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

Judge: **HONORABLE CLAYTON BRENNAN**   Clerk: DOROTHY JESS

Reporter: SHARON CAHN #6210   Bailiff: MIKE HOSFORD

Interpreter: #   Date: **02/24/2022 2:00 PM**

Language: ☐Sworn ☐Cert/Reg with oath on file as stated by the Court

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21CV00850

CITY OF FORT BRAGG,

Petitioner,

vs.

MENDOCINO RAILWAY,

Respondent.

NATURE OF PROCEEDINGS: *DEMURRER / MOTION TO STRIKE

Appearances:

Atty. Keith F. Collins present on behalf of City of Fort Bragg.

Atty. Krista Macnevin Jee present on behalf of City of Fort Bragg.

Atty. Paul Beard II present via zoom on behalf of Mendocino Railway.

Atty. Christian Curtis from Mendocino County Counsel submits as Amicuse Curiae status.

Court states their request for Amicus Curiae application which was submitted a day before the hearing.

Atty. Paul Beard II states they were surprised County Counsel waited a day before to file the Amicus Brief and thinks the submission should be rejected/disregard as untimely.

Atty. Krista Macnevin Jee says the legal issue brought up in the brief are similar as far as the legal authorities.

Court states that the county has interest in the litigation and there timing was poor and created some unfairness for the railway to respond however they are not introducing any new issues.

Court grants the application of the amicus brief.

Court has read all the pleadings on the Demurrer and Motion to Strike.

Atty. Beard makes oral argument to Court, requests the complaint be denied.

Atty. Krista Macnevin Jee makes argument to the Court and objects to Judicial notice and requests the court address the objections.

Court states it will take this matter under submission and will address the Objections to the Judicial notice.

Atty. Keith F. Collins makes argument is that the Court and states that the Court has no authority to enforce the CPUC.

Atty. Paul Beard II makes rebuttal argument to the Court.

Atty. Paul Baard II matter submitted

Atty. Krista Macnevin Jee makes final argument to the Court.

Atty. Krista Macnevin Jee matter submitted.

Matter taken under Submission.

MINUTES COMPLETE *dj*