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7

8 **UNITED STATES DISTRICT COURT**
9 **NORTHERN DISTRICT OF CALIFORNIA**

10
11 CAYMUS VINEYARDS,

12 Plaintiff,

13 v.

14 GAVIN NEWSOM, in his official capacity as
Governor of California; and SONIA Y.
15 ANGELL, in her official capacity as
California State Public Health Officer,
16

17 Defendants.

Case No.

**COMPLAINT FOR DECLARATORY
AND INJUNCTIVE RELIEF**

18
19 Plaintiff Caymus Vineyards (“Caymus”) for its complaint against defendants Governor
20 Gavin Newsom and State Public Health Officer Sonia Y. Angell, alleges as follows:

21 **NATURE OF THE ACTION**

22 1. California has begun to reopen various sectors of its economy following Governor
23 Gavin Newsom’s March 4, 2020 Order in response to the threat of COVID-19. The Governor has
24 adopted a four-stage “resilience roadmap” for reopening “non-essential” businesses throughout the
25 state. Today, California is in “Stage 2,” during which the Governor’s Orders permit a wide array
26 of businesses to reopen, including retailers, restaurants, personal services, and childcare.

27 2. Caymus is one of the most celebrated winemakers in California. A leader in the
28 state’s \$40 billion wine industry, Caymus is world famous for its Special Selection Cabernet

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1 Sauvignon, the only wine ever honored twice as *Wine Spectator* magazine’s “Wine of the Year.”
2 With all of its success, Caymus remains a family-run business.

3 3. Along with nearly every other winery in California, Caymus operates a tasting
4 room and outdoor tasting areas on its premises, at which guests may sample its wines. Tasting
5 rooms are a critical aspect of most winery retail operations, because they are generally the only
6 venue in which a consumer can appraise the wines available for sale.

7 4. California’s recent Orders permit the reopening of the state’s indoor on-premises
8 retail operations, including “Bookstores, Jewelry stores, Toy stores, Clothing and shoe stores,
9 Home and furnishing stores, Sporting goods stores, [and] Florists.” Those Orders also now
10 include places of worship throughout the state, and barber shops and hair salons in many counties.

11 5. These reopening Orders have also broadened the scope of allowed restaurant
12 services: restaurants in most counties may now provide food service not only for curbside pickup,
13 but also for “sit-down, dine-in meals.”

14 6. The treatment of winery retail tasting room operations, however, has been different.
15 The orders permit the reopening of winery tasting rooms if, and only if, they also provide “sit
16 down, dine-in meals.” The Orders provide no explanation for this requirement. Any winery that
17 does not—or, under local ordinances, cannot—provide such meals may not reopen.

18 7. The Governor and the State Public Health Officer have an obligation to promulgate
19 orders that treat like businesses in a like manner.

20 8. As applied to Caymus, and over 400 other wineries with facilities in Napa County,
21 the Governor’s and State Public Health Officer’s Orders fail to do so. Run-of-the-mill retailers
22 like toy stores may reopen. Restaurants offering indoor food service may reopen. Wineries that
23 provide “sit-down, dine-in meals” may reopen. But wineries dedicated to wine tasting, like
24 Caymus, may not.

25 9. Caymus supports the necessary work of public health officials in promoting the
26 health and safety of Californians, and of taking responsible measures to reduce the risk of
27 transmission of the novel coronavirus. The law, though, must be applied fairly and equally to all
28 businesses.

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1 16. Jurisdiction is also appropriate in this Court pursuant to 28 U.S.C. § 1343(a)(3)
2 and (4) to redress the deprivation, under color of any State law, statute, ordinance, regulation,
3 custom or usage, of any right, privilege, or immunity secured by the Constitution, and to secure
4 equitable or other relief under any Act of Congress providing for the protection of civil rights.

5 17. This Court has supplemental jurisdiction over the claims asserted under
6 California’s Constitution, statutes, and regulations pursuant to 28 U.S.C. § 1367(a) because
7 Caymus’ state constitutional claims are so related to its federal claims that they form part of the
8 same case or controversy under Article III of the United States Constitution.

9 18. The Northern District of California is the appropriate venue for this action pursuant
10 to 28 U.S.C. §§ 1391(b)(1) and (2) because it is a District in which Defendants maintain offices,
11 exercise their authority in their official capacities, and have enforced the Orders at issue in this
12 case.

13 19. There is a present and actual controversy between the parties.

14 20. The relief requested is authorized pursuant to 28 U.S.C. §§ 2201 and 2202
15 (declaratory judgment), 28 U.S.C. § 1651(a) (injunctive relief), 42 U.S.C. § 1983, and 42 U.S.C.
16 § 1988 (right to costs, including attorneys’ fees).

17 **INTRADISTRICT ASSIGNMENT**

18 21. The events giving rise to this action occurred in Napa County, California. This
19 action should therefore be assigned to the San Francisco Division or the Oakland Division
20 pursuant to Civil Local Rules 3-2(c) and (d).

21 **SUBSTANTIVE ALLEGATIONS**

22 **The State Public Health Orders**

23 22. On March 19, 2020, Defendant Newsom issued Executive Order N-33-20, directing
24 Californians to stay at home except as required to maintain continuity of operations for certain
25 essential sectors of the economy.

26 23. Defendant Newsom defined California’s reopening plans in guidance titled
27 “California’s Pandemic Roadmap.” The Roadmap identified four stages of reopening, including a

28 ///

1 Stage 2 for the “reopening of lower risk workplaces and other spaces,” and a Stage 3 for
2 “reopening of higher-risk workspaces and other spaces.”

3 24. On May 4, 2020, Defendant Newsom issued Executive Order N-60-20 concerning
4 the second and third stages of the Roadmap. The Order directed the State Public Health Officer to
5 “establish criteria and procedures . . . to determine whether and how particular local jurisdictions
6 may implement public health measures that depart from the statewide directives,” specifically
7 “measures less restrictive than any public health measures implemented on a statewide basis.” It
8 empowered the State Public Health officer to “from time to time and as she deems necessary . . .
9 revise the criteria and procedures set forth” in the Order.

10 25. On May 7, 2020, Defendant Angell issued an Order pursuant to Executive Order
11 N-60-20. The Order states: “[t]he low and stable data reported by some local health officers in
12 their local health jurisdictions, combined with sufficient COVID-19 preparedness, justifies
13 allowance for some variation in the speed with which some local health jurisdictions will be able
14 to move through the phases of Stage 2.”

15 26. Defendant Angell therefore provided that she “will progressively designate sectors,
16 businesses, establishments, or activities that may reopen with certain modifications, based on
17 public health and safety needs.” The Order vowed to “add additional sectors, businesses,
18 establishments, or activities at a pace designed to protect public health and safety.” Approved
19 businesses would be listed at the website <https://covid19.ca.gov/roadmap/>.

20 27. Defendant Angell then issued guidance for reopening sectors of the state’s
21 economy during Stage 2, including “auto dealerships,” “construction,” “retail,” and various other
22 categories.

23 **The Orders for Dine-in Restaurants and In-Store Retail**

24 28. Among the Stage 2 sectors for which Defendant Angell adopted guidance was
25 “dine-in restaurants.” Dated May 12, 2020, this Order provides that restaurants may open for
26 dine-in service in counties that have received state approval. The Order is intended to provide
27 “guidance for dine-in restaurants, brewpubs, craft distilleries, breweries, bars, pubs, and wineries
28 to support a safe, clean environment for workers and customers.” It includes directions on topics

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