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Superior Court of California  
County of Mendocino

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By: *Dineen Bynum*  
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Deputy Clerk

6 Attorneys for Defendant John Meyer

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**SUPERIOR COURT OF THE STATE OF CALIFORNIA  
FOR THE COUNTY OF MENDOCINO**

MENDOCINO RAILWAY,  
Plaintiff,

vs.

JOHN MEYER; REDWOOD EMPIRE  
TITLE COMPANY OF MENDOCINO  
COUNTY; SHEPPARD  
INVESTMENTS; MARYELLEN  
SHEPPARD; MENDOCINO COUNTY  
TREASURER-TAX COLLECTOR; all  
other persons unknown claiming an  
interest in the property; and DOES 1  
through 100, inclusive

Defendants.

Unlimited

Case No. SCUJ-CVED 20-74939

DEFENDANT JOHN MEYER'S  
REQUEST FOR JUDICIAL NOTICE

Date: September 28, 2023

Time: 1:30 PM

Dept: E

Judge Nadel

Defendant John Meyer respectfully requests that the court take judicial notice of the Mendocino Voice Newspaper Article dated May 21, 2023, entitled "Skunk Train Property Sells For \$41.5 Million In Internal Transfer To Sister Company That Operates Freight Rail Shipping," which is attached as Exhibit 1.

The court may take judicial notice of the referenced document pursuant to Evidence Code §§ 452(d) and 452(h).

DATED: September 26, 2023.

MANNON, KING, JOHNSON & WIPF, LLP

*Stephen F. Johnson*  
Stephen F. Johnson, Attorney for Defendant  
John Meyer

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## Skunk Train property sells for \$4.15 million in internal transfer to sister company that operates freight rail shipping

By Frank Hartzell | May 21, 2023

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*The sunset is seen through antique rail cars on the Skunk Train property. Over the years, the railroad has fixed up and used its old passenger cars and locomotives. A steam locomotive is currently being renovated inside the California Western shop.*

FORT BRAGG, 5/21/23 — Mendocino Railway, owner of the Skunk Train, has sold part of its properties in Fort Bragg for \$4.15 million. The buyer of all eight parcels was Sierra Northern Railway, a sister company of Mendocino Railway. What does the transfer mean? Nothing

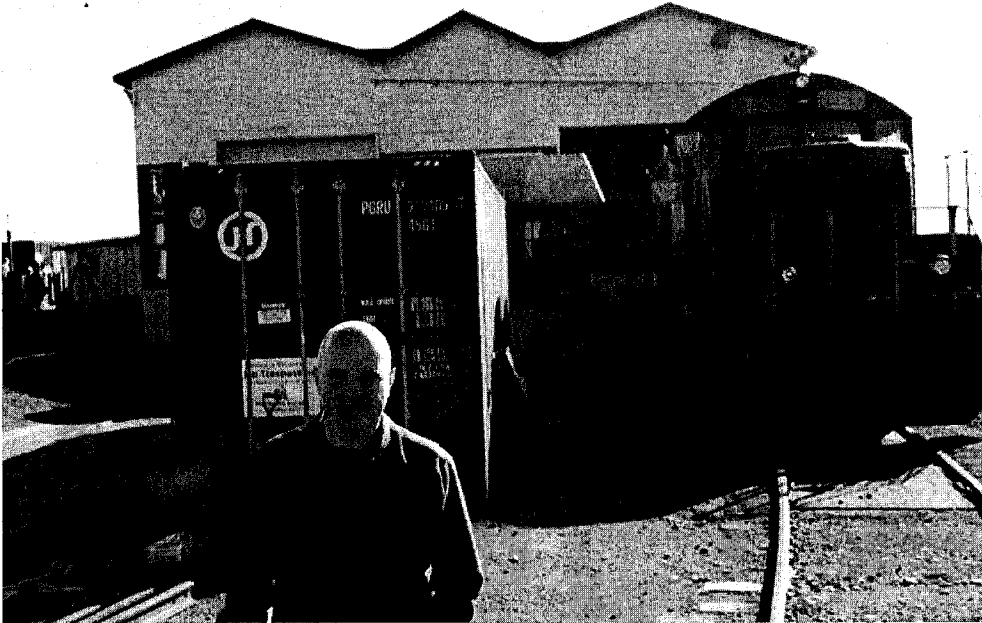
**EXHIBIT 1**

has changed as far as who is managing the local operation. Speculation has ranged from something as simple as differing tax liabilities for two related corporations to different legal liabilities to something to bolster the company's claim that the railroad is a public utility. Both companies operate under the umbrella of Sierra Railway — and management hasn't told us yet.



A boxcar covered in graffiti was one of the commercial railcars that the Skunk Train brought in over the past year, but before the title transfers in Dec. 2022. One boxcar was brought in by Highway 20 and was stuck on the side of the road for some time after the truck pulling the big load broke down. Frank Hartzell/The Mendocino Voice

Over the past five years, Mendocino Railway acquired about 350 acres of property around its existing Fort Bragg depot, including most of the remaining property from the former Georgia Pacific Millsite and sold a portion of that property- apparently about 100 acres.. And it is now embroiled in perhaps the biggest controversy in the history of the line, which dates to the late 19th century. The railway is involved in lawsuits with the City of Fort Bragg and the California Coastal Commission, the railroad contending, so far not successfully, that it is a public utility not subject to city and Coastal Commission regulations. During this time, the railroad completed repairs and upgrades, including fixing broken windows and putting in secure fencing, which are among the issues that the Coastal Commission considers violations. The railway now has cases filed in federal court in hopes of proving it is a public utility.



Robert Pinoli, president and CEO of Mendocino Railway, is shown in front of the Skunk Train shop, where renovations have been made and old trains are being renovated. Pinoli showed repairs and renovations that he said were all being done legally and to all codes.  
Frank Hartzell/The Mendocino Voice

Recently, a Mendocino County judge struck a blow against the railroad's claim, ruling in favor of a Willits area landowner who resisted the appropriation of his property by eminent domain.

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[\(https://www.adventisthealth.org/mendocino-county/\)](https://www.adventisthealth.org/mendocino-county/)

The Mendocino Voice picked up the late December property transactions at a records check in January, met with Skunk Train top brass Robert Pinoli and Chris Hart, but have gained no information about the property transaction so far. While internal transfers happen all the time and are not generally big news (although would normally be reported when it involves a high profile company), the difference here is that actual money changed hands. In most internal transfers a box would be checked saying no money changed hands, thus no taxes would be collected. In this case the county collected \$2,200 in transfer taxes for a

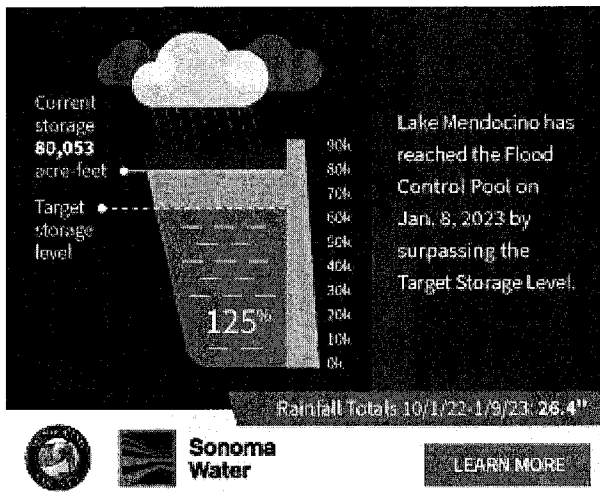
transaction, which shows the money paid to Mendocino Railway by Sierra Northern Railway was \$2 million on that deal. The Mendocino Voice found two others, where \$1.8 million and \$350,000 changed hands.



The Mendocino County Recorder's office still has these ancient land title books that one can use to research property back to the earliest days of the county. While much information has moved onto the computer, modern privacy rules and a backlog that was made worse by Covid have made files harder to access in some ways than when the books were used. Online maps are very hard to read. The property sold by Mendocino Railway appeared to be just over 100 acres. Frank Hartzell/The Mendocino Voice

Mendocino Railway was formed in 2004 when a locally owned group went bankrupt. Mendocino Railway purchased the assets of the California Western Railroad out of bankruptcy in 2004 with the approval of the United States Surface Transportation Board. The owners of the privately held company, Sierra Railway, said to be primarily Hart family members, sought to bring back the railroad through their ownership of Mendocino Railway. Pinoli was among the owners involved in the local group and is now involved in ownership of the company. Robert Pinoli signed the sales deeds on behalf of Mendocino Railway transferring the properties to Sierra Northern Railway. When asked, he said the sales were not him selling his ownership but represented something done for tax reasons that he would need to further research. The Mendocino Voice will add follow-up information to this story as it comes in.

## Advertisements



(<https://www.sonomawater.org/current-water-supply-levels>).

In 2003, the [Sierra Railroad](https://en.wikipedia.org/wiki/Sierra_Railroad) ([https://en.wikipedia.org/wiki/Sierra\\_Railroad](https://en.wikipedia.org/wiki/Sierra_Railroad)) and the Yolo Shortline Railroad merged to form the Sierra Northern Railway. West Sacramento-based Sierra Northern says it now operates over 100 miles of track in Mendocino county, and also operates in Tuolumne, Stanislaus and Yolo counties, according to its website. Sierra Northern provides rail shipping to all of California through interchanges BNSF and UP. With access to several railyards and public warehouses, ports, and industrial complexes, Sierra Northern coordinates the storage and distribution of thousands of carloads annually.

You can find [our previous reporting on the Skunk Train here](https://mendoice.com/tag/skunk-train/) (<https://mendoice.com/tag/skunk-train/>).

**PROOF OF SERVICE**

Mendocino County Superior Court Case No.: SCUK-CVED-20-74939

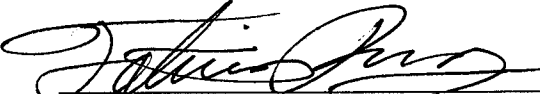
I declare that I am over the age of 18 years, employed in the County of Mendocino, and not a party to the within action; my business address is P.O. Box 419, 200 N. School Street, Room 304, Ukiah, CA 95482.

On September 26, 2023, I served the **DECLARATION OF STEPHEN F. JOHNSON IN SUPPORT OF DEFENDANT JOHN MEYER'S OPPOSITION TO EX PARTE APPLICATION FOR ORDER, JOHN MEYER'S OPPOSITION TO EX PARTE APPLICATION FOR ORDER, and DEFENDANT JOHN MEYER'S REQUEST FOR JUDICIAL NOTICE** on the interested parties in this action by placing  the original  true copies thereof, as follows:

**SEE ATTACHED SERVICE LIST**

<input type="checkbox"/>	By E-SERVICE. Pursuant to California Rules of Court Rule 2.251(c), adopted effective July 1, 2013, I am e-Serving the above-listed document(s) to the electronic service address(es) on the attached Service List and e-Filing the document(s) using one of the court's approved electronic service providers. A true and correct copy of the e-Service transmittal will be attached to the above-listed document(s) and produced if requested by any interested party.
<input type="checkbox"/>	By MAIL. I am readily familiar with this law firm's practice for collection and processing of documents for mailing with the U. S. Postal Service. The above-listed document(s) will be deposited with the U. S. Postal Service on the same day shown on this affidavit, to the addressee(s) on the attached Service List in the ordinary course of business. I am the person who sealed and placed for collection and mailing the above-listed document(s) on this date at Ukiah, California, following ordinary business practices.
<input checked="" type="checkbox"/>	By E-MAIL. I e-mailed above-listed document(s) to the e-mail address(es) of the addressee(s) on the attached Service List. A true and correct copy of the e-mail transmittal will be attached to the above-listed document(s) and produced if requested by any interested party.
<input type="checkbox"/>	By OVERNIGHT DELIVERY. The above-listed document(s) will be deposited with an Overnight Delivery Service on the same day shown on this affidavit, in the ordinary course of business. I am the person who sealed and placed for collection and overnight delivery the above-listed document(s) on this date at Ukiah, California, to the addressee(s) on the attached Service List following ordinary business practices. A true and correct copy of the overnight delivery service transmittal will be attached to the above-listed document(s) and produced if requested by any interested party.
<input type="checkbox"/>	By PERSONAL SERVICE. I caused to have hand delivered, the above-listed document(s) to the parties indicated on the service list.
<input checked="" type="checkbox"/>	(STATE) I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on September 26, 2023, at Ukiah, California.

  
Fatima Perez, Legal Assistant

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**SERVICE LIST**

Mendocino County Superior Court Case No.: SCUK-CVED-20-74939

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