

**FILED**

09/29/2022

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

Jess, Dorothy

DEPUTY CLERK

**SUPERIOR COURT OF CALIFORNIA  
IN AND FOR THE COUNTY OF MENDOCINO**

CITY OF FORT BRAGG,

Plaintiff,

v.

MENDOCINO RAILWAY, and DOES 1-20,  
inclusive,

Defendants.

CASE NO.: 21CV00850

(JUDICIAL COUNCIL ASSIGNMENT  
#2007080-22)

ORDER

The Court has received and reviewed the motion to disqualify pursuant to Code of Civil Procedure (CCP) 170.1(a)(6)(A)(iii) filed by Plaintiff on September 13, 2022, as well as the Answer filed by Judge Brennan on September 14, 2022.


A judge must decide any proceeding in which the judge is not disqualified pursuant to CCP §170. Further, judges have a duty to make their decisions free from any bias or prejudice. California Rules of Court, Standards of Judicial Administration 10.20; California Rules of Court, Code of Judicial Ethics, Canon 3B(5).

Upon review of the above-referenced material, there are no reasonable allegations supporting a finding of bias or impartiality, nor any legal or statutory basis alleged which would

1 disqualify Judge Brennan. Further, there is no merit to the position that a reasonable person  
2 would fairly entertain doubts regarding impartiality or bias given what Defendant has put  
3 forward regarding the permitting process that is currently taking place as it relates to the  
4 Coastal Commission.

5 In the absence of specific facts that evidence a bias, there is no cognizable basis to  
6 sustain a finding pursuant to CCP 170.3. Accordingly, the motion to disqualify Judge Brennan  
7 is **DENIED**.

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9 Dated this 29 day of September, 2022

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12 Gregory Elvine-Kreis, Judge Assigned  
13 Superior Court of California, County of Humboldt  
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