


ELECTRONICALLY FILED  
6/5/2023 12:37 PM  
Superior Court of California  
County of Mendocino

1 Glenn L. Block (SB#208017)  
2 Christopher G. Washington (SB#307804)  
3 CALIFORNIA EMINENT DOMAIN LAW GROUP, APC  
4 3429 Ocean View Blvd., Suite L  
5 Glendale, CA 91208  
6 Telephone: (818) 957-0477  
7 Facsimile: (818) 957-3477

By:   
John Lozano  
Deputy Clerk

8 Paul J. Beard II (SB#210563)  
9 FISHERBROYLES, LLP  
10 4470 W. Sunset Blvd., Suite 93165  
11 Los Angeles, CA 90027  
12 Telephone: 818-216-3988

Attorneys for Plaintiff MENDOCINO RAILWAY

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

15 MENDOCINO RAILWAY,

16 Plaintiff,

17 v.

18 JOHN MEYER; REDWOOD EMPIRE  
19 TITLE COMPANY OF MENDOCINO  
20 COUNTY; SHEPPARD INVESTMENTS;  
21 MARYELLEN SHEPPARD;  
22 MENDOCINO COUNTY TREASURER-  
23 TAX COLLECTOR; All other persons  
24 unknown claiming an interest in the  
25 property; and DOES 1 through 100,  
26 inclusive,

27 Defendants.

Case No. SCUK-CVED-2020-74939

[APN 038-180-53]

(Assigned to Hon. Jeanine B. Nadel)

**PLAINTIFF MENDOCINO  
RAILWAY'S NOTICE OF MOTION  
AND MOTION TO REOPEN BENCH  
TRIAL TO CONSIDER NEW FACTS  
ARISING PRIOR TO JUDGMENT;  
DECLARATION OF GLENN L.  
BLOCK**

Cal. Code Civ. Proc. §§128(a)(3) & §607(6)  
Cal. Evid. Code §320

Date: June 30, 2023

Time: 9:30 a.m.

Dept.: E

**TO ALL PARTIES AND TO THEIR ATTORNEYS OF RECORD:**

**PLEASE TAKE NOTICE** that on June 30, 2023, at 9:30 a.m., or as soon  
thereafter as the matter may be heard in Department "E" of the above-entitled Court,  
located at 100 North State Street, Ukiah, CA, Plaintiff Mendocino Railway ("Mendocino

1 Railway”) will and hereby does, move the Court for an order to Reopen the Bench Trial  
2 to Consider New Facts Arising Prior to Judgment.

3 This Motion is made pursuant to Cal. Civ. Proc. Code §§128(a)(3) and 607(6) and  
4 Cal. Evid. Code §320, which provide the Court reasonable discretion to control the order  
5 of proof and conduct of proceedings, specifically to grant leave to reopen the trial in  
6 order to introduce additional evidence upon a showing of good cause. Here, Mendocino  
7 Railway seeks to introduce newly available evidence. This Motion is also in the interest  
8 of justice as the Court previously granted Defendant John Meyer’s Motion to Reopen  
9 Case to permit the introduction of newly discovered evidence.

10 Mendocino Railway’s Motion to Reopen Bench Trial to Consider New Facts  
11 Arising Prior to Judgment is made on the grounds that good cause exists to introduce  
12 newly available probative evidence establishing Mendocino Railway’s public utility  
13 status, an essential disputed element of this eminent domain action. On May 2, 2023,  
14 the United States Railroad Retirement Board (“RRB”) issued its Employer Status  
15 Determination (“5/2/23 RRB Decision”) stating, “Here, the record establishes that  
16 Mendocino is a common carrier subject to STB jurisdiction.”

17 Reopening the trial to permit Mendocino Railway to introduce the 5/2/23 RRB  
18 Decision is also in the interest of justice and equity and is consistent with the Court’s  
19 prior ruling granting Defendant Meyer’s Motion to Reopen Case. This newly available  
20 probative evidence contradicts and clarifies evidence and argument offered by  
21 Defendant John Meyer (“Meyer”) after the Court granted Meyer’s previous Motion to  
22 Reopen Case. In granting Meyer’s Motion to Reopen, the Court permitted Meyer to  
23 introduce the RRB’s 2006 Decision (Trial Exhibit AA), among other related evidence  
24 and testimony.

25 This newly available probative evidence did not exist until May 2, 2023 when the  
26 5/2/23 RRB Decision was issued, thus Mendocino Railway could not have presented it  
27 sooner. The 5/2/23 RRB Decision was not available until after the Court issued its April  
28 19, 2023 Decision After Trial and after Mendocino Railway filed its April 27, 2023

1 Request for Statement of Decision/Objections to Proposed Statement of Decision (which  
2 the Court ruled on, by May 16, 2023 Minute Order).

3 This Motion is based on this Notice of Motion, the attached Memorandum of  
4 Points and Authorities and accompanying Declaration of Glenn L. Block, the pleadings  
5 filed in this action, and any oral argument that may be presented at the time of the  
6 hearing on the Motion.

7  
8 Dated: June 5, 2023

CALIFORNIA EMINENT DOMAIN LAW GROUP,  
a Professional Corporation

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10  
11 By  \_\_\_\_\_  
12 Glenn L. Block  
13 Attorneys for Plaintiff MENDOCINO RAILWAY  
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1 **INTRODUCTION**

2 Plaintiff Mendocino Railway (“Mendocino Railway”) hereby moves the Court for  
3 an Order to Reopen the Bench Trial to Consider New Facts Arising Prior to Judgment  
4 to enable Mendocino Railway to introduce newly available probative evidence – the  
5 United States Railroad Board’s (“RRB”) May 2, 2023 Employer Status Determination  
6 (“5/2/23 RRB Decision”). Good cause exists to reopen the trial because this newly  
7 available evidence establishes Mendocino Railway’s public utility status, an essential  
8 disputed element of Mendocino Railway’s eminent domain action. Moreover, this newly  
9 available evidence contradicts and clarifies evidence and argument pertaining to the  
10 2006 RRB Decision the Court permitted Defendant John Meyer (“Meyer”) to introduce  
11 after granting Meyer’s prior Motion to Reopen Case.

12 In its 5/2/23 RRB Decision, the RRB concludes: “Here, the record establishes that  
13 Mendocino is a common carrier subject to STB jurisdiction.” Moreover, the 5/2/23 RRB  
14 Decision addresses facts relating to the RRB’s prior 2006 decision (“2006 RRB  
15 Decision”) and clarifies, “In fact, until January 1, 2022, Mendocino was meeting its  
16 common carrier obligation through the affiliate arrangement with Sierra Northern  
17 Railway, discussed above.”

18 Attached as Exhibit A to the accompanying Declaration of Glenn L. Block is a  
19 true and correct copy of the U.S. Railroad Retirement Board’s May 2, 2023  
20 correspondence, its May 2, 2023 Employer Status Determination (BCD 2023-30), and  
21 May 2, 2023 approved Request for Employer Status.

22 Good cause exists to reopen the trial for Mendocino Railway to introduce the  
23 5/2/23 RRB Decision to refute evidence and argument presented by Meyer relating to  
24 the prior 2006 RRB Decision that was the basis for Defendant John Meyer’s Motion to  
25 Reopen Case—which the Court granted. Substantively, this 5/2/23 RRB constitutes  
26 newly available evidence that directly contradicts Meyer’s argument and the Court’s  
27 finding that Mendocino Railway is not a public utility, which was based in large part on  
28 the prior 2006 RRB Decision. The 5/2/23 RRB Decision was not available at the time of

1 trial, nor was it available prior to the Court’s April 19, 2023 Decision After Trial or  
2 prior to Mendocino Railway’s April 27, 2023 Request for Statement of  
3 Decision/Objection. Thus, Mendocino Railway could not, with diligence, have presented  
4 this evidence to the Court earlier.

5 Mendocino Railway seeks leave of court to reopen its case in order to present  
6 newly available probative evidence establishing its public utility status—and refuting  
7 the evidence the Court had permitted Meyer to present after granting Meyer’s Motion  
8 to Reopen its case. Accordingly, there is good cause—in the interest of equity and  
9 justice—to grant Mendocino Railway’s Motion to Reopen Trial for the presentation of  
10 this newly available evidence.

11 **1. GOOD CAUSE EXISTS TO GRANT MENDOCINO RAILWAY’S**  
12 **MOTION TO REOPEN THE TRIAL TO PERMIT THE**  
13 **INTRODUCTION OF NEWLY AVAILABLE EVIDENCE**  
14 **ESTABLISHING ITS PUBLIC UTILITY STATUS.**

15 By its Motion to Reopen, Mendocino Railway seeks to introduce newly available  
16 evidence—the 5/2/23 RRB Decision—establishing Mendocino Railway’s public utility  
17 status, an essential disputed element of the eminent domain action. (Exhibit A,  
18 Declaration of Glenn L. Block.) Moreover, this newly available evidence pertains to and  
19 clarifies the 2006 RRB Decision that the Court permitted Meyer to introduce after  
20 granting Meyer’s Motion to Reopen. Thus, good cause exists for the Court to grant  
21 Mendocino Railway’s Motion to Reopen and permit the introduction of the 5/2/23 RRB  
22 Decision.

23 The Court is vested with reasonable discretion to control the order of proof and in  
24 a bench trial may, upon a showing of good cause, grant leave to reopen the trial for  
25 introduction of newly available evidence prior to entry of judgment. Cal. Civ. Proc. Code  
26 §§128(a)(3) and 607(6); and Cal. Evid. Code §320. “A party may move to reopen its case  
27 to offer additional evidence after the court announces its tentative decision in a nonjury  
28 trial. So long as no judgment has been entered, the court may allow additional evidence

1 under its inherent power to control the order of proof and the conduct of proceedings.  
2 [Ev.C. § 320; CCP § 128(a)(3); see *Rosenfeld, Meyer & Susman v. Cohen* (1987) 191  
3 CA3d 1035, 1052, fn. 7; *Horning v. Shilberg* (2005) 130 CA4th 197, 208—“Trial courts  
4 have broad discretion in deciding whether to reopen the evidence”]” Wegner, et al., Cal.  
5 Practice Guide: Civil Trials and Evidence (The Rutter Group, 2022) ¶ 12:400.

6 After conclusion of the parties’ presentation of evidence and testimony at the  
7 bench trial and submission of the case to the Court on August 29, 2022, Meyer filed a  
8 Motion to Reopen Case to introduce newly discovered evidence—specifically, the 2006  
9 RRB Decision. On October 7, 2022, the Court granted Meyer’s Motion to Reopen and set  
10 the matter for continuation of the trial. On November 3, 2022 the case was reopened  
11 and Meyer proceeded with further cross-examination of Mendocino Railway’s President  
12 & CEO, Robert J. Pinoli, introducing into evidence the 2006 RRB Decision (Trial  
13 Exhibit AA) as well as other documents. Among other documents introduced into  
14 evidence by Meyer, Meyer introduced an April 27, 2022 letter from Mendocino Railway’s  
15 rail counsel to the RRB requesting that it revisit its 2006 RRB Decision (Trial Exhibit  
16 BB). The case was again submitted to the Court on November 10, 2022 after conclusion  
17 of Mr. Pinoli’s testimony on cross-examination and re-direct examination regarding the  
18 2006 RRB Decision (Trial Exhibit AA), the April 27, 2022 letter (Trial Exhibit BB), and  
19 other related documents.

20 In its 5/2/23 RRB Decision, the RRB concludes: “Here, the record establishes that  
21 Mendocino is a common carrier subject to STB jurisdiction.” Moreover, the 5/2/23 RRB  
22 Decision addresses facts relating to the RRB’s prior 2006 decision (“2006 RRB  
23 Decision”) and clarifies, “In fact, until January 1, 2022, Mendocino was meeting its  
24 common carrier obligation through the affiliate arrangement with Sierra Northern  
25 Railway, discussed above.” (Exhibit A, Declaration of Glenn L. Block.) Thus, the 5/2/23  
26 RRB Decision constitutes newly available probative evidence that specifically addresses  
27 Mendocino Railway’s public utility status, refutes the evidence and argument presented  
28 by Meyer—after the Court granted Meyer’s Motion to Reopen Case—with respect to the

1 2006 RRB Decision (Trial Exhibit AA) and responds to the April 27, 2022 letter (Trial  
2 Exhibit BB).

3 The Court issued its April 19, 2023 Decision After Trial finding that Mendocino  
4 Railway is not a public utility. The Court's finding was based substantially on the 2006  
5 RRB Decision (Trial Exhibit AA) and testimony and argument related thereto presented  
6 after the Court granted Meyer's Motion to Reopen Case. Thereafter, Mendocino Railway  
7 filed a Request for Statement of Decision/Objections to Proposed Statement of Decision  
8 on April 27, 2023. And on May 16, 2023, the Court issued a Minute Order, "find[ing]  
9 that all issues raised by Plaintiff have been addressed by the court in its decision after  
10 trial will constitute the Statement of Decision," and directing Meyer to prepare a  
11 proposed judgment. On May 24, 2023, Meyer lodged a [Proposed] Judgment After Trial  
12 by Court. The 5/2/23 RRB Decision was not previously available and Mendocino  
13 Railway could not have presented it to the Court sooner.

14 Accordingly, good cause exists for the Court to reasonably exercise its discretion  
15 and reopen the trial for Mendocino Railway to present this newly available probative  
16 evidence. Furthermore, granting Mendocino Railway's Motion to Reopen is also in the  
17 interest of justice and equity as the Court previously granted Meyer's Motion to Reopen  
18 to permit the introduction of the 2006 RRB Decision (Trial Exhibit AA) and other  
19 related documents (Trial Exhibit BB, etc.).

### 20 CONCLUSION

21 By its Motion to Reopen Bench Trial to Consider New Facts Arising Prior  
22 Judgment, Mendocino Railway's seeks to introduce newly available evidence to counter  
23 evidence Meyer was permitted to introduce after the Court granted Meyer's prior  
24 Motion to Reopen Case. Good cause exists to grant Mendocino Railway's Motion, and it  
25 is in the interest of justice, because the RRB's 5/2/23 Decision addresses and clarifies  
26 the 2006 RRB Decision the Court permitted Meyer to introduce after granting Meyer's  
27 prior Motion to Reopen Case.

1 The 5/2/23 RRB Decision states, “Here, the record establishes that Mendocino is a  
2 common carrier subject to STB jurisdiction.” (Exhibit A, Declaration of Glenn L. Block.)  
3 Thus, this newly available evidence is probative, establishing Mendocino Railway’s  
4 public utility status, an essential element of Mendocino Railway’s eminent domain  
5 action. Furthermore, the 5/2/23 RRB Decision contradicts Meyer’s argument and  
6 interpretation of the 2006 RRB Decision (Trial Exhibit AA) and other evidence and  
7 testimony Meyer was permitted to introduce after the Court granted its Motion to  
8 Reopen.

9 Accordingly, good cause exists to grant Mendocino Railway’s Motion and provide  
10 Mendocino Railway the opportunity to introduce this newly available probative  
11 evidence directly pertaining to essential issues in the case and is in the interest of  
12 justice and equity<sup>1</sup>. Thus, Mendocino Railway’s Motion to Reopen should be granted.

13  
14 Dated: June 5, 2023

CALIFORNIA EMINENT DOMAIN LAW GROUP,  
a Professional Corporation

15  
16 By  \_\_\_\_\_  
17 Glenn L. Block  
18 Attorneys for Plaintiff MENDOCINO RAILWAY

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28 <sup>1</sup> Granting Mendocino Railway’s Motion would also afford the Court an opportunity to  
request additional evidence to address any remaining evidentiary gaps.



1 **DECLARATION OF GLENN L. BLOCK**

2 I, Glenn L. Block, declare and state that:

3 1. I am an attorney licensed to practice law in the state of California and am  
4 a partner of California Eminent Domain Law Group, counsel of record to Plaintiff  
5 Mendocino Railway in the above-entitled action now pending in Mendocino Superior  
6 Court. As such, I have personal knowledge of the matters set forth herein and could  
7 and would competently testify thereto if called as a witness.

8 2. Attached hereto as Exhibit A is a true and correct copy of the U.S. Railroad  
9 Retirement Board's May 2, 2023 correspondence, its May 2, 2023 Employer Status  
10 Determination (BCD 2023-30), and May 2, 2023 approved Request for Employer Status.

11 I declare under penalty of perjury pursuant to the laws of the State of California  
12 that the foregoing is true and correct.

13 Executed this 5<sup>th</sup> day of June, 2023 at Glendale, California.

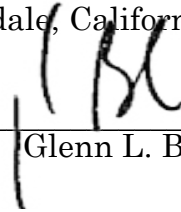
14   
15 \_\_\_\_\_  
16 Glenn L. Block

EXHIBIT A



UNITED STATES OF AMERICA  
RAILROAD RETIREMENT BOARD  
844 NORTH RUSH STREET  
CHICAGO, ILLINOIS 60611-1275

BOARD MEMBERS:

ERHARD R. CHORLÉ, CHAIRMAN  
JOHN BRAGG, LABOR MEMBER  
THOMAS JAYNE, MANAGEMENT MEMBER

May 2, 2023

Beth Ann Head  
Employment Tax Policy  
Small Business/Self-Employed  
Fountains Business Center  
380 Office Court  
Fairview Heights, IL 62208-2059

Internal Revenue Service  
Submission Processing  
333 W. Pershing Road  
Kansas City, MO 64108-4302

Dear Sir or Madam:

In accordance with the coordination procedure established between the Internal Revenue Service and this Board, I am enclosing for your information a copy of an opinion in which the Board has expressed its determination as to the status under the Railroad Retirement and Railroad Unemployment Insurance Acts of the following:

Medocino Railway  
1222 Research Park Drive  
Davis, CA 95618

Sincerely,

**STEPHANIE**  
**HILLYARD** Digitally signed by  
STEPHANIE HILLYARD  
Date: 2023.05.02  
08:42:45 -05'00'

FOR THE BOARD  
Stephanie Hillyard  
Secretary to the Board

Enclosures



UNITED STATES OF AMERICA  
RAILROAD RETIREMENT BOARD  
844 NORTH RUSH STREET  
CHICAGO, ILLINOIS 60611-1275

BOARD MEMBERS:

ERHARD R. CHORLÉ, CHAIRMAN  
JOHN BRAGG, LABOR MEMBER  
THOMAS JAYNE, MANAGEMENT MEMBER

May 2, 2023

Mr. Robert J. Pinoli, President  
Medocino Railway  
1222 Research Park Drive  
Davis, CA 95618

In reply refer to: 23-CO-0002  
Medocino Railway

Dear Mr. Pinoli:

Enclosed is a copy of the Board's determination regarding the coverage of the above-referenced company as an employer under the Railroad Retirement Act (45 U.S.C. § 231 et. seq.) and the Railroad Unemployment Insurance Act (45 U.S.C. § 351 et. seq.).

The Board's regulations provide that you may request reconsideration of the Board's decision in this case. Any such request must be in writing and must be filed with this office within one year following the date on which the initial determination was issued. (20 CFR § 259.3(a)).

We will notify the Internal Revenue Service of the decision in this case.

Sincerely,

STEPHANIE HILLYARD  
Digitally signed by  
STEPHANIE HILLYARD  
Date: 2023.05.02  
08:43:20 -05'00'

FOR THE BOARD  
Stephanie Hillyard  
Secretary to the Board

Enclosure

**EMPLOYER STATUS DETERMINATION**

**BCD 2023-30**

**Mendocino Railway (Mendocino)**

**BA No. 5761**

**May 2, 2023**

This is a decision of the Railroad Retirement Board (RRB) concerning Mendocino Railway's (Mendocino) status as an employer under the Railroad Retirement Act (RRA) and the Railroad Unemployment Insurance Act (RUIA) (collectively, "the Acts"). RRA, 45 U.S.C. § 231 *et seq.*; RUIA, 45 U.S.C. § 351 *et seq.*

On April 27, 2022, Crystal Zorbaugh, the attorney representing Mendocino, provided the following information. Mendocino is a wholly owned subsidiary of Sierra Railroad Company (BA No. 2774) and Robert J. Pinoli is Mendocino's president. On January 1, 2022, Mendocino assumed freight maintenance and operations authority from its affiliate Sierra Northern Railway (BA No. 3782). Mendocino took over direct responsibility for fulfilling its common carrier obligation, as well as conducting transload services from Sierra Northern Railway. The rail line extends from milepost 0 (at Fort Bagg, California) to milepost 40 (at Willits, California). At the time Mendocino took over operational authority from Sierra Northern Railway, it had "at most" 25 employees directly involved in freight rail maintenance, management, and operations. The employees were first compensated on January 6, 2022.

According to Ms. Zorbaugh, Mendocino has been a common carrier subject to Surface Transportation Board jurisdiction since 2004, but it did not take full responsibility for its carrier obligations until January 2022. *See, Mendocino Railway -Acquisition Exemption -Assets of the California Western Railroad*, 2004 STB Fin Dkt. 34465. Prior to the 2004 acquisition, the entity operating the rail line was also a covered employer. *See*, BCD 1997-54. In 2006, the Board found that Mendocino was not an employer under the Acts because it was not operating in interstate commerce. *See*, BCD 2006-42.1. In fact, until January 1, 2022, Mendocino was meeting its common carrier obligation through the affiliate arrangement with Sierra Northern Railway, discussed above.

Under section 1(a)(1)(i) of the RRA, insofar as relevant here, a covered employer is defined as "any carrier by railroad subject to the jurisdiction of the Surface Transportation Board under Part A of subtitle IV of title 49, United States Code." RRA § 1(a)(1)(i), 45 U.S.C. § 231(a)(1)(i). Section 1 of the RUIA and section 3231(a) of the Railroad Retirement Tax Act (RRTA) contain substantially similar definitions. RUIA § 1, 45 U.S.C. § 351; RRTA, 26 U.S.C. § 3231.

Here, the record establishes that Mendocino is a common carrier subject to STB jurisdiction. By assuming its common carrier obligations, it is now participating in the interstate rail system as required by STB jurisdiction. Accordingly, it is determined that Mendocino Railway became an employer within the meaning of the Acts effective January 1, 2022, the date it took over its full common carrier obligations and commenced operations.

STEPHANIE HILLYARD Digitally signed by  
STEPHANIE HILLYARD  
Date: 2023.05.02  
08:37:14 -05'00'

FOR THE BOARD  
Stephanie Hillyard  
Secretary to the Board

## REQUEST FOR EMPLOYER STATUS

The Office of General Counsel will complete Part I and Part II, leaving items blank if information is not applicable or available.

Notice No.

23-30

BA No.

5761

### Part I

NAME AND ADDRESS OF COMPANY/ORGANIZATION/ASSOCIATION

Mendocino Railway

NAME AND ADDRESS OF CEO/CONTACT OFFICIAL

Robert J. Pinoli - President  
1222 Research Park Drive  
Davis, CA 95618

NUMBER AND LOCATION OF EMPLOYEES

#### DETAIL

Here, the record establishes that Mendocino is a common carrier subject to STB jurisdiction. By assuming its common carrier obligations, it is now participating in the interstate rail system as required by STB jurisdiction. Accordingly, it is determined that Mendocino Railway became an employer within the meaning of the Acts effective January 1, 2022, the date it took over its full common carrier obligations and commenced operations.

#### REFERENCE

EIN # 73-1700581 - (23-CO-0002)

#### REQUESTED BY

### Part II

#### OPINION NO.

BCD 2023-30

#### OPINION DATE

05/02/2023

#### PERIODS DURING WHICH SERVICE IS HELD CREDITABLE

#### EMPLOYER COVERED AS:

- Operating Company:
- Line Haul Railroad
- Name Change
- Switching & Terminal Company
- Lessor Company
- Railroad Association
- Labor Organization
- Affiliate
- Other: \_\_\_\_\_

FROM

01/01/2022

TO

CORPORATE SUCCESSOR TO

ASSUMES OBLIGATION OF PREDECESSOR

YES  NO

CURRENT EMPLOYER FROM WHICH REPORTS SHALL BE OBTAINED

NOT A COVERED EMPLOYER

EMPLOYER COVERAGE TERMINATED

EMPLOYEES ATTRIBUTED TO ANOTHER

DETAILS OF SEGREGATION (IF APPLICABLE)

REMARKS:

SEE:

APPROVED BY

DATE 05/02/2023

**STEPHANIE  
HILLYARD**

Digitally signed by STEPHANIE  
HILLYARD  
Date: 2023.05.02 08:39:21 -05'00'

**PROOF OF SERVICE**

Mendocino Railway v. John Meyer, et al.  
Mendocino Superior Court Case No.: SCUK-CVED-20-74939

I am a resident of the State of California, over the age of eighteen years, and not a party to the within action. My business address is 3429 Ocean View Boulevard, Suite L, Glendale, CA 91208. On June 5, 2023, I served the within document(s):


**PLAINTIFF MENDOCINO RAILWAY'S NOTICE OF MOTION AND MOTION TO REOPEN BENCH TRIAL TO CONSIDER NEW FACTS ARISING PRIOR TO JUDGMENT; DECLARATION OF GLENN L. BLOCK**

- ELECTRONIC MAIL:** By transmitting via e-mail the document listed above to the e-mail address set forth below.
- BY MAIL:** By placing a true copy of the document(s) listed above in a sealed envelope with postage thereon fully prepaid, in the United States mail at Glendale, California addressed as set forth in the attached service list
- OVERNIGHT DELIVERY:** By overnight delivery, I placed such document(s) listed above in a sealed envelope, for deposit in the designated box or other facility regularly maintained by United Parcel Service for overnight delivery and caused such envelope to be delivered to the office of the addressee via overnight delivery pursuant to C.C.P. §1013(c), with delivery fees fully prepaid or provided for.
- PERSONAL SERVICE:** By personally delivering the document(s) listed above to the person(s) listed below at the address indicated.

I am readily familiar with the firm's practice of collection and processing correspondence for mailing. Under that practice it would be deposited with the U.S. Postal Service on that same day with postage thereon fully prepaid in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing in affidavit.

I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

Executed on June 5, 2023, in Glendale, California.

  
Debi Carbon

**SERVICE LIST**

Mendocino Railway v. John Meyer, et al.  
Mendocino Superior Court Case No.: SCUK-CVED-20-74939

Stephen F. Johnson  
Mannon, King, Johnson & Wipf, LLP  
200 North School Street, Suite 304  
Post Office Box 419  
Ukiah, California 95482  
[steve@mkjlex.com](mailto:steve@mkjlex.com)

Attorneys for Defendant John Meyer

Maryellen Sheppard  
27200 North Highway 1  
Fort Bragg, CA 95437  
[sheppard@mcn.org](mailto:sheppard@mcn.org)

In Pro Per

Christian Curtis  
Brina Blanton  
Office of Mendocino-Administration Center  
501 Low Gap Road, Room 1030  
Ukiah, CA 95482  
[curtisc@mendocinocounty.org](mailto:curtisc@mendocinocounty.org)  
[blantonb@mendocinocounty.org](mailto:blantonb@mendocinocounty.org)

Attorneys for Defendant Mendocino  
County Treasurer-Tax Collector