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By:
Taylor Ramirez
Deputy Clerk



**NO FEE REQUIRED PURSUANT
TO GOVERNMENT CODE
SECTION 6103**

8 SUPERIOR COURT OF THE STATE OF CALIFORNIA
9
10 COUNTY OF MENDOCINO

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13 **MENDOCINO RAILWAY,**

Plaintiff,

14
15 v.

16 **JOHN MEYER, et al.,**

17 Defendants.

Case No. SCUK-CVED-2020-74939

**OPPOSITION OF CALIFORNIA
COASTAL COMMISSION TO
MENDOCINO RAILWAY'S NOTICE OF
RELATED CASE**

Date: September 30, 2022
Time: 9:30 a.m.
Dept: E
Judge: Hon. Jeanine B. Nadel

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21 The California Coastal Commission ("Coastal Commission") joins Defendant John
22 Meyer and the City of Fort Bragg ("City") in its opposition to Plaintiff Mendocino Railway's
23 ("Railway") Notice of Related Case. The Coastal Commission further joins the City in its
24 opposition to Plaintiff's request that the *City of Fort Bragg v. Mendocino Railway* matter (Case
25 No. 21CV00850) ("*Fort Bragg* matter"), pending in Mendocino County Superior Court's Ten
26 Mile Branch, be deemed related and reassigned to this Court.

27 The Coastal Commission filed a Motion to Intervene in the *Fort Bragg* matter on
28 September 8, 2022, and that motion is set to be heard by that Court on October 6, 2022. In its

1 proposed Complaint in Intervention, the Coastal Commission seeks (1) a declaration that the
2 California Coastal Act (“Coastal Act”) and the City’s Local Coastal Program (LCP) apply to the
3 Railway’s development activities in the coastal zone; (2) a declaration that application of the
4 Coastal Act and the City’s LCP to the Railway’s activities is not preempted under state or
5 federal law; (3) civil penalties against the Railway for violating the Coastal Act; (4) injunctive
6 relief requiring the Railway to comply with the permitting requirements of the Coastal Act and
7 the City’s LCP; and (5) exemplary damages against the Railway for violating the Coastal Act.
8 Thus, the Coastal Commission has a direct interest in the pending Notice of Related Case and
9 requested reassignment, and contends that the issues presented and relief sought in the *Fort*
10 *Bragg* matter do not sufficiently align with the instant matter so as to warrant relation or
11 reassignment.

12 For all of the reasons set forth above and in the City’s Opposition to Plaintiff’s Notice of
13 Related Case, filed on June 27, 2022, and as may be argued by Defendant Meyer and the City at
14 the hearing on this Notice of Related Case, the Coastal Commission requests that Plaintiff’s
15 Notice be denied in its entirety and the *Fort Bragg* matter not be deemed related to the instant
16 matter nor reassigned to this Court.

17 Dated: September 16, 2022

Respectfully submitted,

18 ROB BONTA
19 Attorney General of California
20 DAVID G. ALDERSON
21 Supervising Deputy Attorney General



22 PATRICK TUCK
23 Deputy Attorney General
24 *Attorneys for the California Coastal*
25 *Commission*

**DECLARATION OF SERVICE ELECTRONIC SERVICE VIA
ONE LEGAL**

Case Name: *Mendocino Railway vs. John Meyer*
No.: **SCUK-CVED 20-74939**

I declare:

I am employed in the Office of the Attorney General, which is the office of a member of the California State Bar, at which member's direction this service is made. I am 18 years of age or older and not a party to this matter

On September 16, 2022, I electronically served the attached **Opposition to Notice of Related Case** by ELECTRONIC TRANSMISSION—ONE LEGAL, addressed as follows:

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When electronically filing the above-entitled document with One Legal, I simultaneously opted for electronic service of the service address (es) on the above Service List.

I declare under penalty of perjury under the laws of the State of California and the United States of America the foregoing is true and correct and that this declaration was executed on September 16, 2022, at Oakland, California.

Najaree Hayfron
Declarant


Signature