

**SUPERIOR COURT OF CALIFORNIA, COUNTY OF MENDOCINO  
CLERK'S DOCKET & MINUTES**

Judge: **CLAYTON BRENNAN** Clerk: DOROTHY JESS  
Reporter: JANG HONG #11975 REPORTING FOR THE CITY OF FORT BRAGG Bailiff: M. HOSOFORD  
Interpreter: # Date: **11/02/2023 2:00 PM**  
Language:  Sworn  Cert/Reg with oath on file as stated by the Court

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**21CV00850**

**CITY OF FORT BRAGG,**  
Petitioner,  
vs.  
**MENDOCINO RAILWAY,**  
Respondent.

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**NATURE OF PROCEEDINGS: \*MOTION / CMC**

**Appearances:**

**Atty. Krista MacNevin Jee present via zoom for City of Fort Bragg.**  
**Atty. Patrick Tuck present via zoom for Intervenor California Coastal Commission.**  
**Atty. Paul Beard present via zoom on behalf of Defendant Mendocino Railway.**

Court states matter is on for a Motion for Stay filed by Mendocino Railway, Parties have submitted pleadings that Court has reviewed and a notice of judicial notice along with objections. Court inquires if anyone wants to add anything or submit with the pleadings.

Atty. Krista MacNevin Jee makes statement.

All Attorneys confirm to submit on the pleadings.

**Court makes ruling on objections below:**

Court takes judicial notice under evidence code 452(d) & (c) on California Coastal Commission Judicial notice filed 10/06/23

- Exhibit A – Notice of related cases filed 09/30/2023.
- Exhibit B- Motion to remand in City of Fort Bragg vs. Mendocino Railway.
- Exhibit C-Order awarding Meyers attorney fees and costs.
- Exhibit D-Application of Cal. Western Railroad in Cal Public Utilities decision dated 01/21/1998.
- Exhibit E- Jack Ainsworths notice of motion and Motion to dismiss filed 09/22/2022 in District Court.
- Exhibit F- City of Fort Bragg Motion and motion to dismiss.

Court will take Exhibit A,B,C, & F under Evidence Code 452(d), Court will take Exhibit D under Evidence Code 452 ( c ).

**Coastal commission objections under C.C.P. section 1005 (b):** Court states they object to court considering Beard and Pinoli's Declaration filed 10/13/2023, stating reply was due 10/12/23, Court overrules the objection court does not see prejudice to that party.

**Evidentiary objections by City of Fort Bragg filed 10/16/23:** Court sustains objection 1 through 7 and orders on those sections stricken.

**Court states the Letter of 04/09/2020 is hearsay:** Court is not admitting the document as truth only the fact it's a copy of the letter actually sent, it is a helpful tool for the court to digest the preemption arguments of the railway, Court will consider the letter for that purpose only.

**Exhibits Exhibit 2 through 7 Objections:** are overruled, they are records of judicial acts of legislative or Court order which can be judicially noticed pursuant to Evidence code section 452 9 ( c ) & ( d )

Court addresses the motion to stay, Court asks if parties would like to make statement or submit on pleadings.

Atty. Paul Beard makes a statement regarding Exhibit the letter 04/09/2020 and Exhibit 8 opening brief filed in Federal appeal has not been ruled on.

Atty. Paul Beard makes statement to the Court regarding the basis of stay.

**Court will take judicial notice of Exhibit 8 as a judicial record.**

Atty. Krista MacNevin Jee makes oral argument to the Court.

Atty. Patrick Tuck makes statement to the Court indicating same position as Atty. MacNevin Jee statement to the Court and the Letter Exhibit 8 not being relevant, indicating the need to start discovery.

Atty. Paul Beard makes closing statements to the Court and indicates the cases on Appeal and Federal Case is where the fundamental issues can be decided first.

Court makes statement regarding the Meyers case and the Public Utilities LCP, State, and federal Court proceedings.

**Court makes the findings as follows:**

**Court states the request for stay is denied. The parties are ordered to file updated case management conference statements, detailing anticipated discovery and proposed trial dates.**

Court sets matter out 30 days for further case management conference.

Case Management Conference Set 12/14/2024 at 2:00 p.m. in Ten Mile

Parties can appear by zoom.

**MINUTES COMPLETE \*dj\***