

**FILED**

DEC - 7 2007

KIM TURNER  
Clerk of the Court  
MARIN COUNTY SUPERIOR COURT  
By: M. Murphy, Deputy

**SUPERIOR COURT OF CALIFORNIA  
COUNTY OF MARIN**

**CITY OF NOVATO**

**Petitioner,**

**vs.**

**NORTH COAST RAILROAD AUTHORITY,**

**Respondent.**

**CALIFORNIA DEPARTMENT OF  
TRANSPORTATION, CALIFORNIA  
TRANSPORTATION COMMISSION,  
CALIFORNIA DEPARTMENT OF FISH  
AND GAME, KERNEN CONSTRUCTION  
CO., NORTHWESTERN PACIFIC  
RAILROAD COMPANY,  
AND DOES 1 TO 10**

**Real Parties in Interest**


Case No.: CV074645

**ORDER FOR LEAVE TO FILE AMICI  
CURIAE BRIEF, EXTENSION OF TIME  
TO RESPOND, AND CONTINUANCE OF  
HEARING ON PRELIMINARY  
INJUNCTION**

For good cause shown in the application of amici curiae Friends of the Eel River, et al, the court grants leave to file the amici curiae brief in support of petitioner's request for preliminary injunction. Upon review of the respondent's opposition to such filing, the court grants respondent's request and will allow respondent and the real parties in interest to and including December 21, 2007,

1 to respond to this new brief. The hearing on the preliminary injunction is continued, sua sponte, from  
2 December 11, 2007 to January 8, 2008 at 9:30 a.m. No further briefing will be permitted.  
3

4 Dated: December 7, 2007

5  
6   
7 **JAMES R. RITCHIE**  
8 **Judge of the Superior Court**

9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

STATE OF CALIFORNIA )  
COUNTY OF MARIN )

IN RE: CITY OF NOVATO v. NORTH COAST RAILROAD AUTHORITY

ACTION NO.: CV074645

(PROOF OF SERVICE BY MAIL - 1013A, 2015.5 C.C.P.)

I AM AN EMPLOYEE OF THE SUPERIOR COURT OF MARIN; I AM OVER THE AGE OF EIGHTEEN YEARS AND NOT A PARTY TO THE WITHIN ABOVE-ENTITLED ACTION; MY BUSINESS ADDRESS IS CIVIC CENTER, HALL OF JUSTICE, SAN RAFAEL, CA 94903.

ON December 7, 2007 I SERVED THE WITHIN

- ORDER FOR LEAVE TO FILE AMICI CURIAE BRIEF, EXTENSION OF TIME TO RESPOND, AND CONTINUANCE OF HEARING ON PRELIMINARY INJUNCTION

IN SAID ACTION TO ALL INTERESTED PARTIES, BY PLACING A TRUE COPY THEREOF ENCLOSED IN A SEALED ENVELOPE WITH POSTAGE THEREON FULLY PREPAID, IN THE UNITED STATES POST OFFICE MAIL BOX AT SAN RAFAEL, CA ADDRESSED AS FOLLOWS:

JEFFREY A. WALTER, ESQ. 670 W. NAPA STREET, #F SONOMA, CA 95476	CHRISTOPHER J. NEARY, ESQ. 110 SOUTH MAIN STREET, #C WILLITS, CA 95490
LUCILLE BACA, ESQ. 595 MARKET STREET, #1700 PO BOX 7444 SAN FRANCISCO, CA 94120	NEIL H. O'DONNELL, ESQ. 311 CALIFORNIA STREET SAN FRANCISCO, CA 94104
KEVIN P. BUNDY, ESQ. 395 HAYES STREET SAN FRANCISCO, CA 94102	DOUGLAS H. BOSCO, ESQ. 37 OLD COURTHOUSE SQ., #200 SANTA ROSA, CA 95404

I CERTIFY (OR DECLARE), UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE STATE OF CALIFORNIA THAT THE FOREGOING IS TRUE AND CORRECT.

DATE:

12/7/07 M. Murphy

**SUPERIOR COURT  
COUNTY OF MARIN**

P.O. Box 4988

San Rafael, CA 94903-4988

**FAX**

Date: 12/7/07  
Number of pages including cover sheet: \_\_\_\_\_

To:

Jeffrey A. Walber, Esq.  
Christopher J. Neary, Esq.  
Lucille Baca, Esq.  
Douglas H. Bosco, Esq.  
Kevin P. Bundy, Esq.  
Neil H. O'Donnell, Esq.

From: Marin County Superior Court

Madelon Murphy  
Judicial Secretary

Phone: 4154737357

REMARKS:

Urgent

For your review

Reply ASAP

Please comment

*Hard copy to follow via U.S. mail.*