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CLERK OF THE NAPA SUPERIOR COURT

BY:  DEPUTY

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and Cross-Complainant  
Napa County

IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA  
FOR THE COUNTY OF NAPA

TIMOTHY WHITE, HIDI SOBELMAN

Plaintiff,

v.

NAPA COUNTY,

Defendant,

Case No. 19CV001689

**IP-RGP EFAULT JUDGMENT**

NAPA COUNTY

Cross-Complainant,

v.

TIMOTHY WHITE, HIDI SOBELMAN

Cross-Defendants

It appearing to the Court that Defendants Timothy White and Hidi Sobelman (collectively, "Cross-Defendants"), having their Answer to the First Amended Cross-Complaint stricken by order of the Court pursuant to Code of Civil Procedure section 2023.030(d)(4) for misuse of the discovery process, and

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DocNo. 47011

[ ]

DEFAULT JUDGMENT

, JUN 01 2021

**Napa Superior Court**

1 default of Cross-Defendants having been duly entered; on application of County to the Court, and the  
2 Court having considered the evidence presented therein,

3 IT IS HEREBY ORDERED, ADJUDGED, AND DECREED as follows:

- 4 1. The Court grants Plaintiff Napa County (the "County") the full relief prayed for in the  
5 County's Cross-Complaint, as set forth herein.
- 6 2. Pursuant to Government Code Section 25845(6), Defendants shall pay to the County  
7 \$53,550.68, as an award of reasonable staff time and other costs expended by the County to in  
8 the enforcement and abatement of the nuisances on the Property.
- 9 3. Pursuant to section 1.20.025 of the Napa County Code, Defendants shall pay to the County  
10 \$16,615.00, as an award for all reasonable attorneys' fees incurred by the County in this action.
- 11 4. The total monetary judgment is \$70,165.68.
- 12 5. Defendants, and each of them, are hereby permanently enjoined and ordered to cease and desist  
13 from performing any earthmoving, grading, importation of fill, or other work requiring a  
14 permit pursuant to the Napa County Code and the California Building Code, including  
15 Appendix J, on the Property without having first obtained a permit from the County.
- 16 6. Defendants, and each of them, shall abate the conditions identified on the Property constituting  
17 public nuisances, including, without limitation, the unpermitted grading, earthmoving, and  
18 importation of fill, the unpermitted diversion of stormwater resulting in illicit discharge, the  
19 unpermitted construction of retaining walls, and the unpermitted storage and maintenance of  
20 lumber and building materials not used for construction. Such abatement shall include repair  
21 and stabilization of the hillside to prevent further discharge of debris and materials onto the  
22 public roadway. Defendants shall obtain any and all permits from the County that are required  
23 to abate the nuisances within 30 days from the date the Judgment is entered and shall complete  
24 all work required by the permits within 60 days from the date the Judgment is entered.
- 25 7. Inspection Authority. The County and its officers, agents, or employees, or persons duly  
26 authorized to act on its behalf, may enter the Property for purposes of inspecting the Property  
27 for compliance with this Judgment during normal business hours (8:00 am to 5:00 pm, Monday  
28 through Friday) upon two business days' notice posted at the Property and notifying

Defendants of the date and time of the inspection. The Property shall not be locked and shall be accessible to the County at the date and time set forth in the notice. Defendants need not be present on the Property during the inspection.

8. County Abatement. In the event Defendants do not comply with this Judgment and the nuisance conditions continue to exist on the Property after 60 days from the date the Judgment is entered, the County, or a private contractor employed by the County, is authorized to enter the Property, upon two business days' notice posted at the Property, to remove all violations and perform any work required to restore the Property to a lawful condition under the Napa County Code, including, without limitation, the performance of geotechnical testing and study and the construction of retaining structures to stabilize the hillside. The Napa County Sheriff may send such deputies as the County deems appropriate to protect and supervise the County's officers, agents, employees, contractors, and other persons duly authorized to act on its behalf.

9. Should the County incur any abatement costs of performing the work described above, those costs shall be sent to Defendants by written invoice. If the costs are not paid within 30 days of the mailing of the invoice then the costs may be added to the Judgment as costs of enforcement of the Judgment, pursuant to Code of Civil Procedure section 685.040.

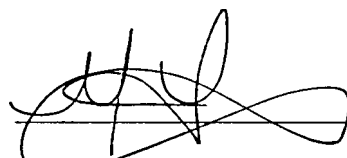
10. The injunctive provisions of this Judgment are applicable to Defendants, and each of them, and to their agents, servants, employees, representatives, partners, successors, and assigns, and to all persons, employees, and other entities who are acting in concert or participating with Defendants, with actual or constructive notice of this Judgment.

11. The Napa County Superior Court shall retain jurisdiction over this matter pursuant to Code of Civil Procedure section 664.6, and enforcement of the judgment may be sought if necessary by any of the Parties by ex parte application for appropriate relief consistent with the terms of this judgment.

IT IS SO ORDERED.

Date:

2/2/2020

  
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Judge of the Superior Court