

PLAINTIFF/PETITIONER: MENDOCINO RAILWAY DEFENDANT/RESPONDENT: JOHN MEYER	CASE NUMBER: SCUK-CVED-20-74939
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**PROOF OF SERVICE BY FIRST-CLASS MAIL
NOTICE OF ENTRY OF JUDGMENT OR ORDER**

(NOTE: You cannot serve the Notice of Entry of Judgment or Order if you are a party in the action. The person who served the notice must complete this proof of service.)

1. I am at least 18 years old and **not a party to this action**. I am a resident of or employed in the county where the mailing took place, and my residence or business address is (*specify*):
200 N. School Street, Suite 304
Ukiah, CA 95482

2. I served a copy of the *Notice of Entry of Judgment or Order* by enclosing it in a sealed envelope with postage fully prepaid and (*check one*):
 - a. deposited the sealed envelope with the United States Postal Service.
 - b. placed the sealed envelope for collection and processing for mailing, following this business's usual practices, with which I am readily familiar. On the same day correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service.

3. The *Notice of Entry of Judgment or Order* was mailed:
 - a. on (*date*): October 24, 2023
 - b. from (*city and state*): Ukiah, CA 95482

4. The envelope was addressed and mailed as follows:

<ol style="list-style-type: none"> a. Name of person served: Glenn L. Block Street address: 3429 Ocean View Blvd., Suite L City: Glendale State and zip code: CA 91208 b. Name of person served: Maryellen Sheppard Street address: 27200 North Highway 1 City: Fort Bragg State and zip code: CA 95437 	<ol style="list-style-type: none"> c. Name of person served: Paul Beard II Street address: 4470 W. Sunset Blvd., Suite 93165 City: Los Angeles State and zip code: CA 90027 d. Name of person served: Christian Curtis & Brina Blanton Street address: 501 Low Gap Rd., Room 1030 City: Ukiah State and zip code: CA 95482
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Names and addresses of additional persons served are attached. (*You may use form POS-030(P).*)

5. Number of pages attached 5 .

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

Date: October 24, 2023

Karen Roman
(TYPE OR PRINT NAME OF DECLARANT)


(SIGNATURE OF DECLARANT)

FILED

10/20/2023

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

Bynum, Dineen *Doreen Bynum*
DEPUTY CLERK

1 JAMES F. KING, SBN 41219
STEPHEN F. JOHNSON, SBN 205244
2 MICHAELYN P. WIPF, SBN 300428
MANNON, KING, JOHNSON & WIPF, LLP
3 200 North School Street, Suite 304
Post Office Box 419
4 Ukiah, California 95482
Telephone: (707) 468-9151
5 Facsimile: (707) 468-0284

6 Attorneys for Defendant John Meyer

7
8 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
9 **FOR THE COUNTY OF MENDOCINO**

10 MENDOCINO RAILWAY,
11 Plaintiff,

12 vs.

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

18 Defendants.

) Unlimited

) Case No. SCU-K-CVED 20-74939

) [PROPOSED]

) ORDER ON PLAINTIFF'S EX PARTE
APPLICATION FOR ORDER

) Date: September 28, 2023

) Time: 1:30 pm

) Dept: E

) Judge: The Hon. Jeanine B. Nadel

19 This matter came before this Court for a hearing on September 28, 2023, at 1:30
20 p.m. in Department E of the above-entitled court, the Honorable Jeanine B. Nadel,
21 presiding, for an ex parte hearing on plaintiff Mendocino Railway's Application For An
22 Order: (a) Recalling and Quashing the Recorded Abstract of Judgment; (b)
23 Invalidating/Quashing Any and All Other Liens Recorded Against Plaintiff's Real
24 Property; (c) Recalling/Quashing The Writ of Execution And Notice of Levy; (d) Staying
25 Any and All Further Enforcement of the Costs Award Pending Appeal; and (e) An Award
26 of Attorneys' Fees.

27 Paul J. Beard II, Esq., appeared on behalf of plaintiff Mendocino Railway and
28

1 Stephen F. Johnson, Esq., appeared on behalf of defendant John Meyer.

2 After having reviewed plaintiff Mendocino Railway's moving and reply papers
3 and defendant John Meyer's opposition papers, and hearing oral argument IT IS
4 HEREBY ORDERED THAT:

5 1. The Abstract of Judgment, recorded against Mendocino Railway's real property
6 on or about September 5, 2023, in the County of Mendocino is expunged and recalled.

7 2. The Notice of Lien, attaching the recorded Abstract of Judgment, is expunged
8 and/or quashed.

9 3. The Writ of Execution for possession of Mendocino Railway's personal
10 property, first issued by this Court on September 7, 2023, and subsequently re-issued
11 bearing different dates, is quashed and recalled.

12 4. The Notice of Levy, issued by the Levying Officer on September 12, 2023, is
13 quashed and recalled.

14 5. Any and all past enforcement actions taken or procured by defendant John
15 Meyer against plaintiff Mendocino Railway to enforce John Meyer's attorney's fees and
16 costs award in this case ("Cost Award"), including without limitation the procuring of
17 liens and other encumbrances on Mendocino Railway's real or personal property, are
18 invalidated, quashed and/or expunged.

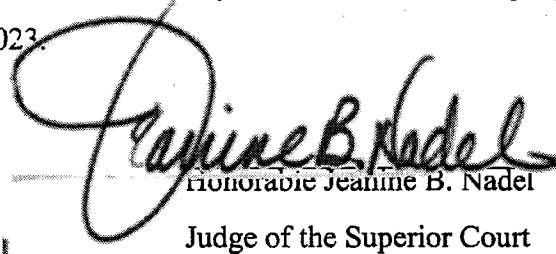
19 6. Enforcement of the Cost Award is automatically stayed, as of August 30, 2023,
20 when Mendocino Railway appealed the award, until such time the Court of Appeal issues
21 a remittitur to this Court.

22 7. Pursuant to Code of Civil Procedure § 917.9(a)(3), Mendocino Railway shall
23 immediately, and in no event later than 30 days from the court executing this order, cause
24 an undertaking to be filed with this Court in the amount of \$265,533.50, for costs
25 awarded to John Meyer ("the Undertaking"). Pursuant to Code of Civil Procedure §
26 917.9(c), the Undertaking is conditioned upon the performance of the judgment or order
27 appealed from and payment of sums required by the judgment or order appealed from. If
28 the judgment or order is affirmed or the appeal is withdrawn or dismissed, then


1 Mendocino Railway shall pay from the Undertaking all of John Meyer's damages, as
2 defined by Code of Civil Procedure § 917.9(d), which John Meyer may sustain by reason
3 of the stay in enforcement of the judgment.

4 8. On December 21, 2020, Mendocino Railway made a deposit of probable
5 compensation in this action pursuant to Code of Civil Procedure § 1255.010. The
6 referenced deposit was in the total sum of \$350,000, and was deposited with the
7 California State Treasurer's office ("the Deposit"). Pursuant to the discretion granted to
8 the court in Code of Civil Procedure § 917.9(a)(3), the Deposit shall also be considered
9 an additional undertaking that is conditioned upon the performance of the judgment or
10 order appealed from and payment of sums required by the judgment or order appealed
11 from. If the judgment or order is affirmed or the appeal is withdrawn or dismissed, then
12 Mendocino Railway shall pay John Meyer from the Deposit all damages as defined by
13 Code of Civil Procedure § 917.9(d), that exceed the amount of the Undertaking, which
14 John Meyer may sustain by reason of the stay in enforcement of the judgment.

15 DATED: October 19, 2023.

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18 Honorable Jeanine B. Nadel
19 Judge of the Superior Court

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24 Approved as to form:

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26 Paul J. Beard II

27 Attorney For Mendocino Railway
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PROOF OF SERVICE

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

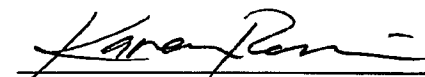
I declare that I am over the age of 18 years, employed in the County of Mendocino, and not a party to the within action; my business address is P.O. Box 419, 200 N. School Street, Room 304, Ukiah, CA 95482.

On October 12, 2023, I served the **ORDER ON PLAINTIFF'S EX PARTE APPLICATION FOR ORDER** 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 October 12, 2023, at Ukiah, California.



Karen Roman, Legal Assistant

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SERVICE LIST

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

<p>Glenn L. Block Christopher Washington California Eminent Domain Group, APC 3429 Ocean View Blvd., Suite L Glendale CA 91208 glb@caledlaw.com cgw@caledlaw.com</p>	<p>Maryellen Sheppard 27200 North highway 1 Fort Bragg, CA 95437 sheppard@mcn.org</p>
<p>Paul Beard II Fisher Broyles, LLP 4470 W. Sunset Blvd., Suite 93165 Los Angeles, CA 90027 Paul.beard@fisherbroyles.com</p>	<p>Christian Curtis Brina Blanton Office of Mendocino-Administration Center 501 Low Gap Road, Room 1030 Ukiah, CA 95482 curtisc@mendocinocounty.org blantonb@mendocinocounty.org</p>