

1 Paul J. Beard II (SBN: 210563)  
2 **FISHERBROYLES LLP**  
3 4470 W. Sunset Blvd., Suite 93165  
4 Los Angeles, CA 90027  
5 Telephone: (818) 216-3988  
6 Facsimile: (213) 402-5034  
7 Email: paul.beard@fisherbroyles.com

8 Attorneys for Defendant  
9 MENDOCINO RAILWAY

**ELECTRONICALLY FILED**  
1/14/2022 4:18 PM  
Superior Court of California  
County of Mendocino

By:   
D. Jess  
Deputy Clerk

10 **IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA**  
11 **FOR THE COUNTY OF MENDOCINO**

12 CITY OF FORT BRAGG, a California  
13 municipal corporation

14 Plaintiff,

15 v.

16 MENDOCINO RAILWAY and DOES 1-10,  
17 inclusive,

18 Defendants.

Case No.: 21CV00850

[Assigned to the Hon. Clayton Brennan]

**DECLARATION OF MIKE HART IN  
SUPPORT OF DEFENDANT'S  
DEMURRER AND MOTION TO STRIKE**

Hearing Date: February 10, 2022

Hearing Time: 2:00 p.m.

Complaint Filed: October 28, 2021

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

I, Mike Hart, declare as follows:

1. I am the CEO of Sierra Railroad Company, the parent company of Mendocino Railway. I have personal knowledge of the matters set forth herein and would so testify.

2. I have reviewed Exhibits C and D attached to the Declaration of Paul Beard II in support of Defendant’s Demurrer and Motion to Strike. Those exhibits are true and correct copies of the following documents: (1) the January 17, 2019, letter from the City of Fort Bragg to the California Coastal Commission, and (2) the August 1, 2019, “Coastal Consistency Certification” (with cover letter) prepared by the City and sent to the California Coastal Commission. I know Exhibits C and D to be authentic copies of said documents, because the City sent me the documents at or around the time they were sent to the Commission.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct to the best of my knowledge, and that this Declaration was executed on January 13, 2021.

DATED: January 13, 2022

  
UD UD (Jan 13, 2022 08:42 HST)

MIKE HART