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11 Attorneys for Plaintiff,  
12 SIERRA NORTHERN RAILWAY and  
13 MENDOCINO RAILWAY

14 **UNITED STATES DISTRICT COURT**

15 **NORTHERN DISTRICT OF CALIFORNIA – OAKLAND DIVISION**

16 SIERRA NORTHERN RAILWAY, a  
17 California corporation, and MENDOCINO  
18 RAILWAY, a California corporation,

19 Plaintiffs,

20 vs.

21 CITY OF FORT BRAGG, and DOES 1  
22 through 25, inclusive,

23 Defendants.

Case No.: 4:24-cv-04810-JST

**STIPULATION TO CONTINUE INITIAL  
CASE MANAGEMENT CONFERENCE**

Date: April 8, 2025

Time: 2:00 pm

Dept: 6

Judge: Honorable Jon S. Tigar

Complaint Filed: August 7, 2024

IT IS HEREBY STIPULATED AND AGREED by and between Plaintiffs SIERRA NORTHERN RAILWAY and MENDOCINO RAILWAY, on the one hand, and Defendant CITY OF FORT BRAGG on the other, by and through their undersigned counsel, as follows:

**WHEREAS** on August 8, 2024, Plaintiffs filed a complaint against Defendant, alleging the following causes of action: Fifth Amendment Taking, Declaratory Relief, Contribution and Indemnity, Nuisance, Trespass, and Inverse Condemnation (“Complaint”).

**WHEREAS** on August 28, 2024, Plaintiffs issued a 60-day notice of intent to sue pursuant to 42 U.S.C. § 9659 of the Comprehensive Environmental Response, Compensation, and Liability Act (“CERCLA”) and 40 C.F.R. §374.3.

**WHEREAS** on November 1, 2024, Plaintiffs amended the Complaint to assert claims under CERCLA after the 60-day notice of intent to sue expired (“Amended Complaint”).

**WHEREAS** on November 20, 2024, Plaintiffs’ counsel and Defendant’s newly retained counsel, Fred Blum, met and conferred in good faith to discuss issues Defendants had raised regarding the Amended Complaint.

**WHEREAS** on November 21, 2024, the Court granted the parties’ stipulated Order Extending Two Weeks’ Time For Defendant To Respond to Plaintiffs’ Amended Complaint, until December 4, 2024 to facilitate further meet and confer efforts.

**WHEREAS** on December 4, 2025, the Court granted the parties’ stipulation to file a Second Amended Complaint.

**WHEREAS** on December 20, 2025, Plaintiff’s filed a Second Amended Complaint.

**WHEREAS** on January 3, 2025, Defendant filed a Motion to Dismiss the First through the Third Claims for Relief and a Motion to Strike (“Motion”), which set a hearing date of February 20, 2025.

**WHEREAS** on February 14, 2025, the Court issued a notice stating that the motion was suitable for disposition without oral argument and vacated the hearing.

**WHEREAS** there is an Initial Case Management Conference scheduled for April 8, 2025; however, as of this date, the Court has not issued an Order on the Motion.

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1           **NOW, THEREFORE**, pursuant to the foregoing, Plaintiffs and Defendant, by and through  
2 their counsel, stipulate and agree that the Initial Case Management Conference should be continued  
3 to June 6, 2025 or June 27, 2025, whichever date is most convenient to the Court.

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5           SO STIPULATED.

6 DATED: March 24, 2025

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LAW CORPORATION

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9 By: /s/ David A. Diepenbrock  
David A. Diepenbrock  
Attorneys for Plaintiff  
10 Sierra Northern Railway

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12 DATED: March 24, 2025

EDLIN GALLAGHER HUIE & BLUM

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14 By: /s/ Marilyn Jenkins as authorized on 3/24/25  
15 Marilyn Jenkins, Esq.  
Attorneys for Defendant  
16 CITY OF FORT BRAGG

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law corporation

**ORDER**

Pursuant to the forgoing Stipulation, and for good cause appearing, the Court hereby orders that the Case Management Conference currently set for April 8, 2025, is hereby continued to July 8, 2025.

**IT IS SO ORDERED.**

Date: March 25, 2025

  
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HON. JON S. TIGAR  
UNITED STATES DISTRICT JUDGE

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