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Attorneys for Plaintiff  
CITY OF FORT BRAGG

SUPERIOR COURT OF THE STATE OF CALIFORNIA  
COUNTY OF MENDOCINO

CITY OF FORT BRAGG,  
  
Plaintiff,  
  
v.  
MENDOCINO RAILWAY AND  
DOES 1–10, inclusive  
  
Defendants.

Case No. 21CV00850

**JOINT EX PARTE APPLICATION FOR  
ORDER ON JOINT STIPULATION TO  
FURTHER STAY PROCEEDINGS AND  
CONTINUE TRIAL DATE; [PROPOSED]  
ORDER**

CALIFORNIA COASTAL  
COMMISSION,

**JUDGE:** Hon. Clayton Brennan  
**DEPT.:** Ten Mile

Intervenor,

Action Filed: October 28, 2021

v.

Trial Date: September 9, 2025

MENDOCINO RAILWAY,  
Defendant.

DATE: July 21, 2025  
TIME: ~~TBD~~ 1:15 P.M.  
DEPT: TEN MILE

**TO THE COURT, ALL PARTIES AND THEIR COUNSEL:**

**PLEASE TAKE NOTICE THAT** on **July 21, 2025** in **Department TEN MILE** of the Superior Court of the State of California for the County of Mendocino, located at 700 South Franklin Street, Fort Bragg, California 95437-5464, pursuant to California Rules of Court, Rule 3.1200 *et seq.* and Local Rule 1.13, Plaintiff City of Fort Bragg, Plaintiff-Intervenor California Coastal Commission, and Defendant Mendocino Railway jointly will apply *ex parte* for entry of the following proposed orders:

1 (1) A 90-day stay of the proceedings in the above-captioned matter, and

2 (2) A continuance of the trial to March 9, 2026, or such date thereafter as is convenient for the  
3 Court.

4 This ex parte application is based on the Joint Stipulation of the parties, set forth below, the  
5 accompanying memorandum of points and authorities in support hereof; the declaration of Krista  
6 MacNevin Jee in support hereof and attached hereto, the parties' oral arguments, if any, at any *ex parte*  
7 hearing held by the Court on the matter; and all other pleadings and papers on file in this action.

8 Dated: July 17, 2025

JONES MAYER

10 By:



11 KRISTA MACNEVIN JEE  
12 Attorneys for Plaintiff,  
13 CITY OF FORT BRAGG  
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2 **JOINT STIPULATION**

3 WHEREAS, on December 11, 2024, the Court granted Plaintiff City of Fort Bragg and Defendant  
4 Mendocino Railway's joint ex parte application and entered an order for (1) a 90-day stay from the date  
5 of the Court's order, and (2) a continuance of trial to September 9, 2025, in order to allow all parties the  
6 opportunity to pursue settlement discussions that could dispose entirely of the action without incurring  
7 significant time and expense satisfying impending litigation obligations;

8 WHEREAS, on April 1, 2025, the Court granted the joint application of all parties in the above-  
9 captioned and entered an order for (1) a further stay of the proceedings through July 1, 2025, and (2) a  
10 continuance of trial to December 9, 2025, which made the filing and personal service of motions for  
11 summary judgment due in about five weeks from now, on August 26, 2025;

12 WHEREAS, since that April 1, 2025 order, the parties, including Intervenor California Coastal  
13 Commission, have engaged in good-faith and meaningful discussions to settle this matter, but have not  
14 yet concluded a settlement;

15 WHEREAS, the City and Mendocino Railway, with informal input and consultation with Coastal  
16 Commission staff members and legal counsel, have engaged in further, numerous extensive planning  
17 meetings relating to property owned by Mendocino Railway within the City and within the Coastal Zone,  
18 which is the former Georgia-Pacific Mill Site (the "Mill Site") in furtherance of these settlement  
19 discussions;

20 WHEREAS, further, detailed planning meetings were held between Mendocino Railway and the  
21 City in March 2025, as well as the following activities:

- 22 • In April, the City's planning team completed work on the Development Strategy Report based on  
23 the City Council's direction and input from the public at its Public Workshop on February 25,  
24 2025;
- 25 • The City engaged in a series of technical, planning meetings and two Council Ad Hoc meetings  
26 on April 11, 2025 and April 29, 2025 to discuss the Development Strategy and the ongoing  
27 settlement process;
- 28

- In May 2025, the City finalized the Development Strategy Report, based in part on meetings with and input from Mendocino Railway;
- The City’s planning team presented the Development Strategy Report to the Council on June 9, 2025, and following extended public comment, the City Council adopted the Report (a true and correct copy of which is attached hereto and incorporated herein by reference as Exhibit A), and directed the City’s planning team to proceed with a Memorandum of Understanding process which is intended to allow for formalizing the parties’ agreements and a potential framework for settlement;
- On June 19, 2025 and June 24, 2025, additional City Council Ad Hoc Committee meetings were held relating to the settlement status and details;
- On June 24, 2025, the City’s planning team conducted a meeting with Commission staff and legal counsel relating to more specifics on the proposed development and procedures, including discussion of particular, potential procedural and/or statutory mechanisms for use in potential settlement;
- On June 26, 2025, the City held a Public Workshop, with Mendocino Railway’s participation, to explain potential details of settlement and procedures, and obtain community input;

WHEREAS, the City’s Planning Team has continued to include Walter Kieser, Senior Principal with Economic & Planning Systems, Inc.; former Community Development Director Marie Jones and former City Manager Linda Ruffing (“City’s Planning Team”), and Mendocino Railway has continued to be represented by its principals and Burton Miller, FAIA, Principal/Senior Vice President of Hornberger + Worstell;

WHEREAS, continued discussions are necessary between the parties in order to develop additional details on potential procedural mechanisms for development within the regulatory authority claimed by the City and the Coastal Commission, and to formalize potential settlement terms;

WHEREAS, the most recent stay expired on July 1, 2025;

WHEREAS, pre-trial deadlines are currently fast-approaching, including the deadline for filing and serving motions for summary judgment, as noted above; and

1 WHEREAS Plaintiff City, Intervenor California Coastal Commission, and Defendant Mendocino  
2 Railway all agree that further settlement discussions over the coming months would be fruitful and could  
3 dispose entirely of this action, or significantly narrow the issues, but do not desire to simultaneously  
4 expend significant resources satisfying impending litigation obligations, including discovery, pre-trial  
5 motion practice, including dispositive motions, and preparation for trial;

6 WHEREAS, the parties further agree that sufficient progress has been made to warrant a further,  
7 relatively brief stay of the action and related trial continuance.

8 THEREFORE, the parties stipulate to a further stay of all litigation obligations for 90 days from  
9 the date of the Court's order on this stipulation. In accordance with the stay, and in order to allow further  
10 settlement discussions among all parties, the parties also stipulate to a continuance of the current trial date  
11 of December 9, 2025 for a corresponding period of time, to March 9, 2026, or to such later date as the  
12 Court may set, with all related litigation deadlines tethered to the new trial date (expert and nonexpert  
13 discovery, pretrial motions and conferences, etc.) and are accordingly re-set.

14 IT IS SO STIPULATED.

15 DATED: July 17, 2025

PIERSON FERDINAND LLP

17 By: /s/ Paul J. Beard II  
18 PAUL J. BEARD II  
19 Attorneys for Defendant,  
MENDOCINO RAILWAY

20 Dated: July 17, 2025

JONES MAYER

22 By: /s/ Krista MacNevin Jee  
23 KRISTA MACNEVIN JEE  
Attorneys for Plaintiff,  
CITY OF FORT BRAGG

24 Dated: July 17, 2025

26 By: /s/ Patrick Tuck  
27 PATRICK TUCK  
Deputy Attorney General  
Attorneys for Intervenor,  
28 CALIFORNIA COASTAL COMMISSION

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This ex parte application is filed on behalf of all parties to this case (Plaintiff, Plaintiff-Intervenor, and Defendant) and requests that the Court enter the attached proposed order further staying proceedings in this matter and continuing the trial date currently set in this matter, based on the joint stipulation and agreement of all parties. The factual basis for this application is as stated in the Joint Stipulation of the parties, attached hereto, namely that settlement discussions have continued in detail and in good faith between the parties, and additional time is needed for the parties to attempt to perfect details on proposed development, procedural mechanisms for potential development approval, and formulate a potential written settlement or other agreement or memorandum memorializing any details agreed to between the parties relating to potential settlement or narrowing of issues in this action or related thereto. *See also*, Declaration of Krista MacNevin Jee, attached hereto, at ¶ 4.

Dated: July 17, 2025

By: /s/ Krista MacNevin Jee  
KRISTA MACNEVIN JEE  
Attorneys for Plaintiff,  
CITY OF FORT BRAGG

**DECLARATION OF KRISTA MACNEVIN JEE**

I, KRISTA MACNEVIN JEE, ESQ., HEREBY DECLARE AS FOLLOWS:

1. I am an attorney at law authorized to practice law before all of the courts of California and a partner with the law firm of Jones Mayer, which is the City Attorney for the City of Fort Bragg ("City") and is counsel of record for the City in the above-captioned matter. I am familiar with all of the files, pleadings and records in the above-captioned matter, and have been primary counsel in this matter at all relevant times.

2. I have knowledge of the facts set forth herein, except where indicated that I am informed, and on such information believe such facts to be true. If called upon, I could and would testify competently to the information contained herein.

3. All parties have agreed to entry of the proposed order attached hereto and all parties' counsel are available for any ex parte hearing on this application that the Court will conduct on July 21, 2025, and intend to appear remotely at any such ex parte hearing on that date in support of the ex parte application.

4. There is a present need for this Court's attention to this matter by ex parte application, as the prior stay granted by the Court has already expired on July 1, 2025. Due to the public meeting requirements of the Brown Act, the City Council and Commission, respectively, of Plaintiffs City of Fort Bragg and California Coastal Commission were required to consider a further stay, continuance of trial and continuance of settlement discussions between the parties at their regularly-noticed and scheduled meetings on July 14 and July 9, 2025, respectively. The parties currently face impending deadlines relating to outstanding discovery and upcoming pre-trial and motion deadlines, including deadlines for filing and service of motions for summary judgment upcoming on August 26, 2025. In order to have sufficient certainty in proceeding, this Court's ex parte consideration of the joint request by the parties for a further stay and continuance of trial is necessary, justified and appropriate under the circumstances. In particular, the parties have engaged in good faith and detailed further settlement discussions, as detailed in the joint stipulation attached hereto, and further time is needed in order to formalize and finalize potential details, including complicated and interrelated potential development, and regulatory and procedural mechanisms for potential settlement. The parties continue to regularly

1 assess the viability of potential settlement options as detailed discussions have continually occurred, so  
2 that the parties have assured that progress toward actual resolution of issues is being made. Thus,  
3 requests for stays and continuances to the Court have each been brief in order to ensure such ongoing  
4 progress.

5 I hereby declare under penalty of perjury under the laws of the State of California that the  
6 foregoing is true and correct. Executed this 17th day of July, 2025.

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8 /s/ Krista MacNevin Jee  
9 Krista MacNevin Jee  
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1 **[PROPOSED] ORDER**

2 In light of the parties' stipulation, and good cause appearing therefor, the Court orders as follows:

3 (1) the above-captioned action and all litigation obligations shall be stayed 90 days from the date of this  
4 order, until 10/20/2025; and (2) the trial date shall be continued to 6/24/2026 at 9:00a.m.,  
5 with all related litigation deadlines tethered to the new trial date and are accordingly re-set.

6 IT IS SO ORDERED.

7  
8 DATED: 7/21/2025  
9



The Honorable Clayton Brennan  
JUDGE OF THE SUPERIOR COURT

7/21/2025 1:03:56 PM

1 **PROOF OF SERVICE**

2 I am employed in the County of Orange, State of California. I am over the age of 18 and not a  
3 party to the within action. My business address is 3777 North Harbor Blvd. Fullerton, CA 92835.

4 On July 17, 2025 I served the foregoing document(s) described as **JOINT EX PARTE**  
5 **APPLICATION FOR ORDER ON JOINT STIPULATION TO FURTHER STAY**  
6 **PROCEEDINGS AND CONTINUE TRIAL DATE; [PROPOSED] ORDER**, on each interested party  
7 **listed below**/on the attached service list.

8 Paul J. Beard, II  
9 FisherBroyles LLP  
10 Email: paul.beard@fisherbroyles.com


11 Glen Lawrence Block  
12 California Eminent Domain Law Group, APC,  
13 Email: glb@caledlaw.com

14 Patrick Tuck  
15 Office of the Attorney General of California  
16 Patrick.Tuck@doj.ca.gov

17 Counsel for Intervenor California Coastal Commission

18 XX (VIA ELECTRONIC SERVICE) By electronically transmitting the document(s)  
19 listed above to the e-mail address(es) of the person(s) set forth above. The  
20 transmission was reported as complete and without error. See Rules of Court,  
21 Rule 2.251.

22 I declare under penalty of perjury under the laws of the State of California that the  
23 foregoing is true and correct. Executed on July 17, 2025 at Citrus Heights, California.

24   
25 Wendy A. Gardea  
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