about June 13, 2017, I sent Mr. Fazeli a form of consulting agreement for
17 his consideration, a true and complete copy of which is attached as Exhibit F. We subsequently
18 had a conversation about this proposed agreement; he did not want to sign it. During this
19 conversation, Mr. Fazeli told me that he did not want me working for anyone else in Temecula,
20 to which I told him that I absolutely would not agree to that. He then told me that he at least did
21 not want me providing services to any winery on De Portola Road. (Fazeli Cellars and a number
22 of other wineries are on De Portola Road. **Co-Defendant De Portola Estate Winery, LLC will**
23 **operate on De Portola Road, but is not yet operating independently. It is producing wine under**
24 **another winery's license, which is common.**) I told Mr. Fazeli that I would not agree to any
25 limitation on what other wineries I could work for. We agreed to move forward without a
26 written contract, for me to provide my services at a rate of \$125 per hour. There were no other
27

1 agreed-upon terms. By that time, I had been providing services to Fazeli Cellars for several
2 weeks and Mr. Fazeli was happy with my services.

3 15. In late October or early November 2017, I was approached by Fazeli Cellars
4 controller, Lana Pepin. She asked me if it would be possible for me to reduce the number of
5 hours that I was working for Fazeli Cellars while still being effective in providing my services.
6 She made it clear that she wanted for me to bill as little as possible. I told her that I would, and I
7 did. While I was not thrilled about this, it was not the end of the world, since I was growing my
8 business and this freed up time that I could devote to my work for other wineries and in
9 developing the relationships that I know I need to be a successful business owner.

10 16. In late January or early February 2018, a barrel salesman whom I have known
11 since 1999 called me to let me know that he had recently attended a trade show at which Rick
12 and Ted Neugebauer were present. He explained to me that the Neugebauers were interested in
13 building a winery on De Portola Road, and he told me that he had referred the Neugebauers to
14 me for my services. Shortly after that, Rick Neugebauer called me to set up a meeting regarding
15 the possibility of my providing winemaking and other consulting services for the winery that
16 they would be opening on De Portola Road, the soon-to-be De Portola Estate Winery.

17 17. At the end of March 2018, I met with the Neugebauers to discuss their needs and
18 the services that I could provide to them. I brought a sampling of wines that I had made, which
19 they both tasted and liked. At the end of the meeting, they told me that they would be in touch.

20 18. Over the next couple of weeks, I accompanied the Neugebauers to other wineries
21 to taste and observe their operations. Although I did give the Neugebauers my opinions about
22 these wineries and their wines, methods, etc., I was not at that point providing any official
23 services to them and I did not bill them for my time. This was just as much a benefit to me as it
24 was to them, as I was still growing my business and it was helpful to have familiarity, and
25 hopefully develop long-term relationships, with as many wineries as possible.

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28

1 Winery. I told her that I was. She responded by asking, "Don't you think that is going to upset
2 BJ?" I told her that I could work for whomever I want.

3 24. On June 6, 2018, I received a call from Mr. Fazeli. He was livid at the fact that I
4 was providing services to De Portola Estate Winery. He repeatedly called me a son of a bitch
5 and was yelling at me using the F word. He was totally out of control. I was in my car at the
6 time, trying to drive. I repeatedly asked him to calm down so that we could discuss this matter,
7 but he would not. He kept screaming and cursing at me. I told him that if he would not calm
8 down, that I would hang up. That made him even more irate. He shouted, "Fuck you! Don't
9 you dare hang up on me, you son of a bitch!" I hung up.

10 25. Later that same day, I called Mr. Fazeli back. He had calmed down. He said to
11 me, "You can't work for them." I responded, "You're wrong. We never made that agreement
12 and I specifically told you that I did not agree to that." He replied, "If you do this, you will be
13 sorry!" He was yelling again. I asked him if he was threatening me and he said that he was not.
14 He told me that he was going to sue me and demanded that I return all of the money that he had
15 paid me for my services. I reiterated my statement to him that we never had any agreement
16 prohibiting me from providing services to De Portola Estate Winery or any other winery. He
17 then hung up on me.

18 26. The next day, June 7, 2018, I left with my family on a weeklong vacation to Las
19 Vegas. My children had just gotten out of school and I made a concerted effort to dedicate this
20 time to my family, something that I had never been able to do in the past because of my previous
21 employment. I set an automatic response to my email advising that I would be unavailable that
22 week, and to call me if it was an emergency. I did see the email from Mr. Fazeli come in (B.
23 Fazeli Decl., Exh. 4) but I was not going to let this ruin my family's vacation. Mr. Fazeli did not
24 call me that week, and I chose to wait to deal with him until I returned home on June 14, 2018.

25 27. When I returned home from vacation on June 14, 2018, I received a letter from
26 attorney Richard Rosenstein, a true and complete copy of which is attached as Exhibit G. In that
27 letter, Mr. Rosenstein demanded, among other things, that I cease and desist working for any
28

1 other wineries in the Temecula Valley, in particular De Portola Estate Winery. The letter further
2 stated:

3
4 "If this matter is not cleared by the close of business on June 14, 2018 (5:00 p.m.),
5 you can consider your services terminated based upon the fact that our client will
6 need to replace you regarding such work."

7 28. I did not respond to Mr. Rosenstein's letter before 5:00 p.m. on June 14, 2018 and
8 therefore arrangement with Fazeli Cellars was terminated. Accordingly, I never returned to
9 Fazeli Cellars. My attorney responded to Mr. Rosenstein's letter on my behalf, on June 15,
10 2018. I have had no further contact with Mr. Fazeli or any other representative of Fazeli Cellars
11 since then.

12 29. I have no idea what Mr. Fazeli is talking about when he says in this lawsuit that I
13 am misappropriating trade secrets of Fazeli Cellars. I have no knowledge of any trade secret of
14 Fazeli Cellars. As to the idea that Mr. Fazeli was developing a "unique line of products for
15 Fazeli Cellars, based on [his] Persian heritage and its unique tastes and themes (both in terms of
16 the actual wine and its marketing)," (B. Fazeli Decl., ¶ 4) that is completely false. There is no
17 wine made in Persia and no winemaking techniques unique to Persia. The only thing I am aware
18 of that that is even close to this claim is that Mr. Fazeli told me that he was emotionally moved
19 and inspired by poets of ancient Persia and seasonal events. Therefore, he named some of Fazeli
20 Cellars' wines, including wines that I had blended, after Persian poets and seasonal events. I
21 received no confidential information from Fazeli Cellars in blending these wines, or any other
22 wines that I blended while providing my services. Mr. Fazeli would either approve of a blend I
23 created or he did not, in which case I had to start over. As to the other "trade secrets" that Fazeli
24 Cellars claims I am misappropriating (See B. Fazeli Decl., ¶ 9):

- 25 a. The types of wine bottled at Fazeli Cellars is not a secret. Nor are the
26 specific mixtures of grapes in those wines; to the contrary, this
27 information is printed on the label of every bottle. Nor are there any
28 secret plans of which I am aware as to Fazeli's long-term bottling plans

1 (other than the operational suggestions and instructions that I provided to
2 Fazeli Cellars in order to reduce the overproduction of wine that could not
3 be sold and thus, remained in inventory past the time that the wine could
4 be enjoyed).

5 b. As to "treatments" of wine that Plaintiff claims is a "trade secret," that
6 information all comes from me, and belongs to me. Mr. Fazeli
7 specifically brought me in to correct the cellar techniques that were
8 resulting in the contaminated and spoiled wine that Fazeli Cellars was
9 producing. I can assure the Court that I am not "misappropriating" the
10 techniques that were in use at Fazeli Cellars prior to my arrival, because
11 those techniques were producing contaminated and spoiled wine.

12 c. I was not made privy to any secret marketing plans at Fazeli Cellars. I
13 was, from time to time, informed when an invitation or email blast would
14 go out (at the time it was going out), but that is the extent of my
15 knowledge of Fazeli Cellars' marketing efforts.

16 d. I was not made privy to any of Fazeli Cellars' financial information
17 whatsoever, at any time - not projections; not balance sheets; not profit
18 and loss statements - nothing. The only time anyone ever spoke to me
19 about the financial condition of Fazeli Cellars is when the controller
20 approached me, as explained in Paragraph 15 above, to ask if I could cut
21 down on my work and billing to Fazeli Cellars. My impression from that
22 conversation was that Fazeli Cellars was worried about cash flow. That is
23 the only time I received any information at all related to the financial
24 condition of Fazeli Cellars.

25 30. I am indeed providing consulting services to De Portola Estate Winery, LLC, and
26 have been since May 2018. At no time did I ever attempt to conceal this fact from Mr. Fazeli or
27 anyone else. De Portola Estate Winery, LLC has vineyards and is preparing to open the winery

1 for business. I have been instructing them on how to direct their vineyard management. I have
2 also been directing winemaking for them, which, as mentioned in Paragraph 14 above, is
3 currently being done under contract with an existing licensed winery.

4 31. Prior to June 6, 2018, I had a very good relationship with Mr. Fazeli. I have never
5 done anything to undermine his program, and I never would. My business depends on the ability
6 to provide services to different wineries and I would not be in business very long if I were to try
7 to sabotage any of them. There is no conflict in my providing services to different wineries.
8 These wineries hire me because they like the kinds of wine I make. It is my know-how and my
9 palette that are of value in these arrangements; not any "secrets" of the wineries.

10 32. Depriving me of my right to work for De Portola Estate Winery, LLC would
11 cause a financial hardship to me and my family, as I depend on this income as part of the
12 necessary funds I need to support myself, my wife, and our three children. As explained in
13 Paragraph 28 above, Fazeli Cellars terminated my services effective as of 5:00 p.m. on June 14,
14 2018. As stated herein, I never agreed to an exclusive relationship with Fazeli Cellars; I have no
15 "trade secrets" of theirs; and in any event, Mr. Fazeli is not even claiming now that there is a
16 noncompetition agreement in place applicable after the termination of my services to Fazeli
17 Cellars.

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

20
21 Dated: 10-9-18



Paul Warson

COPY

1 **ROBINSON BRADFORD LLP**
2 Matthew C. Bradford, Esq. – SBN 196798
3 3439 Brookside Road, Suite 212
4 Stockton, CA 95219
5 Telephone: (209) 954-9001
6 Facsimile: (209) 954-9091

7
8 Attorneys for Defendant, De Portola Winery, LLC

9 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
10 **COUNTY OF RIVERISE – SOUTHWEST JUSTICE CENTER**

11 **UNLITIMITED CIVIL**

12 **FAZELI VINEYARDS, LLC dba FAZELI**
13 **CELLARS, a California limited liability**
14 **company,**

15 **Plaintiffs,**

16 **vs.**

17 **PLANAW, LLC dba REACH WINE**
18 **CONSULTING, a California limited liability**
19 **company; PAUL WARSON, an individual; DE**
20 **PORTOLA ESTATE WINERY, LLC, a**
21 **California limited liability company; and**
22 **DOES 1 through 20, inclusive,**

23 **Defendants.**

CASE NO.: MCC1800856

DECLARATION OF RICK
NEUGEBAUER PRESIDENT OF DE
PORTOLA ESTATE WINERY, LLC IN
OPPOSITION TO FAZELI
VINEYARDS, LLC'S APPLICATION
FOR TEMPORARY RESTRAINING
ORDER

Date: October 11, 2018

Time: 8:30 a.m.

Dept.: S302

Confirmation No.: RES83616

Complaint Filed: July 31, 2018

FAC Filed: August 30, 2018

24 I, RICK NEUGEBAUER, declare:

25 1. I am the president of De Portola Estate Winery, LLC, a defendant in this action. I
26 am over the age of 18 years old. I make this declaration of my own personal knowledge. If
27 called upon to testify, I could and would competently testify as follows.

28 2. In May 2018, we hired Planaw, LLC on behalf of my winery to perform consulting
services. I did not have an exclusivity agreement with Planaw, LLC because there is no need for

DECLARATION OF RICK NEUGEBAUER

1 an exclusivity agreement in the wine industry here. Many of the wineries in the Temecula Valley
2 share many things including wine making consultants. I have personal, first hand knowledge of
3 this because I have been involved in the wine industry since 2010. I know that many wine
4 making consultants are shared between various wineries here without any concern for loss of
5 "trade secrets" because I have worked professionally with various wineries in the area.
6

7 3. Wine making is much more of an art than a science. There are no formulas or
8 recipes that always work. Rather, each year, with each vintage, the expert wine maker must
9 evaluate the various characteristics of that season's vintage and make choices based on subjective
10 characteristics to create the preferred wines. The blends and processes that worked one year
11 might be very different the next year due to the characteristics of the next year's vintage.
12

13 4. Wine making is not like making a Big Mac. McDonald's can make the same
14 tasting Big Mac year-after-year no matter where it is purchased. It is impossible for small
15 wineries to make the same tasting wines year after year.

16 5. Because of the fact that wine making is an art and not a science, I would never
17 think of hiring a wine consultant and expect them to duplicate a wine made by another vintner in
18 a prior season. Thus, "trade secrets" in the sense of proprietary blends of wines are not an issue
19 in the wine industry.
20

21 6. When we hired Planaw, LLC we did not ask Mr. Warson if he worked for any
22 other wineries in the area, nor did we care because it generally would not matter. Instead, when
23 we hired Planaw, LLC, I asked Mr. Warson if he was interested in helping me make Spanish
24 varietals using Spanish methods. Mr. Warson said he was interested.

25 7. Mr. Warson has never disclosed to us anything that might be considered a trade
26 secret belonging to Fazeli Vineyards, LLC.
27

28 8. In the months that Mr. Warson has consulted with my winery, I have never asked

1 him to reveal to us, or utilize anything that he learned from Fazeli Vineyards, LLC.

2 9. My understanding is that Fazeli Vineyards markets themselves as a Persian
3 winery. My winery has no interest in duplicating or using any processes to make Persian themed
4 wines.
5

6 10. My winery focuses on Spanish themed wines using Spanish wine making
7 techniques. My winery focuses on the following varietals: Tempranillo (Red), Mourvedre (Red),
8 Albarino (White), Granasha (Red), and Verdelho (White).

9 11. I have a general knowledge of Fazeli Vineyards, LLC based on reviewing their
10 website and simply being in the local industry. It appears to me that Mr. Fazeli's production and
11 my winery's production have very little cross-over if any.
12

13 12. If Mr. Warson is restricted from providing his expertise to wineries in the
14 Temecula Valley it will substantially impact the development of my winery as we will have to
15 find another expert wine maker to help us develop Spanish themed wines of the high quality that
16 we are working to create now.

17 I declare under penalty of perjury, under the laws of the State of California, that the
18 foregoing is true and correct and that this declaration was executed on October 10, 2018, at
19 Temecula, California.
20

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22 Rick Neugebauer
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PROOF OF SERVICE

I, the undersigned, certify and declare as follows: I am over the age of eighteen years and not a party to this action. My business address is ROBINSON BRADFORD LLP, 43471 Ridge Park Drive, Ste C, Temecula, California 92590, which is located in Riverside County where the mailing and/or delivery below took place.

On October 10, 2018, I served the following document(s): **DECLARATION OF RICK NEUGEBAUER IN SUPPORT OF DEFENDANT DE PORTOLA ESTATE WINERY, LLC'S OPPOSITION TO TEMPORARY RESTRAINING ORDER** in the above-referenced case, by placing a true copy thereof, enclosed in a sealed envelope, addressed and served as follows:

	BY PERSONALLY DEPOSITING THE MAIL: On the date specified above, I deposited in the mail at the place specified above a copy of the document described above in a sealed envelope, with postage fully prepaid addressed to the individuals and/or to the offices of the addressee(s) below.
	BY BUSINESS PRACTICE TO ENTRUST DEPOSIT TO OTHERS: I am readily familiar with the business practice at my place of business for collection and processing of correspondence for mailing with the United States Postal Service. Correspondence so collected and processed is deposited with the United States Postal Service that same day in the ordinary course of business. On the date specified below, at my place of business at Stockton, California, a copy of the document described above was placed for deposit in the United States Postal Service mailbox in a sealed envelope, with postage fully prepaid addressed to the individuals and/or to the offices of the addressee(s) below, and that envelope was placed for collection and mailing on that date following ordinary business practice.
	BY EXPRESS SERVICE CARRIER: On the date specified below, I deposited in a box or other facility regularly maintained by Federal Express, United Parcel Service or other express service carrier, or delivered to a courier or driver authorized by said express service carrier to receive DOCUMENTS, a copy of the document mentioned above, in an envelope designed by the said express service carrier, with delivery fees paid or provided for addressed to the individuals and/or to the offices of the addressee(s) below.
X	BY PERSONAL SERVICE: On the date specified below, I caused such envelope to be delivered by hand addressed to the individuals and/or to the offices of the addressee(s) below.
	BY FAX TRANSMISSION: On the date specified below, I transmitted from a facsimile transmission machine the DOCUMENTS described above addressed to the individuals and/or to the offices of the addressee(s) below. The above-described transmission was reported as complete without error by a transmission issued by the facsimile transmission machine upon which the said transmission was immediately following the transmission to the individuals and/or to the offices of the addressee(s) below.
Robert B. Rosenstein, Esq. ROSENSTEIN & ASSOCIATES 28600 Mercedes Street, Suite 100 Temecula, CA 92590 Telephone: (951) 296-3888 Facsimile: (951) 296-3889 <i>Attorneys for Plaintiff, FAZELI VINEYARDS, LLC Dba FAZELI CELLARS</i>	Christina Vanarelli, Esq. CHRISTINA VANARELLI, INC. 674 County Square Drive, Suite 209C Ventura, CA 93003 Telephone: (805) 233-7848 Facsimile: (805) 456-0885 Email: Christina@YourVenturaCountyLawyer.com <i>Attorney for Defendants, PAUL WARSON and PLANAW, LLC</i>

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

Executed on October 10, 2018, at Temecula, California.



Riley Bradford

WESTLAW

NOTES OF DECISIONS (1)

Exclusive dealings

West's Annotated California Codes
Business and Professions Code (Refs & Annos)
Division 9. Alcoholic Beverages (Refs & Annos)

§ 23358. Winegrowers; sales

West's Ann. Cal. Bus. & Prof. Code § 23358 West's Annotated California Codes Business and Professions Code Effective: January 1, 2011 (Approx. 2 pages)
ARTICLE 3. RIGHTS AND OBLIGATIONS OF LICENSEES (A.L.S. & C.A.L.S.)

Effective: January 1, 2011

West's Ann. Cal. Bus. & Prof. Code § 23358

§ 23358. Winegrowers; sales

Currentness

(a) Licensed winegrowers, notwithstanding any other provisions of this division, may also exercise the following privileges:

- (1) Sell wine and brandy to any person holding a license authorizing the sale of wine or brandy.
 - (2) Sell wine and brandy to consumers for consumption off the premises where sold.
 - (3) Sell wine to consumers for consumption on the premises.
 - (4) Sell all beers, wines, and brandies, regardless of source, to consumers for consumption on the premises in a bona fide eating place as defined in Section 23038 of this code, which is located on the licensed premises or on premises owned by the licensee that are contiguous to the licensed premises and which is operated by and for the licensee. At such bona fide public eating place beer, wine, and brandy may be used in the preparation of food and beverages to be consumed on the premises.
 - (5) Produce spirits of wine and blend those spirits of wine into wine produced by the winegrower or sell those spirits of wine to an industrial alcohol dealer.
- (b) A winegrower may also have upon the premises all beers, wines, and brandies, regardless of source, for sale or service only to guests during private events or private functions not open to the general public. Alcoholic beverage products sold at the premises that are not produced and bottled by, or produced and packaged for, the winegrower shall be purchased by the winegrower only from a licensed wholesaler.
- (c) A winegrower shall actually produce on his or her licensed premises by conversion of grapes, berries, or other fruit, into wine, not less than 50 percent of all wines sold to consumers on his or her licensed premise or premises and any licensed branch premise or premises.
- (d) The department may, if it shall determine for good cause that the granting of any such privilege would be contrary to public welfare or morals, deny the right to exercise any on-sale privilege authorized by this section in either a bona fide eating place the main entrance to which is within 200 feet of a school or church, or on the licensed winery premises, or both.
- (e) Nothing in this section or in Section 23390 is intended to alter, diminish, replace, or eliminate the authority of a county, city, or city and county from exercising land use regulatory authority by law to the extent the authority may restrict, but not eliminate, privileges afforded by these sections.

Credits

(Added by Stats.1953, c. 152, p. 965, § 1. Amended by Stats.1959, c. 750, p. 2738, § 1; Stats.1965, c. 499, p. 1814, § 9; Stats.1967, c. 1067, p. 2886, § 2; Stats.1970, c. 631, p. 1249, § 1; Stats.1978, c. 16, p. 75, § 1. Stats.1993, c. 238 (S.B.113), § 1; Stats.2008, c. 127 (A.B.2004), § 1; Stats.2010, c. 129 (A.B.1649), § 2.)

Notes of Decisions containing your search terms (0)

View all 1

West's Ann. Cal. Bus. & Prof. Code § 23358, CA BUS & PROF § 23358
Current with urgency legislation through Ch. 1016 of 2018 Reg. Sess. and all propositions on 2018 ballot.

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NOTES OF DECISIONS (1)

Off-sale general licenses

West's Annotated California Codes
Business and Professions Code (Refs & Annos)
Division 9. Alcoholic Beverages (Refs & Annos)

§ 23356. Manufacturer's or winegrower's license

West's Ann. Cal. Bus. & Prof. Code § 23356 West's Annotated California Codes Business and Professions Code Effective: September 9, 2004 (Approx. 2 pages)
ARTICLE 3. REGULATIONS GOVERNING THE BUSINESS (ARTICLE OF BUSINESS)

Effective: September 9, 2004

West's Ann. Cal. Bus. & Prof. Code § 23356

§ 23356. Manufacturer's or winegrower's license

Currentness

Any manufacturer's or winegrower's license authorizes the person to whom it is issued to become a manufacturer or producer of the alcoholic beverage specified in the license, and to do any of the following:

- (a) Whether manufactured or produced by him or her or any other person, to package, rectify, mix, flavor, color, label, and export the alcoholic beverage specified in the license.
- (b) To sell only those alcoholic beverages as are packaged by or for him or her only to persons holding wholesaler's, manufacturer's, winegrower's, manufacturer's agent's, or rectifier's licenses authorizing the sale of those alcoholic beverages and to persons who take delivery of those alcoholic beverages within this state for delivery or use without the state
- (c) To deal in warehouse receipts for the alcoholic beverage specified in the license

Shaun V Knapp

October 9, 2018 04:43 PM | SHAUNKNAPP64

Rectify, mix flavor label. If doing any of these activities, considered "manufacture", need license.

Credits

(Added by Stats.1953, c. 152, p. 965, § 1. Amended by Stats.2004, c. 437 (A.B.3085), § 3, eff. Sept. 9, 2004.)

Notes of Decisions containing your search terms (0)

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Off-sale general licenses

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- (a) Whether manufactured or produced by him or her or any other person, to package, rectify, mix, flavor, color, label, and export the alcoholic beverage specified in the license.
- (b) To sell only those alcoholic beverages as are packaged by or for him or her only to persons holding wholesaler's, manufacturer's, winegrower's, manufacturer's agent's, or rectifier's licenses authorizing the sale of those alcoholic beverages and to persons who take delivery of those alcoholic beverages within this state for delivery or use without the state.
- (c) To deal in warehouse receipts for the alcoholic beverage specified in the license.

Credits

(Added by Stats.1953, c. 152, p. 965, § 1. Amended by Stats.2004, c. 437 (A.B.3085), § 3, eff. Sept. 9, 2004.)

Notes of Decisions containing your search terms (0)

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Shaan V Knapp

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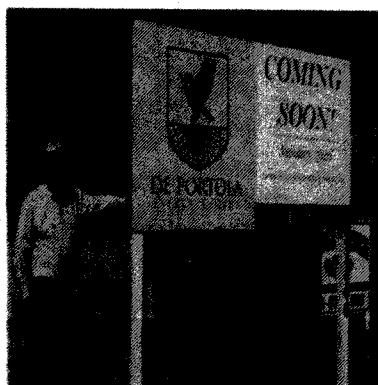
Rectify, mix flavor label. If doing any of these activities, considered "manufacture", need license.



Valley News -

De Portola Estate Winery project moving along, despite issues with neighbors

By Jeff Pack
Writer



Jeff Pack

Rick Neugebauer stands with the "coming soon" sign for the winery he is developing in Temecula Wine Country. De Portola Estate Winery plans to open in the spring of 2020.

Rick Neugebauer, president and CEO of RTN Development in Temecula, decided he had developed and built enough wineries for other people in Temecula Wine Country.

Along with his son, Ted, he wanted to build one for himself.

"We started on this trip a year ago, March 17, to look at the potential of doing a winery since we'd been building other people's wineries and helping them permit and doing the intellectual work and work on code enforcement issues and those types of things for so long," Rick Neugebauer said in an interview at his RTN offices in Old Town Temecula. "We had another investor that we thought was going to put up the money to make this happen, but long story short that didn't happen. We end up having to put our own offering together with prospectus and raised the money we needed and closed on the property."

In December 2017, they began attempting to identify what kind of winery they wanted to be.

"We started down that path to identify who we were, what we were going to be, who we were going to be, what kind of wines we were going to make, the kind of foods we were going to have and even to the point of the architecture," Neugebauer said. "We said, 'Well, we want to be a Spanish-themed winery.' The architecture is what I call 'modern Spanish contemporary.' Our wines, leaning more to the Spanish varietals, tempranillo, garnacha, verdejo, albarino, monastrell. We will have Spanish food like paella, tapas and that type of stuff."

With a last name like Neugebauer, people might wonder how the Spanish influence was decided upon.

"I have a little, like 25 percent, Spanish blood in me, and my grandfather was from Bogota, Colombia, and my mom spent a number of years growing up down there," he said. "Those flavors, those spices, those things have really influenced my palate."

Early this year, Neugebauer was talking with a neighbor winery about the project, and they suggested he attend the next meeting of the De Portola Wine Trail Association Board.

"I go, 'Well, OK, I can come and show you guys what we're doing and what we're thinking,'" Neugebauer said.

But he said a few days later, another member suggested that he not attend. So, he didn't.

"We proceeded down our own path doing what we thought was the right thing," Neugebauer said. "Which is and was, to get our name trademarked and all the items that go along with that, which happened to be making wine, serving food and educating people and having a winery using De Portola Estate Winery as the namesake."

That's when he started to hear the grumblings.

"I was hearing pushback from a couple of the winery owners and winemakers on De Portola that were saying really I shouldn't be using that name because that was their name, that was under De Portola Wine Trail Association, which is a nonprofit 501(c)(3)," Neugebauer said. "Well, I don't see anywhere where that (name is) protected, and I don't really think that both of those are the same thing."

Rick said he began sending updates to De Portola Wine Trail winery owners on the progress from his patent trademark lawyer.

"I said, 'Here, here's where we're at. You guys got 90 days to comment. Anybody have anything to say? Or forever hold your peace,'" he said. "Nothing, absolutely nothing."

By May, he said, the grumblings were turning into threats about potential lawsuits. Then in June, he received correspondence from a local lawyer that he was in violation of trade secrets.

"Because, they said, I'm using the same winemaker that has an exclusivity agreement with another winery," Neugebauer said. "So, I took the time; I walked over to (his) office over here which is on the next street and said, 'Hey, I'd like to meet with you guys; let's talk about the problem.'"

Rick said the lawyer, which was representing Fazeli Cellars, told him that they had an agreement with the winemaker in question.

"So, I say, 'Show me the agreement,'" Neugebauer said. "He said, 'Well, it's a verbal agreement.'"

"The rhetoric continued to ramp itself up until the point that they filed an accelerated ex parte motion last Wednesday with the court that is for the temporary restraining order – which was denied by the judge."

Neugebauer said the failed restraining order request is just part of the bigger goal of taking the De Portola name away from the winery.

"In a letter that BJ (Fazeli) sent out, he put a paragraph in there that he sent to all the wine growers, and this is kind of paraphrasing, he goes, 'Just so the rumors don't get out there, the De Portola Wine Trail Association will be suing De Portola Winery for its name and taking away all of their rights to have that.'"

Neugebauer acknowledges that choosing to use the De Portola name for his winery could rattle some cages, but he argued that it won't matter in the long run. He insisted the name will only be a portion of the identity of the region.

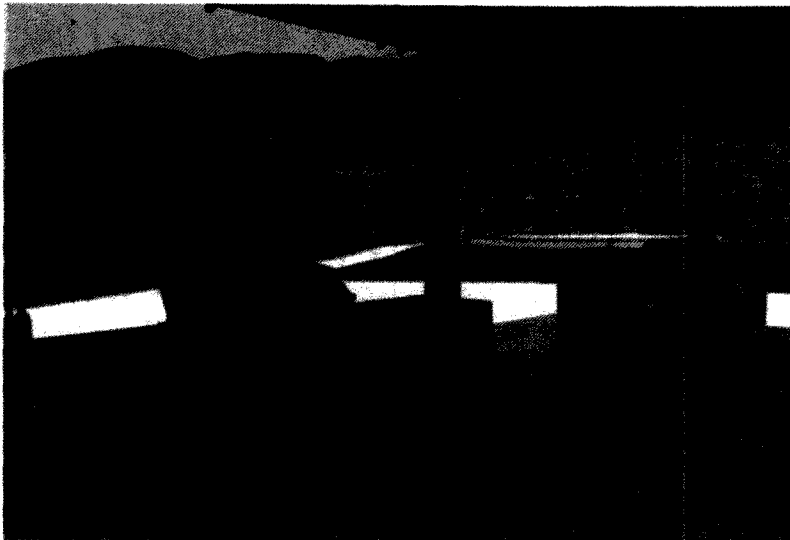
Getting into the wine business at this stage of his career indicates a fairly radical shift for Neugebauer, he said, but he isn't worried about that. He plans on moving his RTN Development offices over to the winery location and working from there, in addition to becoming a winery owner.

"I mean I hear some of the commentary like, 'You're going to be giving up your life,' and it's like, 'OK, that's kinda what I plan to do because it's a big career change,'" he said. "But I looked at everybody else and what were they doing before they became winery owners or vineyard managers or winemakers, what did they do before this? I can take a list around to everyone, and they were all doing other things before this."

According to Neugebauer, the property is 20.9 acres in size, and he has three buildings planned.

"We're entitling it with three buildings, two that are going to be permitted once we get approved," he said. "The tasting room, it's a 14,000-square-foot building that includes about 8,000 feet of patio and a restaurant. Then we have a 10,000-square-foot production building, which is a two-story and a cellar."

Phase two, he said, is a 44-room hotel with another restaurant, a spa and a small conference area.



Courtesy

An artist rendering shows the covered barbecue area at the planned De Portola Estate Winery.

"We've been officially notified that we're going to be at the board of supervisors Nov. 6 for approval of our project," Neugebauer said. "The other thing that we felt was special for our project is that we did get fast track approval."

Despite all the drama and impending issues, Neugebauer is excited about the prospect of opening his own winery with the Spanish flair, he said; that's what he wanted to talk about.

"We're going to have those things that you go to experience in Spain," he said. "We're going to have it here. It's going to be great."

Follow along with the progress and development of De Portola Estate Winery on Facebook at <http://www.facebook.com/DePortolaEstateWinery>.

Jeff Pack can be reached by email at jpack@reedermedia.com.

You might be interested in:

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Shaun V. Knapp
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November 6, 2018

Hand Delivery and Via E-Mail: cob@rivco.org

Kecia Harper-Ihem
Clerk of the Board
4080 Lemon St., 1st Floor
Post Office Box 1147
Riverside, CA 92502-1147

Re: Public Hearing for Fast Track 2018-01 for Plot Plan No. 180019

Dear Ms. Harper-Ihem:

This firm represents businesses affected by this hearing, including but not limited to Fazeli Vineyards, LLC, dba Fazeli Cellars. We have been requested on behalf of our client to submit the following:

We are writing in response to the Public Hearing for Fast Track 2018-01. Based upon our research into the Land Use Application for this Fast Track request, and our interaction with the parties involved in this matter, we believe that the approval of the Fast Track Request should be postponed pending resolution of the issues presented below.

We are confused as to the identity of the actual applicant for this Fast Track request. While the Action Item listed in the Riverside County Meeting Portal lists the Applicant as "RTN Development, Rick Neugebauer", and the Indemnification Agreement for Plot Plan 180019, attached to the Action Item, lists "DPW I, LLC" as the property owner, these entities do not coincide with public representations as to the owner of the property.

In an article in the "Valley News" dated October 25, 2018, Mr. Neugebauer stated that RTN Development, of which he was listed as ". . . president and CEO . . ." would be building the winery, and would in fact be moving its offices to the winery location. This would indicate that RTN Development was possibly more than just the winery developer, but was in fact an owner of the property.

The confusion over the role of RTN Development, raises further questions as to the actual owner of the property. Mr. Neugebauer signed the Indemnification Agreement as Manager of DPW I, LLC, purportedly the owner of the property. However, in a sworn Declaration dated October 10, 2018, Mr. Neugebauer stated that he was the president of De Portola Estate Winery, LLC. In that Declaration, he referred to this entity as "his winery". We feel that it would be in the best interest of the County of Riverside to conduct a thorough review of the application submitted in this matter, to accurately determine the actual owner of the property, and the roles of the other entities.

In addition to the concerns surrounding the identity of the property owner, there is also a question about the representation by Mr. Neugebauer, and others, concerning the existence of a Type 02 (winegrowers) license, and the manufacture of wine under this license by De Portola Estate Winery.

19.2

THE LAW OFFICES OF
ROSENSTEIN
&
ASSOCIATES

Ms. Harper-Ihem
November 6, 2018
Page 2

The Notice of Public Hearing issued by the Board of Supervisors for this matter, dated October 11, 2018, stated specifically that “[the] applicant currently has a type 02 ABC license . . .” This statement was removed on a subsequent update to the Notice of Public Hearing dated October 22, 2018.

We are unable to determine why this statement was included, or to which entity it refers. If it is actually referring to the Applicant, then RTN Development would be the licensee, lending more credence to the argument that RTN Development is more than the property developer. If this statement referred to DPW I, LLC, or De Portola Estate Winery, LLC, then this would indicate that they are an operational winery, which they obviously are not, since the winery does not currently exist. A search of the California Department of Alcoholic Beverage Control’s License Query System shows no Type 02 (winegrowers) license issued to any of the aforementioned entities.

For the Board’s information, this issue of licensing has previously arisen in the sworn Declaration of Paul Warson, a winemaker engaged by Mr. Neugebauer to assist in the production of De Portola Estate Winery wines. Per Mr. Warson, at the time of his Declaration, De Portola Estate Winery was having wine produced for it by another winery. Receipt of such wines by De Portola Estate Winery, without a Type 02 (winegrowers) license would be a violation of §§ 23358 and 23356 of the California Business and Professions Code. Such violation of the California Business and Professions Code could prevent the issuance of Type 02 (winegrowers) license that De Portola Estate Winery needs to operate as a winery.

It is our belief that the County of Riverside should postpone the approval of the Fast Track request until it can conduct a more in depth review of the issues presented here, to ensure that they will be issuing permits to the correct parties, and that the parties in question will be able to meet the licensing requirements of the California Department of Alcoholic Beverage Control to operate a winery.

Should you have any questions, please feel free to contact us.

Sincerely,



Shaun V. Knapp, for
ROSENSTEIN & ASSOCIATES

SVK

Encl.

**NOTICE OF PUBLIC HEARING BEFORE THE BOARD OF SUPERVISORS OF RIVERSIDE COUNTY
ON A PLOT PLAN, NOISE EXCEPTION AND INTENT TO ADOPT A MITIGATED NEGATIVE
DECLARATION IN THE RANCHO CALIFORNIA AREA, THIRD SUPERVISORIAL DISTRICT**

NOTICE IS HEREBY GIVEN that a public hearing at which all interested persons will be heard, will be held before the Board of Supervisors of Riverside County, California, on the 1st Floor Board Chambers, County Administrative Center, 4080 Lemon Street, Riverside, on **Tuesday, November 6, 2018 at 10:30 A.M.** or as soon as possible thereafter, to consider the Planning Commission's approval on **Fast Track No. 2018-01** for **Plot Plan No. 180019**, which proposes a Class V Winery "Project" in two (2) phases on **22.2 gross acres**. Phase One will consist of a two-story wine tasting room and bar with a restaurant and covered patio attached on the first floor with restrooms and a wine production building with a wine lab and conference area, employee restrooms and storage. Outside the building will be production equipment comprised of vats, coolers, de-stemmers and crush pads. Special occasions (weddings/events) will also be offered on the project site with a trellis stage area. Phase Two will consist of a three-story, 44 room Wine Country Hotel with a public lounge area, a restaurant, spa treatment facilities, offices, conference room suites, hotel rooms, VIP suites and a roof deck viewing patio. The hotel will also offer an outdoor pool and spa and fire pit areas. Additionally a type 42 ABC license (on-sale wine for Public Premises) and/or other type licenses will be required for the Class V Winery. **Noise Exception No. 1800002** has been applied in relation to the special occasion facility (outdoor events, weddings and/or live music with amplified sound) to allow for continuous event exceptions as it pertains to noise as required per Ordinance No. 348, Section 14.93.C.4. This project is located west of De Portola Road, north of Pauba Road, and southeast of Avenida Verde. The project address is 37440 De Portola Road in the Temecula Valley Wine Country Policy Area of the Third Supervisorial District.

The Planning Commission recommended that the Board of Supervisors approve the project and adopt a Mitigated Negative Declaration for **Environmental Assessment No. CEQ180061**.

The project case file may be viewed from the date of this notice until the public hearing, Monday through Friday, from 8:00 a.m. to 5:00 p.m. at the Riverside County Planning Department at 4080 Lemon Street, 12th Floor, Riverside, California 92501.

FOR FURTHER INFORMATION REGARDING THIS PROJECT, PLEASE CONTACT TIM WHEELER, URBAN REGIONAL PLANNER, AT (951) 955-6060 OR EMAIL twheeler@rivco.org

Any person wishing to testify in support of or in opposition to the project may do so in writing between the date of this notice and the public hearing, or may appear and be heard at the time and place noted above. All written comments received prior to the public hearing will be submitted to the Board of Supervisors and the Board of Supervisors will consider such comments, in addition to any oral testimony, before making a decision on the project.

If you challenge the above item in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence to the Planning Commission or Board of Supervisors at, or prior to, the public hearing. Be advised that as a result of the public hearing and the consideration of all public comment, written and oral, the Board of Supervisors may amend, in whole or in part, the project and/or the related environmental document. Accordingly, the designations, development standards, design or improvements, or any properties or lands within the boundaries of the project, may be changed in a way other than specifically proposed.

Alternative formats available upon request to individuals with disabilities. If you require reasonable accommodation, please contact Lisa Wagner at (951) 955-1063, at least 72 hours prior to hearing.

Please send all written correspondence to: Clerk of the Board, 4080 Lemon Street, 1st Floor, Post Office Box 1147, Riverside, CA 92502-1147

Dated: October 22, 2018

Kecia Harper-Ihem, Clerk of the Board
By: Karen Barton, Board Assistant

NOTICE OF PUBLIC HEARING BEFORE THE BOARD OF SUPERVISORS OF RIVERSIDE COUNTY ON A PLOT PLAN, NOISE EXCEPTION AND INTENT TO ADOPT A MITIGATED NEGATIVE DECLARATION IN THE RANCHO CALIFORNIA AREA, THIRD SUPERVISORIAL DISTRICT

NOTICE IS HEREBY GIVEN that a public hearing at which all interested persons will be heard, will be held before the Board of Supervisors of Riverside County, California, on the 1st Floor Board Chambers, County Administrative Center, 4080 Lemon Street, Riverside, on **Tuesday, November 6, 2018 at 10:30 A.M.** or as soon as possible thereafter, to consider the approval of **Fast Track No. 2018-01 for Plot Plan No. 180019**, which proposes a **Class V Winery "Project"** in two (2) phases on 22.2 gross acres. Phase One will consist of a two-story wine tasting room and bar with a restaurant and covered patio attached on the first floor with restrooms and a wine production building with a wine lab and conference area, employee restrooms and storage. Outside the building will be production equipment comprised of vats, coolers, de-stemmers and crush pads. Special occasions (weddings/events) will also be offered on the project site with a trellis stage area. Phase Two will consist of a three-story Wine Country Hotel with a public lounge area, a restaurant, spa treatment facilities, offices, conference room suites, hotel rooms, VIP suites and a roof deck viewing patio. The hotel will also offer an outdoor pool and spa and fire pit areas. The applicant currently has a type 02 ABC license (winegrower). Additionally a type 42 ABC license (on-sale wine for Public Premises) and/or other type licenses will be required for the Class V Winery. **Noise Exception Nn: 1800002** has been applied in relation to the special occasion facility (outdoor events, weddings and/or live music with amplified sound) to allow for continuous event exceptions as it pertains to noise as required per Ordinance No. 348, Section 14.93.C.4. This project is located in the Temecula Valley Wine Country Policy Area in the Third Supervisorial District. — NO APPRCS

The Planning Department recommends that the Board of Supervisors approve the project and adopt a Mitigated Negative Declaration for **Environmental Assessment No. CEQ180061**.

The project case file may be viewed from the date of this notice until the public hearing, Monday through Friday, from 8:00 a.m. to 5:00 p.m. at the Riverside County Planning Department at 4080 Lemon Street, 12th Floor, Riverside, California 92501.

FOR FURTHER INFORMATION REGARDING THIS PROJECT, PLEASE CONTACT **TIM WHEELER**, URBAN REGIONAL PLANNER, AT (951) 955-6060 OR EMAIL twheeler@rivco.org

Any person wishing to testify in support of or in opposition to the project may do so in writing between the date of this notice and the public hearing, or may appear and be heard at the time and place noted above. All written comments received prior to the public hearing will be submitted to the Board of Supervisors and the Board of Supervisors will consider such comments, in addition to any oral testimony, before making a decision on the project.

If you challenge the above item in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence to the Planning Department or Board of Supervisors at, or prior to, the public hearing. Be advised that as a result of the public hearing and the consideration of all public comment, written and oral, the Board of Supervisors may amend, in whole or in part, the project and/or the related environmental document. Accordingly, the designations, development standards, design or improvements, or any properties or lands within the boundaries of the project, may be changed in a way other than specifically proposed.

Alternative formats available upon request to individuals with disabilities. If you require reasonable accommodation, please contact Lisa Wagner at (951) 955-1063, at least 72 hours prior to hearing.

Please send all written correspondence to: Clerk of the Board, 4080 Lemon Street, 1st Floor, Post Office Box 1147, Riverside, CA 92502-1147

Dated: October 11, 2018

Kecia Harper-Ihem, Clerk of the Board
By: Karen Barton, Board Assistant

1 Christina Vanarelli (242288)
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3 **A PROFESSIONAL LAW CORPORATION**
4 674 County Square Drive, Suite 304
5 Ventura, CA 93003-9026
6 Ph: 805-233-7848 Fax: 805-456-0885
7 Christina@YourVenturaCountyLawyer.com

8 Attorney for Defendants PLANAW LLC dba Reach Wine Consulting
9 and PAUL WARSON, and Cross-Complainant PLANAW LLC

10
11 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
12 **IN AND FOR THE COUNTY OF RIVERSIDE**

13 FAZELI VINEYARDS, LLC dba FAZELI
14 CELLARS, a California limited liability company,

15 Plaintiff,

16 v.

17 PLANAW, LLC dba REACH WINE
18 CONSULTING, a California limited liability
19 company;
20 PAUL WARSON, an individual;
21 DE PORTOLA ESTATE WINERY, LLC, a
22 California limited liability company, and
23 DOES 1 through 20, inclusive,

24 Defendants,

Case No. MCC1800856

**DEFENDANTS PAUL WARSON
AND PLANAW LLC'S OPPOSITION
TO PLAINTIFF'S MOTION FOR
TEMPORARY RESTRAINING
ORDER AND PRELIMINARY
INJUNCTION**

Date: October 11, 2018

Time: 8:30 a.m.

Dept.: S302

Complaint filed July 31, 2018.

*Assigned for all purposes to Hon. Angel M
Bermudez, Dept. S302.*

Trial date not yet set.

25
26
27
28
AND CROSS-ACTION.

///

///

///

1 **DECLARATION OF PAUL WARSON**

2 I, Paul Warson, declare:

3 1. I am a defendant in the above-captioned matter. The following facts are true of
4 my own personal knowledge and if called as a witness, I would and would testify competently to
5 those facts.

6 2. I have over twenty years of winemaking experience over my progressively-
7 advancing career, as follows: After graduating from the University of California at Davis with a
8 Bachelor of Science degree in Fermentation Science, I obtained employment as an enologist at
9 Newton Vineyards in St. Helena, California. One year later, I was hired as the Assistant
10 Winemaker at Chateau Potelle in Napa, California. In 1999, I was hired as the Winemaker at
11 Threfthen Family Vineyards in Napa, California, a position I held for nine years. I was then
12 offered, and I accepted, the position of Winemaker at Firestone Vineyards in Los Olivos,
13 California, where I was responsible for all aspects of winemaking for Firestone Vineyards,
14 Proximity 26, EOS Estate, and Gretzky Wines. My duties included:

- 15 a. Manage all aspects of winemaking from vineyard to bottle for a 1,800 ton
16 estate winery producing 100,000 cases for 3 brands in addition to the
17 direction of two negociant brands;
- 18 b. Direct custom winemaking and bottling at Firestone facility for in
19 company brands;
- 20 c. Direct vineyard operations through both a house vineyard manager and a
21 viticultural consultant;
- 22 d. Manage all winery personnel, government compliance and regulatory
23 reporting, inventory and record keeping;
- 24 e. Represent the winery and related brands in the market place including
25 distributor presentations, work withs, and winemaker dinners;
- 26 f. Oversee the development of new vineyards and wine programs in an effort
27 to establish new positions in the marketplace;

1 g. Develop operating budget and capital spending plan for winery and
2 vineyard; and

3 h. Negotiate sale and purchase of grapes, and purchase of bulk wine.

4 3. My wife and I have three children, all under age eighteen. In late 2016, my father
5 became very ill, and my family made the decision to relocate to Southern California to care for
6 him. I therefore resigned my position as Winemaker for Firestone Vineyards, and we moved to
7 Studio City, California.

8 4. Given that the employment opportunities for winemakers are quite limited in and
9 near Studio City, I decided to draw on my 20 years' experience in the wine industry, and start my
10 own business as a consultant for wineries in Southern California. On October 11, 2016, I filed
11 Articles of Organization for PLANAW LLC for the purpose of operating my new business.
12 (PLANAW is an acronym consisting of the first letters of my first name, my wife's first name
13 our three children's first name.) Attached as Exhibit A is a true and complete copy of those
14 Articles of Organization. Attached as Exhibit B is a true and complete copy of the Statement of
15 Information for PLANAW LLC, filed on October 11, 2016. PLANAW LLC is member-
16 managed and my wife and I are the only members.

17 5. Once PLANAW LLC was formed, I began the process of seeking clients for my
18 new business. To that end, I met with representatives of various wineries throughout Southern
19 California and I attended various wine industry events. During the course of these meetings and
20 events, several people I spoke with told me that I should reach out to Fazeli Cellars because it
21 was "having problems."

22 6. In April 2017, I was having lunch with a representative of another winery, who
23 was one of the people who had previously told me that I should reach out to Fazelli Cellars,
24 because, he said, they "need help." This person repeated his suggestion that I reach out to Fazelli
25 Cellars, and asked me if I was going to be at the annual "Grape Day" winegrowers conference,
26 which was being held later that month. He told me that every winery owner in Temecula would
27 be there and strongly recommended that I go.

1 1979. Mr. Fazeli did, however, speak about how the Persian poets and seasonal events in Persia
2 inspired him.

3 10. About one week after the April 28, 2017 lunch meeting described above, I
4 returned to Fazeli Cellars, where I met the assistant winemaker and the cellar worker. I spent
5 some time examining the barrels there to see if I could ascertain the “problems” that I had heard
6 about. I found that many of the barrels contained wines that were oxidized. Some barrels
7 contained wine that was contaminated with Brettanomyces (a yeast that is present in all wines
8 which, if not controlled, can grow to contaminate the wine, as was the case here). This caused
9 some of the wine to smell like horse manure. I attributed these issues to improper cellar
10 practices, and I knew how to remedy those issues.

11 11. After examining the barrels and speaking with the assistant winemaker and cellar
12 worker, as described above, I sat down with Mr. Fazeli and explained to him what I had
13 observed, as well as my recommendations for addressing the problems with his barrels. I
14 explained to him that he was not employing proper cellar techniques, and I gave him some
15 suggestions about what to do. During this conversation, I offered my services to him, with the
16 option of a flat monthly fee which would be determined after further analysis, or an hourly fee of
17 \$125. Whichever option he selected, I would provide services, on-site as needed, from one to
18 several days per month. Mr. Fazeli chose the hourly rate, and told me that he would send me a
19 written contract to sign. Up to this point, there had been no mention of any exclusive
20 relationship and no mention of any unique line of Person-style wines that he now says he wanted
21 to make. There was no discussion whatsoever about any trade secrets, or any information at all
22 that I would be receiving that needed to be kept confidential. He was hiring me to correct the
23 problems that he was having with his wines, because I had the knowledge and experience to
24 accomplish that. I did not need any confidential information from Fazeli Cellars, and received
25 none, in order to provide my services.

26 12. On or about May 17, 2017, Mr. Fazeli sent me a contract that he wanted me to
27 sign, a true and complete copy of which is attached as Exhibit E. After reviewing that contract, I
28

1 spoke with Mr. Fazeli and told him that I would not be signing it, because of all of the language
2 about confidentiality and trade secrets. I specifically told him that my services required me to
3 use my own knowledge and tricks of the trade that I developed on my own, to help him, and that
4 if anyone in this arrangement had confidential information, it was me, not him. I said to him, "I
5 am the one who is going to get you out of this mess." I recognized that he was behind on
6 bottling and that he was bringing in more fruit than could be used, because many of his wines
7 were not selling due to the contamination and oxidization described in Paragraph 10 above.
8 After I explained all of that, Mr. Fazeli said to me, "Your right." I repeated to him that I would
9 not sign the contract that he sent to me. I told him that I would send him my form of contract for
10 his consideration. Up until this point, there was never any discussion about any exclusive
11 arrangement; there was not even an exclusivity provision in the contract that he wanted me to
12 sign; and there was no request by Mr. Fazeli that I not provide services to any other winery, in
13 the Temecula Valley or otherwise.

14 13. I began providing services to Fazeli Cellars on or about May 25, 2017, and Fazeli
15 Cellars paid all of my invoices except my final invoice for the services I provided in June 2018.

16 14. On or about June 13, 2017, I sent Mr. Fazeli a form of consulting agreement for
17 his consideration, a true and complete copy of which is attached as Exhibit F. We subsequently
18 had a conversation about this proposed agreement; he did not want to sign it. During this
19 conversation, Mr. Fazeli told me that he did not want me working for anyone else in Temecula,
20 to which I told him that I absolutely would not agree to that. He then told me that he at least did
21 not want me providing services to any winery on De Portola Road. (Fazeli Cellars and a number
22 of other wineries are on De Portola Road. Co-Defendant De Portola Estate Winery, LLC will
23 operate on De Portola Road, but is not yet operating independently. It is producing wine under
24 another winery's license, which is common.) I told Mr. Fazeli that I would not agree to any
25 limitation on what other wineries I could work for. We agreed to move forward without a
26 written contract, for me to provide my services at a rate of \$125 per hour. There were no other
27
28

1 agreed-upon terms. By that time, I had been providing services to Fazeli Cellars for several
2 weeks and Mr. Fazeli was happy with my services.

3 15. In late October or early November 2017, I was approached by Fazeli Cellars
4 controller, Lana Pepin. She asked me if it would be possible for me to reduce the number of
5 hours that I was working for Fazeli Cellars while still being effective in providing my services.
6 She made it clear that she wanted for me to bill as little as possible. I told her that I would, and I
7 did. While I was not thrilled about this, it was not the end of the world, since I was growing my
8 business and this freed up time that I could devote to my work for other wineries and in
9 developing the relationships that I know I need to be a successful business owner.

10 16. In late January or early February 2018, a barrel salesman whom I have known
11 since 1999 called me to let me know that he had recently attended a trade show at which Rick
12 and Ted Neugebauer were present. He explained to me that the Neugebauers were interested in
13 building a winery on De Portola Road, and he told me that he had referred the Neugebauers to
14 me for my services. Shortly after that, Rick Neugebauer called me to set up a meeting regarding
15 the possibility of my providing winemaking and other consulting services for the winery that
16 they would be opening on De Portola Road, the soon-to-be De Portola Estate Winery.

17 17. At the end of March 2018, I met with the Neugebauers to discuss their needs and
18 the services that I could provide to them. I brought a sampling of wines that I had made, which
19 they both tasted and liked. At the end of the meeting, they told me that they would be in touch.

20 18. Over the next couple of weeks, I accompanied the Neugebauers to other wineries
21 to taste and observe their operations. Although I did give the Neugebauers my opinions about
22 these wineries and their wines, methods, etc., I was not at that point providing any official
23 services to them and I did not bill them for my time. This was just as much a benefit to me as it
24 was to them, as I was still growing my business and it was helpful to have familiarity, and
25 hopefully develop long-term relationships, with as many wineries as possible.

1 19. In April 2018, I attended my second annual Grape Day. Mari Aubuchon, Fazeli
2 Cellars' assistant winemaker, was there as well, as were the Neugebauers. At the end of the
3 event, when everyone was networking, I spoke briefly to the Neugebauers and then left.

4 20. About one week after 2018 Grape Day, Ms. Aubuchon, who had apparently seen
5 me speaking with the Neugebauers, asked how I knew them, because she had previously met
6 them at a neighboring winery's event. I told her that I was in talks with them about providing
7 consulting services to them. Ms. Aubuchon had no reaction to that and I perceived her to simply
8 be curious, because she had previously met them.

9 21. In late April 2018, while providing services to Fazeli Cellars on site, Mr. Fazeli
10 approached me and asked how it was going trying to find other winemaking clients. I told Mr.
11 Fazeli that I had just completed a project for a winery in San Diego, but that I had no other
12 winemaking clients (other than Fazeli Cellars). This was true, as I was still only in talks with the
13 Neugebauers. I asked Mr. Fazeli, as I had done a few times before, if he knew of anyone
14 needing a consultant. He told me that he did not. During this conversation Mr. Fazeli did not
15 give me any indication at all that he believed that my contract with him prevented me from
16 working for other wineries.

17 22. In late May 2018, I finalized an arrangement with the Neugebauers to provide
18 winemaking and other consulting services to De Portola Estate Winery, which was then still in
19 the planning stage, but in need of winemaking consulting services.

20 23. On or about June 5, 2018, I was at Fazeli Cellars providing services on site. I was
21 not at De Portola Estate Winery, as Ms. Aubuchon has represented to the Court. (Aubuchon
22 Decl., ¶ 2.) There is no De Portola Estate Winery to this day, except on paper. De Portola Estate
23 Winery, LLC has not even begun construction, so there is no way I could have been there. In
24 any event, I did have a conversation with Ms. Aubuchon on June 5, 2018, but it was at Fazeli
25 Cellars. Ms. Aubuchon asked if I was providing winemaking services to De Portola Estate

26 ///

27 ///

1 Winery. I told her that I was. She responded by asking, "Don't you think that is going to upset
2 BJ?" I told her that I could work for whomever I want.

3 24. On June 6, 2018, I received a call from Mr. Fazeli. He was livid at the fact that I
4 was providing services to De Portola Estate Winery. He repeatedly called me a son of a bitch
5 and was yelling at me using the F word. He was totally out of control. I was in my car at the
6 time, trying to drive. I repeatedly asked him to calm down so that we could discuss this matter,
7 but he would not. He kept screaming and cursing at me. I told him that if he would not calm
8 down, that I would hang up. That made him even more irate. He shouted, "Fuck you! Don't
9 you dare hang up on me, you son of a bitch!" I hung up.

10 25. Later that same day, I called Mr. Fazeli back. He had calmed down. He said to
11 me, "You can't work for them." I responded, "You're wrong. We never made that agreement
12 and I specifically told you that I did not agree to that." He replied, "If you do this, you will be
13 sorry!" He was yelling again. I asked him if he was threatening me and he said that he was not.
14 He told me that he was going to sue me and demanded that I return all of the money that he had
15 paid me for my services. I reiterated my statement to him that we never had any agreement
16 prohibiting me from providing services to De Portola Estate Winery or any other winery. He
17 then hung up on me.

18 26. The next day, June 7, 2018, I left with my family on a weeklong vacation to Las
19 Vegas. My children had just gotten out of school and I made a concerted effort to dedicate this
20 time to my family, something that I had never been able to do in the past because of my previous
21 employment. I set an automatic response to my email advising that I would be unavailable that
22 week, and to call me if it was an emergency. I did see the email from Mr. Fazeli come in (B.
23 Fazeli Decl., Exh. 4) but I was not going to let this ruin my family's vacation. Mr. Fazeli did not
24 call me that week, and I chose to wait to deal with him until I returned home on June 14, 2018.

25 27. When I returned home from vacation on June 14, 2018, I received a letter from
26 attorney Richard Rosenstein, a true and complete copy of which is attached as Exhibit G. In that
27 letter, Mr. Rosenstein demanded, among other things, that I cease and desist working for any
28

1 other wineries in the Temecula Valley, in particular De Portola Estate Winery. The letter further
2 stated:

3
4 “If this matter is not cleared by the close of business on June 14, 2018 (5:00 p.m.),
5 you can consider your services terminated based upon the fact that our client will
6 need to replace you regarding such work.”

7 28. I did not respond to Mr. Rosenstein’s letter before 5:00 p.m. on June 14, 2018 and
8 therefore arrangement with Fazeli Cellars was terminated. Accordingly, I never returned to
9 Fazeli Cellars. My attorney responded to Mr. Rosenstein’s letter on my behalf, on June 15,
10 2018. I have had no further contact with Mr. Fazeli or any other representative of Fazeli Cellars
11 since then.

12 29. I have no idea what Mr. Fazeli is talking about when he says in this lawsuit that I
13 am misappropriating trade secrets of Fazeli Cellars. I have no knowledge of any trade secret of
14 Fazeli Cellars. As to the idea that Mr. Fazeli was developing a “unique line of products for
15 Fazeli Cellars, based on [his] Persian heritage and its unique tastes and themes (both in terms of
16 the actual wine and its marketing),” (B. Fazeli Decl., ¶ 4) that is completely false. There is no
17 wine made in Persia and no winemaking techniques unique to Persia. The only thing I am aware
18 of that that is even close to this claim is that Mr. Fazeli told me that he was emotionally moved
19 and inspired by poets of ancient Persia and seasonal events. Therefore, he named some of Fazeli
20 Cellars’ wines, including wines that I had blended, after Persian poets and seasonal events. I
21 received no confidential information from Fazeli Cellars in blending these wines, or any other
22 wines that I blended while providing my services. Mr. Fazeli would either approve of a blend I
23 created or he did not, in which case I had to start over. As to the other “trade secrets” that Fazeli
24 Cellars claims I am misappropriating (See B. Fazeli Decl., ¶ 9):

- 25 a. The types of wine bottled at Fazeli Cellars is not a secret. Nor are the
26 specific mixtures of grapes in those wines; to the contrary, this
27 information is printed on the label of every bottle. Nor are there any
28 secret plans of which I am aware as to Fazeli’s long-term bottling plans

1 (other than the operational suggestions and instructions that I provided to
2 Fazeli Cellars in order to reduce the overproduction of wine that could not
3 be sold and thus, remained in inventory past the time that the wine could
4 be enjoyed).

5 b. As to "treatments" of wine that Plaintiff claims is a "trade secret," that
6 information all comes from me, and belongs to me. Mr. Fazeli
7 specifically brought me in to correct the cellar techniques that were
8 resulting in the contaminated and spoiled wine that Fazeli Cellars was
9 producing. I can assure the Court that I am not "misappropriating" the
10 techniques that were in use at Fazeli Cellars prior to my arrival, because
11 those techniques were producing contaminated and spoiled wine.

12 c. I was not made privy to any secret marketing plans at Fazeli Cellars. I
13 was, from time to time, informed when an invitation or email blast would
14 go out (at the time it was going out), but that is the extent of my
15 knowledge of Fazeli Cellars' marketing efforts.

16 d. I was not made privy to any of Fazeli Cellars' financial information
17 whatsoever, at any time - not projections; not balance sheets; not profit
18 and loss statements - nothing. The only time anyone ever spoke to me
19 about the financial condition of Fazeli Cellars is when the controller
20 approached me, as explained in Paragraph 15 above, to ask if I could cut
21 down on my work and billing to Fazeli Cellars. My impression from that
22 conversation was that Fazeli Cellars was worried about cash flow. That is
23 the only time I received any information at all related to the financial
24 condition of Fazeli Cellars.

25 30. I am indeed providing consulting services to De Portola Estate Winery, LLC, and
26 have been since May 2018. At no time did I ever attempt to conceal this fact from Mr. Fazeli or
27 anyone else. De Portola Estate Winery, LLC has vineyards and is preparing to open the winery

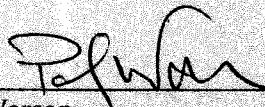
1 for business. I have been instructing them on how to direct their vineyard management. I have
2 also been directing winemaking for them, which, as mentioned in Paragraph 14 above, is
3 currently being done under contract with an existing licensed winery.

4 31. Prior to June 6, 2018, I had a very good relationship with Mr. Fazeli. I have never
5 done anything to undermine his program, and I never would. My business depends on the ability
6 to provide services to different wineries and I would not be in business very long if I were to try
7 to sabotage any of them. There is no conflict in my providing services to different wineries.
8 These wineries hire me because they like the kinds of wine I make. It is my know-how and my
9 palette that are of value in these arrangements; not any "secrets" of the wineries.

10 32. Depriving me of my right to work for De Portola Estate Winery, LLC would
11 cause a financial hardship to me and my family, as I depend on this income as part of the
12 necessary funds I need to support myself, my wife, and our three children. As explained in
13 Paragraph 28 above, Fazeli Cellars terminated my services effective as of 5:00 p.m. on June 14,
14 2018. As stated herein, I never agreed to an exclusive relationship with Fazeli Cellars; I have no
15 "trade secrets" of theirs; and in any event, Mr. Fazeli is not even claiming now that there is a
16 noncompetition agreement in place applicable after the termination of my services to Fazeli
17 Cellars.

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

20
21 Dated: 10-9-18



Paul Warson

COPY

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7
8 Attorneys for Defendant, De Portola Winery, LLC

9 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
10 **COUNTY OF RIVERISE – SOUTHWEST JUSTICE CENTER**

11 **UNLITMITED CIVIL**

12 **FAZELI VINEYARDS, LLC dba FAZELI**
13 **CELLARS, a California limited liability**
14 **company,**

15 **Plaintiffs,**

16 **vs.**

17 **PLANAW, LLC dba REACH WINE**
18 **CONSULTING, a California limited liability**
19 **company; PAUL WARSON, an individual; DE**
20 **PORTOLA ESTATE WINERY, LLC, a**
21 **California limited liability company; and**
22 **DOES 1 through 20, inclusive,**

23 **Defendants.**

CASE NO.: MCC1800856

DECLARATION OF RICK
NEUGEBAUER PRESIDENT OF DE
PORTOLA ESTATE WINERY, LLC IN
OPPOSITION TO FAZELI
VINEYARDS, LLC'S APPLICATION
FOR TEMPORARY RESTRAINING
ORDER

Date: October 11, 2018

Time: 8:30 a.m.

Dept.: S302

Confirmation No.: RES83616

Complaint Filed: July 31, 2018

FAC Filed: August 30, 2018

24 I, RICK NEUGEBAUER, declare:

25 1. I am the president of De Portola Estate Winery, LLC, a defendant in this action. I
26 am over the age of 18 years old. I make this declaration of my own personal knowledge. If
27 called upon to testify, I could and would competently testify as follows.

28 2. In May 2018, we hired Planaw, LLC on behalf of my winery to perform consulting
services. I did not have an exclusivity agreement with Planaw, LLC because there is no need for

1
DECLARATION OF RICK NEUGEBAUER

1 an exclusivity agreement in the wine industry here. Many of the wineries in the Temecula Valley
2 share many things including wine making consultants. I have personal, first hand knowledge of
3 this because I have been involved in the wine industry since 2010. I know that many wine
4 making consultants are shared between various wineries here without any concern for loss of
5 "trade secrets" because I have worked professionally with various wineries in the area.
6

7 3. Wine making is much more of an art than a science. There are no formulas or
8 recipes that always work. Rather, each year, with each vintage, the expert wine maker must
9 evaluate the various characteristics of that season's vintage and make choices based on subjective
10 characteristics to create the preferred wines. The blends and processes that worked one year
11 might be very different the next year due to the characteristics of the next year's vintage.
12

13 4. Wine making is not like making a Big Mac. McDonald's can make the same
14 tasting Big Mac year-after-year no matter where it is purchased. It is impossible for small
15 wineries to make the same tasting wines year after year.

16 5. Because of the fact that wine making is an art and not a science, I would never
17 think of hiring a wine consultant and expect them to duplicate a wine made by another vintner in
18 a prior season. Thus, "trade secrets" in the sense of proprietary blends of wines are not an issue
19 in the wine industry.
20

21 6. When we hired Planaw, LLC we did not ask Mr. Warson if he worked for any
22 other wineries in the area, nor did we care because it generally would not matter. Instead, when
23 we hired Planaw, LLC, I asked Mr. Warson if he was interested in helping me make Spanish
24 varietals using Spanish methods. Mr. Warson said he was interested.

25 7. Mr. Warson has never disclosed to us anything that might be considered a trade
26 secret belonging to Fazeli Vineyards, LLC.
27

28 8. In the months that Mr. Warson has consulted with my winery, I have never asked

1 him to reveal to us, or utilize anything that he learned from Fazeli Vineyards, LLC.

2 9. My understanding is that Fazeli Vineyards markets themselves as a Persian
3 winery. My winery has no interest in duplicating or using any processes to make Persian themed
4 wines.

5 10. My winery focuses on Spanish themed wines using Spanish wine making
6 techniques. My winery focuses on the following varietals: Tempranillo (Red), Mourvedre (Red),
7 Albarino (White), Granasha (Red), and Verdelho (White).

8 11. I have a general knowledge of Fazeli Vineyards, LLC based on reviewing their
9 website and simply being in the local industry. It appears to me that Mr. Fazeli's production and
10 my winery's production have very little cross-over if any.

11 12. If Mr. Warson is restricted from providing his expertise to wineries in the
12 Temecula Valley it will substantially impact the development of my winery as we will have to
13 find another expert wine maker to help us develop Spanish themed wines of the high quality that
14 we are working to create now.

15 I declare under penalty of perjury, under the laws of the State of California, that the
16 foregoing is true and correct and that this declaration was executed on October 10, 2018, at
17 Temecula, California.

18
19
20 
21 Rick Neugebauer
22

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