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7 Attorneys for Plaintiffs,  
 8 SIERRA NORTHERN RAILWAY and MENDOCINO RAILWAY

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 10 **UNITED STATES DISTRICT COURT**  
 11 **NORTHERN DISTRICT OF CALIFORNIA**

12 SIERRA NORTHERN RAILWAY, a  
 California corporation, and MENDOCINO  
 13 RAILWAY, a California corporation,

14 Plaintiffs,

15 vs.

16 CITY OF FORT BRAGG, and DOES 1  
 17 through 25, inclusive,

18 Defendants.  
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Case No.: 24-cv-04810-JST

**STIPULATION AND ~~PROPOSED~~ ORDER  
 TO EXTEND DEFENDANT'S DEADLINE  
 TO FILE A RESPONSIVE PLEADING**

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1 IT IS HEREBY STIPULATED AND AGREED by and between Plaintiffs SIERRA  
2 NORTHERN RAILWAY and MENDOCINO RAILWAY, on the one hand, and Defendant CITY  
3 OF FORT BRAGG on the other, by and through their undersigned counsel, as follows:

4 **WHEREAS** Defendant’s current deadline to file a responsive pleading is September 30,  
5 2024, and Defendant’s counsel initially requested an extension of the deadline to file a responsive  
6 pleading, to October 28, 2024.

7 **WHEREAS** on August 28, 2024, Plaintiffs issued a 60-day notice of intent to sue pursuant  
8 to 42 U.S.C. § 9659 of the Comprehensive Environmental Response, Compensation, and Liability  
9 Act (“CERCLA”) and 40 C.F.R. §374.3.

10 **WHEREAS** Plaintiffs intend to amend their current complaint to assert claims under  
11 CERCLA after the 60-day notice deadline expires, by no later than November 1, 2024.

12 **WHEREAS** the interests of judicial economy and efficiency support having Defendant file a  
13 a response to only that forthcoming amended pleading.

14 **WHEREAS** Plaintiffs and Defendant are agreeable to Defendant filing a single responsive  
15 pleading to Plaintiffs’ anticipated amended pleading, with such responsive pleading to be filed within  
16 21 days after service on Defendant of the anticipated amended pleading.

17 **NOW, THEREFORE**, pursuant to the foregoing, Plaintiffs and Defendants, by and through  
18 their counsel, stipulate and agree that Defendant’s deadline for filing a responsive pleading is  
19 extended to 21 days after service of the anticipated amended pleading. Defendant reserves all rights  
20 relating to objections or challenges to Plaintiffs’ claims, including but not limited to sufficiency or  
21 jurisdiction. Nothing in this Stipulation, nor an order entered thereon, shall be considered a waiver of  
22 Defendants’ ability to challenge Plaintiffs’ claims and/or to the requested relief, including as to the  
23 Court’s jurisdiction to consider such claims and/or relief.

24 SO STIPULATED.  
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1 Dated: September 30, 2024

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By: /s/ David A. Diepenbrock  
David A. Diepenbrock  
Attorneys for Plaintiff  
Sierra Northern Railway

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7 DATED: September 30, 2024

JONES MAYER

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By: /s/ Krista MacNevin Jee as authorized on 9/30/24  
Krista MacNevin Jee  
Attorneys for Defendant  
CITY OF FORT BRAGG

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13 **IT IS SO ORDERED.**

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15 Date: October 1, 2024



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HON. JON S. TIGAR  
JUDGE OF THE NORTHERN DISTRICT OF THE  
UNITED STATES DISTRICT COURT

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