

For Immediate Release

March 27, 2018

Contact

Nina Erlich-Williams for Yes on C

510-336-9566, C: 415-577-1153

nina@publicgoodpr.com

Napa County “No on C” Campaign Sued Over Ballot Argument Mistruths

Lawsuit argues opponents’ argument goes beyond advocacy, deliberately misleading voters, and urges court to strike controversial statements from voter pamphlet

Napa, Calif. –Napa County resident and voter Yeoryios C. Apallas filed a petition with the Napa County Superior Court late on Monday, March 26, aimed at striking misleading statements from the ballot argument against Measure C, which will appear on the June 2018 ballot. All Napa County voters will have the chance to weigh in on the measure, also known as the Watershed and Oak Woodland Protection Initiative, which is designed to limit the removal of oak trees and to protect water quality and water supplies in Napa County.

Napa County Registrar of Voters John Tuteur is named as the respondent in the lawsuit, with the five signers of the ballot argument in question listed as Real Parties in Interest. Belia Ramos, Manuel Rios, David R. Whitmer, Jeri Hansen-Gill and Phillip Blake signed the ballot argument against Measure C, which includes at least four misleading and untrue statements.

“I filed this lawsuit because, in my opinion, this ballot argument clearly crossed a line from persuasion into blatantly misleading Napa County voters,” said petitioner Yeoryios C. Apallas, who volunteers with the Yes on C campaign and is the proprietor of a boutique Napa Valley winery. “It’s one thing for Napa County residents to have an honest difference of opinion, but I could not sit by while opponents deliberately misstated the facts to confuse voters into rejecting this important measure.”

Mr. Apallas serves as a board member of the Napa Valley Farm Bureau and is a member of the Napa Grape Growers Association. He is one of many high-profile grape growers and vintners, including Warren Winiarski, Andy Beckstoffer, Robin Lail, Beth Novak Milliken and Randy Dunn who support the Yes on Measure C campaign.

“Lying to the voters is not protected by free speech in the context of a ballot argument,” explained attorney Robert “Perl” Perlmutter with San Francisco-based Shute, Mihaly & Weinberger, LLP, who is representing Mr. Apallas in this matter. Mr. Perlmutter drafted the text for Measure C. Previously, he drafted the text for Napa County’s Measure J and successfully defended that measure all the way up to the California Supreme Court.

The petition filed with the court yesterday argues that the No on C ballot argument includes a number of misleading statements, four of which must be corrected before the voter pamphlet is printed and distributed. Specifically, the lawsuit indicates that the ballot argument that will go before voters should accurately reflect that:

- Future farming will be allowed to continue, albeit with some restrictions, in Napa County's Agricultural Watershed zoning district under Measure C.
- The General Plan's existing land use restrictions and minimum parcel sizes for the Agricultural Watershed zoning district will remain fundamentally unchanged under Measure C.
- Homeowners within the Agricultural Watershed zoning district will continue to be allowed to make changes, including additions, to existing homes if the voters adopt Measure C.
- Different elected officials in Napa County have differed in their opinions of the merit of Measure C; there is no united opposition to the measure at any level of local government.

The lawsuit asks the court for a speedy resolution of this matter so that voters will not be presented with misleading information regarding the impacts of Measure C.

For a copy of the petition filed with the court, and to arrange interviews with Mr. Apallas, Mr. Perlmutter, and proponents of Measure C, contact Nina Erlich-Williams at nina@publicgoodpr.com.

###