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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]

**DEFENDANT MENDOCINO RAILWAY'S  
NOTICE OF DEMURRER AND  
DEMURRER TO PLAINTIFF CITY OF  
FORT BRAGG'S COMPLAINT FOR  
DECLARATORY AND INJUNCTIVE  
RELIEF**

Hearing Date: February 10, 2021

Hearing Time: 2:00 p.m.

Complaint Filed: October 28, 2021

19 **TO PLAINTIFF CITY OF FORT BRAGG AND ITS COUNSEL OF RECORD:**

20 **PLEASE TAKE NOTICE** that on February 10, 2022, at 2:00 p.m., or as soon thereafter as the  
21 matter may be heard, in the Ten Mile Branch of the Mendocino County Superior Court, located at 700  
22 South Franklin Street, Fort Bragg, CA 95437, Defendant MENDOCINO RAILWAY will, and hereby  
23 does, demurer to the Verified Complaint for Declaratory and Injunctive Relief ("Complaint") of Plaintiff  
24 CITY OF FORT BRAGG ("City") in its entirety.

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**DEMURRER**

Pursuant to Code of Civil Procedure section 430.10, Mendocino Railway demurs to the Complaint, and all causes of action contained therein, on the following grounds:

1. First Cause of Action: Mendocino Railway demurs to this cause of action on the basis that “[t]he court has no jurisdiction of the subject of the cause of action alleged in the pleading.” Code of Civ. Proc. § 430.10(a).

Mendocino Railway’s demurrer is based on this Notice of Demurrer and Demurrer, the accompanying Memorandum of Points and Authorities, the accompanying Declarations of Paul Beard II and Mike Hart, the accompanying Request for Judicial Notice, the pleadings and files in this case, and any other materials or argument that may be presented prior to or at the hearing of this matter.

DATED: January 14, 2022.

**FISHERBROYLES LLP**

/s/ Paul Beard II

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Attorneys for Defendant MENDOCINO RAILWAY