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9	IN THE UNITED STATES DISTRICT COURT		
10	FOR THE NORTHERN DISTRICT OF CALIFORNIA		
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13		]	
14	CITY OF FORT BRAGG,	Case No. 4:22	2-cv-06317-JST
15 16	Plaintiff, v.	COMMISSIO	IA COASTAL ON'S NOTICE OF MOTION ON TO REMAND ACTION COURT
17	MENDOCINO RAILWAY,	Date:	February 2, 2023
18	Defendant,	Time: Dept: Judge:	2 p.m. Courtroom 6 The Hon. Jon S. Tigar
19	CALIFORNIA COASTAL COMMISSION,	Trial Date: Action Filed:	Not Set October 28, 2021
20	Intervenor.		
21			
22	TO ALL INTEDESTED DADTIES AND	THEID ATT	ODNEVS OF DECORD.
23	TO ALL INTERESTED PARTIES AND THEIR ATTORNEYS OF RECORD:		
24	PLEASE TAKE NOTICE that, on Thursday, February 2, 2023, at 2:00 p.m., or as soon		
25	thereafter as the matter may be heard, at the United States District Court, Northern District of		
26	California, United States Courthouse, at 1301 Clay Street, in Oakland, California, the California		
27	Coastal Commission ("Coastal Commission") wil	I, and hereby d	oes, move the Court for an order
28			

1 remanding the above-entitled matter to the Superior Court of California for the County of 2 Mendocino, Ten Mile Branch. 3 The Coastal Commission moves for remand on the grounds that (1) Defendant Mendocino Railway's ("Defendant") notice of removal was late-filed and thus barred by the statute of 4 5 limitations set forth in section 1446(b) of Title 28 of the United States Code; (2) there is no 6 federal question jurisdiction justifying removal as Defendant relies on its federal preemption 7 defense as the basis for its removal; and (3) the Court should decline to assert subject matter 8 jurisdiction over this matter based on Younger abstention. Therefore, the Coastal Commission 9 requests that the Court remand the above-entitled action, in its entirety, to be litigated in the 10 Superior Court of the State of California for the County of Mendocino, Ten Mile Branch. 11 This Motion is based on this Notice of Motion and Motion, the accompanying Memorandum of Points and Authorities served and filed herewith, the accompanying Request for 12 13 Judicial Notice served and filed herewith, all pleadings and papers on file in this action, and on 14 such oral and documentary evidence as may be presented at the hearing on this Motion. 15 Dated: November 21, 2022 Respectfully submitted, 16 17 **ROB BONTA** Attorney General of California 18 DAVID G. ALDERSON Supervising Deputy Attorney General 19 s/ Patrick Tuck 20 PATRICK TUCK Deputy Attorney General 21 Attorneys for Intervenor 22 California Coastal Commission 23 24 25 26 27 28