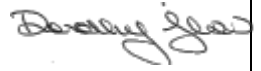


ELECTRONICALLY FILED  
9/16/2022 4:16 PM  
Superior Court of California  
County of Mendocino

1 ROB BONTA  
Attorney General of California  
2 DAVID G. ALDERSON  
Supervising Deputy Attorney General  
3 PATRICK TUCK  
Deputy Attorney General  
4 State Bar No. 305718  
1515 Clay Street, 20th Floor  
5 P.O. Box 70550  
Oakland, CA 94612-0550  
6 Telephone: (510) 879-1006  
7 Fax: (510) 622-2270  
E-mail: Patrick.Tuck@doj.ca.gov  
8 *Attorneys for Intervenor  
California Coastal Commission*

By:  
Dorothy Jess  
Deputy Clerk



**NO FEE REQUIRED PURSUANT  
TO GOVERNMENT CODE  
SECTION 6103**

9 SUPERIOR COURT OF THE STATE OF CALIFORNIA

10 COUNTY OF MENDOCINO

11 TEN MILE BRANCH

13 **CITY OF FORT BRAGG,**  
14  
15 Plaintiff,  
16  
17 **MENDOCINO RAILWAY,**  
18 Defendant.  
19  
20

Case No. 21CV00850  
**OPPOSITION OF CALIFORNIA  
COASTAL COMMISSION TO  
MENDOCINO RAILWAY'S NOTICE OF  
RELATED CASE**  
Date: September 30, 2022  
Time: 9:30 a.m.  
Dept: E  
Judge: The Honorable Clayton L  
Brennan  
Trial Date:  
Action Filed: October 28, 2021

21 The California Coastal Commission ("Coastal Commission") joins John Meyer and the  
22 City of Fort Bragg ("City") in its opposition to Mendocino Railway's ("Railway") Notice of  
23 Related Case. The Coastal Commission further joins the City in its opposition to Plaintiff's  
24 request that this matter, *City of Fort Bragg v. Mendocino Railway* (Case No. 21CV00850)  
25 ("*Fort Bragg* matter"), pending in Mendocino County Superior Court's Ten Mile Branch, be  
26 deemed related and reassigned to Judge Jeanine B. Nadel.

27 The Coastal Commission filed a Motion to Intervene in this *Fort Bragg* matter on  
28

1 September 8, 2022, and that motion is set to be heard by that Court on October 6, 2022. In its  
2 proposed Complaint in Intervention, the Coastal Commission seeks (1) a declaration that the  
3 California Coastal Act (“Coastal Act”) and the City’s Local Coastal Program (LCP) apply to the  
4 Railway’s development activities in the coastal zone; (2) a declaration that application of the  
5 Coastal Act and the City’s LCP to the Railway’s activities is not preempted under state or  
6 federal law; (3) civil penalties against the Railway for violating the Coastal Act; (4) injunctive  
7 relief requiring the Railway to comply with the permitting requirements of the Coastal Act and  
8 the City’s LCP; and (5) exemplary damages against the Railway for violating the Coastal Act.  
9 Thus, the Coastal Commission has a direct interest in the pending Notice of Related Case and  
10 requested reassignment, and contends that the issues presented and relief sought in this *Fort*  
11 *Bragg* matter do not sufficiently align with the *Mendocino Railway v. John Meyer, et al.* matter  
12 (Case No. SCUK-CVED-2020-74939) so as to warrant relation or reassignment.

13 For all of the reasons set forth above and in the City’s Opposition to the Railway’s  
14 Notice of Related Case, filed on June 27, 2022, and as may be argued by Defendant Meyer and  
15 the City at the hearing on this Notice of Related Case, the Coastal Commission requests that  
16 Plaintiff’s Notice be denied in its entirety and this *Fort Bragg* matter not be deemed related to  
17 the *Meyer* eminent domain matter nor reassigned to the court hearing the *Meyer* matter.

18 Dated: September 16, 2022

Respectfully submitted,

19 ROB BONTA  
20 Attorney General of California  
21 DAVID G. ALDERSON  
22 Supervising Deputy Attorney General



23 PATRICK TUCK  
24 Deputy Attorney General  
25 *Attorneys for Intervenor*  
*California Coastal Commission*

26 OK2022303294  
27 FB v. MR - Opposition to Notice of Related Case.docx (Email.docx)

**DECLARATION OF SERVICE ELECTRONIC SERVICE VIA  
ONE LEGAL**

Case Name: *City of Fort Bragg v. Mendocino Railway*  
No.: **21CV00850**

I declare:

I am employed in the Office of the Attorney General, which is the office of a member of the California State Bar, at which member's direction this service is made. I am 18 years of age or older and not a party to this matter

On September 16, 2022, I electronically served the attached **Opposition to Notice of Related Case** by ELECTRONIC TRANSMISSION—ONE LEGAL, addressed as follows:

KRISTA MACNEVIN JEE  
JONES MAYER  
[kmj@jones-mayer.com](mailto:kmj@jones-mayer.com)  
*Attorneys for Plaintiff City of Fort Bragg*

PAUL J. BEARD II  
FISHERBROYLES, LLP  
[paul.beard@fisherbroyles.com](mailto:paul.beard@fisherbroyles.com)  
*Attorneys for Defendant Mendocino Railway*

When electronically filing the above-entitled document with One Legal, I simultaneously opted for electronic service of the same on Ms. Jee and Mr. Beard at the email above.

I declare under penalty of perjury under the laws of the State of California and the United States of America the foregoing is true and correct and that this declaration was executed on September 16, 2022, at Oakland, California.

Najaree Hayfron  
\_\_\_\_\_  
Declarant



\_\_\_\_\_  
Signature