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Temporary injunction issued against wedding noise at Moraga Hacienda de Las Flores

By Sora O'Doherty

The request for a temporary injunction to Contra Costa Superior Court by a group of Moraga neighbors of Hacienda de Las Flores was granted in part and denied in part by the court on May 23. Pending the issuance of a \$10,000 bond, Judge Charles Treat said he would enjoin the use of microphones outside the Hacienda building, but denied the plaintiffs' request to have outdoor speakers removed. The court further denied the request to contain amplified sound indoors, having found it to be not feasible. The court also denied plaintiffs' request for a prohibition on hard alcoholic drinks.

The temporary injunction will be directed at Wedgewood Weddings only, as the court saw no need to enjoin the Town of Moraga. A preliminary injunction was also approved prohibiting Wedgewood from erecting or maintaining a tent or other semi-permanent structure in the parkland outside the boundaries of Wedgewood's exclusive use lease.

The judge based the issuance of the temporary injunction on his finding that the plaintiffs showed "some modest possibility of prevailing on their claim that there is a public nuisance." The judge also speculated that the plaintiffs might have had a stronger case in 2022, but that "whatever possible noise or unruly party violations have significantly diminished as of the later half of 2023."

Plaintiffs in the case, a group of residents whose homes adjoin the Hacienda property, have requested a five-day jury trial on their complaint. A case management conference has been scheduled for June 7, 2024, and a hearing on demurrer is scheduled for Sept. 12. A demurrer is a legal action which says that even if a plaintiff could prove everything in the complaint, there are still no grounds for the relief sought.

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