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ELECTRONICALLY FILED  
9/26/2022 8:00 AM  
Superior Court of California  
County of Mendocino

By:   
Dorothy Jess  
Deputy Clerk

8 SUPERIOR COURT OF THE STATE OF CALIFORNIA  
9 COUNTY OF MENDOCINO

11 CITY OF FORT BRAGG, a  
12 California municipal corporation,

13 Plaintiff,

14 v.

15 MENDOCINO RAILWAY AND  
DOES 1-10, inclusive

16 Defendants.

Case No. 21CV00850

*Assigned for all purposes: The Honorable  
Clayton L. Brennan*

**CITY'S NON-OPPOSITION TO  
CALIFORNIA COASTAL  
COMMISSION'S MOTION TO  
INTERVENE**

**DATE:** October 6, 2022  
**TIME:** 2:00 p.m.  
**DEPT.:** Ten Mile

18 NOTICE TO THE COURT, ALL PARTIES, AND THEIR ATTORNEYS OF RECORD:

19 Plaintiff, City of Fort Bragg, hereby informs the Court that it does not oppose the  
20 California Coastal Commission's Motion to Intervene, and supports the motion. The  
21 Commission's intervention will further the City's action, in that it seeks declaratory relief  
22 enforcing against Defendant's "continuing violations of the laws and public policy of the  
23 State of California and/or local codes, regulations and/or requirements applicable to such  
24 operations and activities . . . in a manner in violation of law," and Defendant's "use of and  
25 activities in connection with the Skunk Train and the condition of real property relating  
26 thereto . . . in violation of law," which "constitute a public nuisance." (Complaint, at ¶  
27 13.) Intervention will support alleged violations of the "City's Land Use and  
28 Development Codes," which include the City's Coastal Land Use and Development

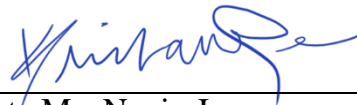
CITY'S NON-OPPOSITION TO CALIFORNIA COASTAL COMMISSION'S MOTION TO INTERVENE

1 Code,” as well as “the City’s ordinances, regulations, codes, local jurisdiction, local  
2 control and local police power and other City authority,” as well as “local  
3 control/regulation over the property” of Defendant and the requirement that it “comply  
4 with the City Land Use and Development Codes, and/or other valid exercise of City  
5 governing authority” (Complaint, at ¶¶ 15-16), including that exercised by or on behalf of  
6 the City relating to the City’s Local Coastal Program, the Fort Bragg Coastal General  
7 Plan, and pursuant to California Coastal Act (Cal. Pub. Res. Code Sections 30000, et  
8 seq.), over which the City and the Coastal Commission have joint, concurrent and/or  
9 directly related authority and jurisdiction.

10  
11 Dated: September 23, 2022

JONES MAYER

12  
13 By:



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15 Krista MacNevin Jee  
16 Attorneys for Plaintiff  
17 CITY OF FORT BRAGG  
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3 **PROOF OF SERVICE**

4 **STATE OF CALIFORNIA** )

5 **COUNTY OF ORANGE** ) ss.

6 I am employed in the County of Orange, State of California. I am over the age of  
7 18 and not a party to the within action. My business address is 3777 North Harbor Blvd.  
8 Fullerton, Ca 92835. On September 23, 2022, I served the foregoing document(s)  
described as **CITY'S NON-OPPOSITION TO CALIFORNIA COASTAL  
COMMISSION'S MOTION TO INTERVENE**, on each interested party **listed  
below**/on the attached service list.

9 Paul J. Beard, II  
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16      (VIA MAIL) I placed the envelope for collection and mailing, following the  
17 ordinary business practices.

18 I am readily familiar with Jones & Mayer's practice for collection and processing  
19 of correspondence for mailing with the United States Postal Service. Under that  
20 practice, it would be deposited with the United States Postal Service on that same  
21 day with postage thereon fully prepaid at La Habra, California, in the ordinary  
22 course of business. I am aware that on motion of the parties served, service is  
presumed invalid if postal cancellation date or postage meter date is more than  
one day after date of deposit for mailing affidavit.

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

27 I declare under penalty of perjury under the laws of the State of California that the  
28 foregoing is true and correct. Executed on September 23, 2022 at Fullerton, California.

29   
30 \_\_\_\_\_  
31 WENDY A. GARDEA