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One Lake Luciana lawsuit put on hold

Thursday, November 05, 2009

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By JILLIAN JONES, Register Staff Writer

A federal judge has agreed to table Lake Luciana developers' claims against Napa County until after a similar case in state court is resolved.

U.S. District Court Judge Jeffrey White granted Napa County's motion to stay Lake Luciana developers' lawsuit Wednesday, and in light of the decision, canceled a federal hearing scheduled for Friday.

White's decision comes in response to a request in June by Napa County lawyers to stay or dismiss the federal lawsuit filed by Upvalley developers Robert Radovan and William Criswell, given that the same developers are simultaneously suing the county in state court.

The developers filed both lawsuits after the Napa County Board of Supervisors' decision in June to reject their Lake Luciana championship golf course proposed for Pope Valley. Radovan and Criswell allege they were denied a fair hearing and that the vote was tainted by supervisors' personal bias.

In the federal claim, they are asking for upwards of \$9 million.

Lawyers for Napa County say White's decision is good news.

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Napa County Counsel Robert Westmeyer said that while the county was “cautiously optimistic” that the federal case would be put on hold, “The county is very pleased that the court has now definitively ruled in favor of the county and stayed the federal court proceedings indefinitely while the state proceedings continue.”

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Mike Durkee, a Bay Area lawyer who represents Criswell Radovan, warned that the fight isn't over yet.

"Let me make clear that this order simply holds the federal case in abeyance while the state court lawsuit goes forward," Durkee said in an e-mail. "The federal court did not grant the county its requested dismissal, and so our federal monetary claims are very much alive and remain pending. We will continue to aggressively pursue the state court action, and upon its conclusion, we will return to the federal court to try our monetary claims against the county and certain of its board members."

Durkee added that lawyers for Criswell Radovan are also “looking into other options we may have with the federal court.”

Meanwhile, the supervisors voted late last month to hold a new vote on Lake Luciana, albeit one where it is unlikely that the project will be approved. Supervisor Brad Wagenknecht, one of two accused of bias by the developers, had said he will not participate in that hearing or vote. The hearing is Dec. 1.



14 comment(s)

ambonizay wrote on Nov 5, 2009 4:41 AM:

" It is a bad situation when a supervisor (Brad W) puts his own personal agenda ahead of the voters. Let us use our vote in the next election to oust these self-serving elected officials. "

NapaCitizen wrote on Nov 5, 2009 6:59 AM:

" I believe that Mr Wagenknecht DID represent the people of Napa in his vote. The citizens of Napa County are weary of all this development and paving over of open space and ag lands. We need another Golf Course like we need a hole in the head!

vocal-de-local wrote on Nov 5, 2009 2:00 PM:

" Good idea ProAngwinConTriad.

If lawsuit happy developers want to prove, beyond a doubt, whose interests Wagenknecht and Dillon are representing, let the people vote. We'll see whether Napa County voters support greedy developers who want to make a fast buck, abandoning infrastructure problems on their way out, or whether the people desire a cautious approach to growth, prioritizing preservation of open space and agricultural lands. "

sharonden wrote on Nov 5, 2009 4:22 PM:

" Lake Luciana developers' claims against Napa County give hope that there is some justice against those who take their powers and destroy opportunities/economies.

How much money has been lost to Napa County because of the Sups vote against the project? \$\$\$ Why is that okay?

Developers invest in ideas and create realities. Pope Valley is ideal for and needs development which Lake Luciana would bring.

Sups need to stop earmarking Napa as "unfriendly" to developers and visitors! There are other places to go. Sups damages are far reaching. "

So It Goes wrote on Nov 5, 2009 5:19 PM:

" Regarding:

" Lake Luciana developers' claims against Napa County give hope... "

I'm sure suing the Napa community because these developers didn't get their project approved must give someone "hope."

But I don't think it's our community; developers most likely.

Some people seem to want to put a positive spin on the tactics of these money hungry developers.

Pure fantasy on their parts.

Pour as much perfume on this pile of doggy-doo as you want, but it still stinks to high heaven!

And if you must consider our community "unfriendly" to these big developers, so be it. I consider this wise decision making by some of our supervisors.

As was stated,

"There are other places to go"

So GO!

Take all your fantasy spin and marketing and over-develop someone else's community. See how "happy" it makes them. "

nhs67rules wrote on Nov 5, 2009 5:33 PM:

" Once again, where can I donate to Mr. Wagenknecht's next campaign? Brad, keep up the great work and please consider running for higher office. There is a major shortage of honesty and integrity at the state and federal levels and we need more people like you in government. Lots more. "

vocal-de-local wrote on Nov 5, 2009 5:41 PM:

" sharonden, in response to your comment "and create realities": Whose reality? A fantasy world of green carpet laid out for a bunch of rich dudes?

My reality is the one that supports what already exists. Let nature be. Leave it alone. Quit destroying every square foot of an ecosystem designed for wildlife occupation and survival.

Also know that this type of development could become another Lake County Hidden Valley if the developers ever find that rich people are not particularly interested in such a rural, miserably hot location. If it fails, are the developers going to throw yet another lawsuit at the County, arguing that "the County approved development at one point. Development is development, even if it's cheap development".

Trust me, once a project is approved, it opens the doors to all other types of development including "affordable" housing for people employed at the gold course.

I do not think that this development stands a chance of attracting the "well to do" any more than Hidden Valley Lake does. "

ambonizay wrote on Nov 5, 2009 6:00 PM:

" Brad W. must resign. He puts personal interests of greed as evidenced in his violation of the Brown Act by meeting in secrecy to sway votes. "

gaslight wrote on Nov 5, 2009 7:57 PM:

" vocal-de-local: Are you addressing developers when you say, "Quit destroying every square foot of an ecosystem designed for wildlife occupation and survival"? Or are you addressing the wine industry, which has destroyed lush forests, natural habitat, open space and wildlife corridors, caused erosion, compromised waterways, depleted aquifers, and contaminated the soil and air with pesticides and other pollutants in the process of planting and maintaining thousands of acres of vineyards? "

vocal-de-local wrote on Nov 5, 2009 8:01 PM:

" ambonizay, you people will lose ALL credibility if you're wrong, which you probably are. I do see through your strategy, though. Flood the blogs with unproven accusations and maybe

some of the people will believe it. "

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