

1 DAVID A. DIEPENBROCK (SBN 215679)
ROBERTO G. CRUZ (SBN 342729)
2 **weintraub tobin** chediak coleman grodin
LAW CORPORATION
3 400 Capitol Mall, 11th Floor
4 Sacramento, California 95814
Telephone: 916.558.6000
5 Facsimile: 916.446.1611
6 Email: ddiepenbrock@weintraub.com
rcruz@weintraub.com

7 Attorneys for Plaintiffs,
8 SIERRA NORTHERN RAILWAY and MENDOCINO RAILWAY

9
10 **UNITED STATES DISTRICT COURT**
11 **NORTHERN DISTRICT OF CALIFORNIA**

12 SIERRA NORTHERN RAILWAY, a
California corporation, and MENDOCINO
13 RAILWAY, a California corporation,

14 Plaintiffs,

15 vs.

16 CITY OF FORT BRAGG, and DOES 1
17 through 25, inclusive,

18 Defendants.
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Case No.: 24-cv-04810-JST

**STIPULATION AND [PROPOSED]
ORDER TO FILE SECOND AMENDED
COMPLAINT**

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1 PURSUANT TO FEDERAL RULE OF CIVIL PROCEDURE 15(a)(2), IT IS HEREBY
2 STIPULATED AND AGREED by and between Plaintiffs SIERRA NORTHERN RAILWAY and
3 MENDOCINO RAILWAY, on the one hand, and Defendant CITY OF FORT BRAGG on the other,
4 by and through their undersigned counsel, as follows:

5 **WHEREAS** on August 8, 2024, Plaintiffs filed a complaint against Defendant, alleging the
6 following causes of action: Fifth Amendment Taking, Declaratory Relief, Contribution and
7 Indemnity, Nuisance, Trespass, and Inverse Condemnation (“Complaint”).

8 **WHEREAS** on August 28, 2024, Plaintiffs issued a 60-day notice of intent to sue pursuant
9 to 42 U.S.C. § 9659 of the Comprehensive Environmental Response, Compensation, and Liability
10 Act (“CERCLA”) and 40 C.F.R. §374.3.

11 **WHEREAS** on November 1, 2024, Plaintiffs amended the Complaint to assert claims under
12 CERCLA after the 60-day notice of intent to sue expired (“Amended Complaint”).

13 **WHEREAS** on November 20, 2024, Plaintiffs’ counsel and Defendant’s newly retained
14 counsel, Fred Blum, met and conferred in good faith to discuss issues Defendants had raised regarding
15 the Amended Complaint.

16 **WHEREAS** on November 21, 2024, the Court granted the parties’ stipulated Order
17 Extending Two Weeks’ Time For Defendant To Respond to Plaintiffs’ Amended Complaint, until
18 December 4, 2024 to facilitate further meet and confer efforts.

19 **WHEREAS** Plaintiffs desire to file a Second Amended Complaint to address the points raised
20 by Defendant during the meet and confer process.

21 **WHEREAS** the interests of judicial economy and efficiency support Plaintiffs filing a Second
22 Amended Complaint, in lieu of costly and time-consuming law and motion.

23 **WHEREAS** Plaintiffs and Defendant are agreeable to Plaintiffs filing a Second Amended
24 Complaint, on or before December 20, 2024.

25 **NOW, THEREFORE**, pursuant to the foregoing, Plaintiffs and Defendant, by and through
26 their counsel, stipulate and agree that Plaintiffs’ deadline for filing and serving a Second Amended
27 Complaint is extended to December 20, 2024.

28 **SO STIPULATED.**

1 DATED: December 4, 2024

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By: /s/ David A. Diepenbrock
David A. Diepenbrock
Attorneys for Plaintiff
Sierra Northern Railway

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DATED: December 4, 2024

EDLIN GALLAGHER HUIE & BLUM

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By: /s/ Fred M. Blum as authorized on 12/4/24
Fred M. Blum, Esq.
Attorneys for Defendant
CITY OF FORT BRAGG

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IT IS SO ORDERED.

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Date: _____, 2024

HON. JON S. TIGAR
JUDGE OF THE NORTHERN DISTRICT OF THE
UNITED STATES DISTRICT COURT

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