

**SUPERIOR COURT OF CALIFORNIA, COUNTY OF MENDOCINO
CLERK'S DOCKET & MINUTES**

Judge: **HONORABLE JEANINE NADEL** Clerk: CHRISTY RECENDIZ
Reporter: CAROL DEUCHAR #13877 Bailiff: DOUG JOHNSON
Interpreter: # Date: **08/24/2022 9:00 AM**
Language: Sworn Cert/Reg with oath on file as stated by the Court

SCUK-CVED-2020-74939

MENDOCINO RAILWAY; MENDOCINO RAILWAY,

Petitioner,

vs.

**CALIFORNIA PUBLIC UTILITIES COMMISSION;
MENDOCINO COUNTY TREASURER-TAX COLLECTOR;
JOHN MEYER; REDWOOD EMPIRE TITLE COMPANY
OF MENDOCINO COUNTY; SHEPPARD INVESTMENTS;
MARYELLEN SHEPPARD,**

Respondent.

NATURE OF PROCEEDINGS: ON-GOING TRIAL/HEARING

Appearances:

Glen Block counsel for Plaintiff
Paul Beard Counsel for Plaintiff
Steven Johnson for John Meyer
John Meyer defendant
Kennan Beard for Sierra Railway Company
Robert Pinoli representative for Mendocino Railway

Exhibit books are presented with exhibits pre-marked.

Witness Robert J. Pinoli resumes the witness stand, previously sworn, for continuation of direct examination by Counsel Block on behalf of the plaintiff. (9:05 am)

Plaintiff's Exhibit 16 – Letter from Mr. Hildebrand – marked – identified.

Counsel Johnson objects to the letter as “hearsay”.

Counsel Block offers exhibit into evidence and is denied.

Plaintiff's Exhibit 17 – Letter from CA Coastal Commission(1/17/19) to Ms. Kenyon, Resolution and Grant Application – marked – identified – received into evidence.

Plaintiff's Exhibit 30 - Industry Support Letters re: Fort Bragg/Mendocino Railway BUILD Grant Application (2018 - 2020) – identified – received into evidence.

Break 10:26 - 10:50

Witness Robert J. Pinoli resumes the witness stand, previously sworn, for continuation of direct examination by Counsel Block on behalf of the plaintiff. (10:50 a.m)

Plaintiff's Exhibit 29 - Caltrans - Short Line Rail Improvement Plan (2021) – identified. Counsel Block offers exhibit into evidence. Counsel Johnson objects, matter argued. Court **receives the report into evidence** and will give it whatever weight is necessary.

Plaintiff's Exhibit 2 – Subject Property – Aerial Photo – identified – received into evidence.

Plaintiff's Exhibit 4 - Project - Preliminary Site Plan – identified – received into evidence.

Plaintiff's Exhibit 32 - Mendocino Railway - correspondence and documents re: REMCO site (2015) – identified – received into evidence.

Court will recess for lunch and will return at 1:30 pm. (11:56 am)

Court is in session @ 1:30 pm, all parties are present.

Witness Robert J. Pinoli resumes the witness stand, previously sworn, for continuation of direct examination by Counsel Block on behalf of the plaintiff. (1:30 p.m.)

Plaintiff's Exhibit 33 - Mendocino Railway - internal e-mail communications re: search, investigation, and analysis of potential sites (Jan – Aug 2020) – identified – received into evidence.

Plaintiff's Exhibit 34- Mendocino Railway - Offer to Purchase Meyer Property (10/7/20);Ward-Levy appraisal; Legal Description; Eminent Domain Informational Brochure – identified – received into evidence.

Counsel Block request for the court to revisit Exhibit 15 and request for the court to receive exhibit into evidence. Counsel Johnson does not object and Exhibit is received into evidence.

Plaintiff reset on the evidence subject rebuttal.

Court is in recess 2:33 pm to 2:50 pm.

Witness Robert J. Pinoli resumes the witness stand, previously sworn, for cross-examination by Counsel Johnson on behalf of the defendant.

Defendant's Exhibit A - California Western Railroad Map – identified.

Defendant's Exhibit L - Calendar from California Western Railroad – marked – identified.

Defendant's Exhibit M - Photograph - Western Portal of Tunnel One – marked – identified

Defendant's Exhibit N – Photograph of Bridge – marked – identified

Counsel Johnson reads from deposition of Robert Pinoli.

Defendant's Exhibit B - Preliminary Title Report for John Meyer's Property – marked – identified

Defendant's Exhibit C - Aerial Photograph of John Meyer's Property – marked – identified

Defendant's Exhibit D - Various Emails/Letters of Mendocino Railway Management – marked – identified

Counsel Johnson reads from deposition of Robert Pinoli.

Counsel Johnson moves Exhibits A – C, M, N and are received with no objection.

Counsel Johnson moves **Exhibit L** into evidence, court states there was testimony regarding the printout. Mr. Pinoli will printout a new printout and it will be admitted.

Court is in recess for the day 4:40 p.m. Trial will commence on 8/25/22 @ 9:00 am.

Minutes complete/cr