

FILED

06/02/2023

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

Bynum, Dineen *Duneen Bynum*
DEPUTY CLERK

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. SCUK-CVED 20-74939

~~[Proposed]~~

JUDGMENT AFTER TRIAL BY COURT

Dept: E
Judge: Hon. Jeanine B. Nadel

The above-entitled action came on regularly for trial on August 23, 2022, and after a short delay concluded on November 10, 2022. The Honorable Jeanine B. Nadel, Judge, presided over the trial, sitting without a jury. Glenn L. Block, Esq., appeared on behalf of Mendocino Railway (MR) and Stephen F. Johnson, Esq., appeared on behalf of defendant John Meyer (Meyer).

The court heard and considered witness testimony, and reviewed the documentary evidence. The matter was submitted on November 10, 2022, and the Court filed a written "Decision After Trial" on April 19, 2023. MR subsequently filed a Request For

1 Statement Of Decision, Or In The Alternative Objections To Proposed Statement of
2 Decision. On May 16, 2023, the court issued a minute order finding that all issues raised
3 by MR have been addressed by the court in its Decision After Trial and the Decision
4 After Trial will constitute the Statement of Decision. The court ordered that Meyer
5 prepare and submit a proposed judgment.

6 IT IS ORDERED, ADJUDGED AND DECREED as follows:

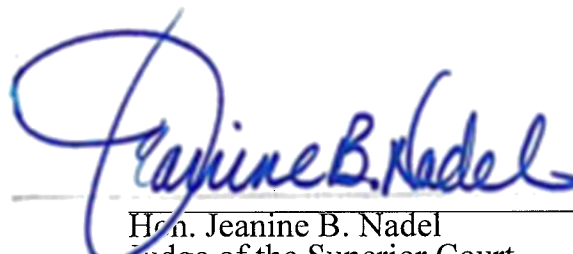
7 1. Plaintiff MR has failed to meet its burden of establishing that it can acquire
8 Meyer's real property by eminent domain pursuant to constitutional and statutory powers.
9 Accordingly, MR cannot acquire Meyer's real property by eminent domain. Plaintiff MR
10 shall take nothing by its complaint, and judgment is in favor of Defendant Meyer.

11 2. Defendant Meyer is the prevailing party in this action.

12 3. Defendant Meyer is awarded his litigation expenses including costs and
13 attorney fees pursuant to Code of Civil Procedure § 1268.610(a) in the amount of
14 \$_____. The court shall consider an award of attorney fees and costs to Meyer
15 upon the filing and hearing of a motion therefor.

16 IT IS SO ORDERED. 6/1/2023 11:01:49 AM

17 Dated: 6/1/2023 _____

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19 _____
20 Hon. Jeanine B. Nadel
21 Judge of the Superior Court

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PROOF OF SERVICE

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

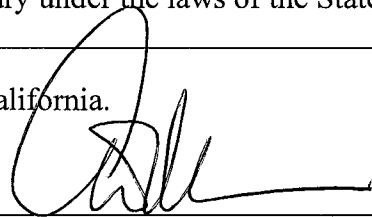
I declare that I am over the age of 18 years, employed in the County of Mendocino, and not a party to the within action; my business address is P.O. Box 419, 200 N. School Street, Room 304, Ukiah, CA 95482.

On May 24, 2023, I served the **JUDGMENT AFTER TRIAL BY COURT** 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 May 24, 2023, at Ukiah, California.



Erika Brewer, Legal Assistant

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SERVICE LIST

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

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