

FILED

04/01/2025

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KIM TURNER, CLERK OF THE COURT
SUPERIOR COURT OF CALIFORNIA,
COUNTY OF MENDOCINO

Jess, Dorothy
DEPUTY CLERK

8 Attorneys for Plaintiff
9 CITY OF FORT BRAGG

10
11 SUPERIOR COURT OF THE STATE OF CALIFORNIA
12 COUNTY OF MENDOCINO

13 CITY OF FORT BRAGG,
14 Plaintiff,
15 v.
16 MENDOCINO RAILWAY AND
17 DOES 1–10, inclusive
18 Defendants.

Case No. 21CV00850

**JOINT STIPULATION AND [~~PROPOSED~~]
ORDER CONTINUING TRIAL DATE AND
STAYING PROCEEDINGS**

19 CALIFORNIA COASTAL
20 COMMISSION,
21 Intervenor,
22 v.
23 MENDOCINO RAILWAY,
24 Defendant.

JUDGE: Hon. Clayton Brennan
DEPT.: Ten Mile

Action Filed: October 28, 2021

Trial Date: September 9, 2025

1 **JOINT STIPULATION**

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

7 WHEREAS, since that December 11, order, the parties, including Intervenor California Coastal
8 Commission, have engaged in good-faith and meaningful discussions to settle this matter, but have not
9 yet concluded a settlement;

10 WHEREAS, in particular, the City and Mendocino Railway have engaged in numerous extensive
11 planning meetings relating to property owned by Mendocino Railway within the City and within the
12 Coastal Zone, which is the former Georgia-Pacific Mill Site (the “Mill Site”);

13 WHEREAS, the City hired Walter Kieser, Senior Principal with Economic & Planning Systems,
14 Inc. and Mendocino Railway engaged the services of Burton Miller, FAIA, Principal/Senior Vice
15 President of Hornberger + Worstell for planning expertise; in addition, the City included former
16 Community Development Director Marie Jones and former City Manager Linda Ruffing, in ongoing
17 discussions and meetings with Mendocino Railway representatives (collectively the “Working Group”);

18 WHEREAS, the Working Group looked at historical records on planning processes previously
19 explored for development of the Mill Site, and developed an Illustrative Plan for potential future
20 cooperative efforts between the City and Mendocino Railway for potential development of the Mill Site;
21 the Illustrative Plan was shared with the Coastal Commission and its staff for informal input, and a
22 community workshop was held by the City for public feedback on the Plan on February 25, 2025, with
23 Mendocino Railway representatives in attendance and offering responses to the public;

24 WHEREAS, an update to the Fort Bragg City Council was provided by its consultant at a meeting
25 on March 6, 2025, which is attached hereto as Exhibit A;

26 WHEREAS, numerous topics have been discussed relating to potential settlement of areas of
27 concern between the parties, but continued discussions for development of possible settlement terms is
28 needed;

1 WHEREAS the stay expired on March 3, 2025; and

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

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

13 IT IS SO STIPULATED.

14 DATED: March 28, 2025

PIERSON FERDINAND LLP

15
16 By: *s/ Paul J. Beard II*
17 PAUL J. BEARD II
18 Attorneys for Defendant,
MENDOCINO RAILWAY

19 Dated: March 28, 2025

JONES MAYER

20
21 By: *Krista MacNevin Jee*
22 KRISTA MACNEVIN JEE
23 Attorneys for Plaintiff,
CITY OF FORT BRAGG

24 Dated: March 28, 2025

25
26 By: *s/ Patrick Tuck*
27 PATRICK TUCK
28 Deputy Attorney General
Attorneys for Intervenor,
CALIFORNIA COASTAL COMMISSION

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 until 7/1/2025,
4 corresponding to 90 days from the date of this order; and (2) the trial date shall be continued to
5 12/9/25 at 1:30 pm, with all related litigation deadlines tethered to the new trial date accordingly
6 re-set.

7 IT IS SO ORDERED.

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9 DATED: 4/1/2025

10 
11 The Honorable Clayton Brennan 4/1/2025 8:33:42 AM
12 JUDGE OF THE SUPERIOR COURT
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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 March 28, 2025 I served the foregoing document(s) described as **STIPULATION AND**
5 **[PROPOSED] ORDER**, on each interested party **listed below**/on the attached service list.

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


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

12 Patrick Tuck
13 Office of the Attorney General of California
14 Patrick.Tuck@doj.ca.gov

15 Counsel for Intervenor California Coastal Commission

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

20 I declare under penalty of perjury under the laws of the State of California that the
21 foregoing is true and correct. Executed on March 28, 2025 at Citrus Heights, California.

22 
23 _____
24 Wendy A. Gardea