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Attorneys for Plaintiff, SIERRA NORTHERN RAILWAY

**SUPERIOR COURT OF THE STATE OF CALIFORNIA**

**COUNTY OF YOLO**

SIERRA NORTHERN RAILWAY, a California  
Corporation,

Plaintiff,

v.

CALIFORNIA DEPARTMENT OF WATER  
RESOURCES, an agency of the State of California;  
CENTRAL VALLEY FLOOD PROTECTION  
BOARD, an agency of the State of California;  
SACRAMENTO AREA FLOOD CONTROL  
AGENCY, a joint powers authority of the State of  
California; SACRAMENTO AND SAN JOAQUIN  
DRAINAGE DISTRICT, acting by and through the  
CENTRAL VALLEY FLOOD PROTECTION  
BOARD of the State of California; CITY OF  
WOODLAND, a municipality of the State of  
California; YOLO COUNTY FLOOD CONTROL  
AND WATER CONSERVATION DISTRICT, a  
special district of the State of California; YOLO  
COUNTY, a county of the State of California;  
RECLAMATION DISTRICT 2035, a special district  
of the State of California; CITY OF WEST  
SACRAMENTO, a municipality of the State of  
California; ALL PERSONS UNKNOWN,  
CLAIMING ANY LEGAL OR EQUITABLE RIGHT,  
TITLE, ESTATE, LIEN, OR INTEREST IN THE  
PROPERTY DESCRIBED IN THE COMPLAINT  
ADVERSE TO PLAINTIFF'S TITLE, OR ANY  
CLOUD ON PLAINTIFF'S TITLE THERETO; and  
DOES 1 through 20, inclusive,

Defendants.

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by Superior Court of CA,  
County of Yolo,

on 3/28/2022 1:57 PM

By: Natalie Lorenzo, Deputy

Case No. CV2022-0479

**VERIFIED COMPLAINT FOR**

**1. QUIET TITLE; and**

**2. DECLARATORY RELIEF**

[Code Civ. Proc., § 760.010, et seq.;  
Code Civ. Proc., § 1060]

37. Despite having no right to take such action, Defendants continue to divert excess flood waters from the Sacramento River and surrounding tributaries onto the Property. Defendants claim a real property right or interest that permits such action.

38. On information and belief, Defendants also assert that they are under no obligation or responsibility to repair or maintain the Property as a result of damage caused by their diversion of excess flood waters across the Property.

39. In a letter dated February 17, 2022, attached as **Exhibit G** and incorporated herein by reference, Plaintiff demanded that Defendants acknowledge their respective lack of interest in the Fremont Trestle and that Defendants cease and desist the flooding of the Fremont Trestle. With the exception of SAFCA's February 28, 2022 letter described in paragraph 18, Plaintiff received no response.

**FIRST CAUSE OF ACTION**

**(For Quiet Title Against all Defendants)**

**(Code of Civil Procedure, § 760.020)**

40. Plaintiff re-alleges and incorporates by reference, as though fully set forth herein, each and every allegation contained in paragraphs 1 through 40 inclusive.

41. Plaintiff is fee owner and in possession of the Property.

42. Defendants have no right, title, lien, or interest to divert excess flood water across the Property.

43. Plaintiff is informed and believes that each of the Defendants disputes the preceding contentions, and asserts a right, whatever it may be, to direct excess flood waters across the Property or in the reasonable measures Plaintiff may take to protect the Property. Thus, Defendants claim an interest in the Property that is adverse to Plaintiff.

44. Plaintiff seeks to quiet title against any claim asserted by Defendants to a right, title, lien, or interest to divert excess flood waters across the Property. Defendants' claims are without any right, and Defendants have no right, title, estate, lien, or interest in the Property or any part of it.

45. Plaintiff seeks to quiet title against all Defendants and each of them as of the date of the filing of this action. The claims of Defendants are uncertain and unknown to the extent they reach beyond actions and assertions of a right to flow excess flood waters across the Property.

## **SECOND CAUSE OF ACTION**

(For Declaratory Relief Against all Defendants)

(Code of Civil Procedure, § 1060)

46. Plaintiff re-alleges and incorporates by reference, as though fully set forth herein, each and every allegation contained in paragraphs 1 through 46, inclusive.

47. A dispute has arisen between Plaintiff and Defendants in that on information and belief Plaintiffs contend that Defendants, without colorable claim of right, easement or otherwise, have contributed to unreasonably diverted excess flood waters across the Property. In the face of continuing and expanded diversion of excess flood flows by Defendants, Plaintiff is confronted with decisions as to whether it may reasonably undertake proposed measures to protect the Property against these excess flood flows.

48. In the alternative, in the event Defendants can establish a right, whatever it may be, to divert excess flood flows against the Property, Plaintiff requires a determination of the reasonable measures it may take to mitigate harm to the Property and to third parties, including but not limited to reasonable notice from Defendants and coordination procedures.

49. Plaintiff has no plain, speedy, or adequate remedy at law for the harm resulting from Defendants' actions.

50. A declaration is necessary and appropriate at this time in order to set at rest the continuing rights, duties, and obligations of the parties with respect to each other, and to allow Plaintiff to exercise its rights to protect the Property against the diversion of excess flood waters.

## **PRAYER FOR RELIEF**

WHEREFORE, Plaintiff prays for Judgment against all Defendants as follows:

### **ON THE FIRST CAUSE OF ACTION**

1. For issuance of Judgment quieting title in Plaintiff's favor as owner in fee simple of the Property and that Defendants and each of them have no right, title, estate, lien, or interest in the

1 Property adverse to Plaintiff;

2 2. For a preliminary injunction and permanent injunction prohibiting any actions by  
3 Defendants that violate Plaintiff's rights and interest in the Property;

4 3. For costs of suit including an award of reasonable attorney's fees and costs pursuant  
5 to applicable law; and

6 4. For such other and further relief as the Court deems just and equitable.

7 **ON THE SECOND CAUSE OF ACTION**

8 5. A declaratory Judgment defining the scope of any rights, whatever they may be, of  
9 Defendants, including, but not limited to:

10 a. The amount of excess flood waters that may diverted across the  
11 Property,

12 b. Defendant's respective duties of repair, maintenance and  
13 reimbursement, and cooperation to mitigate harm to Plaintiff and  
14 third parties;

15 c. Actions that may be reasonably taken by Plaintiff right to protect the  
16 Property and the improvements thereon from damages caused by the  
17 easement holder's use of the easement.

18 6. For a preliminary injunction and permanent injunction prohibiting any actions by  
19 Defendants that violate Plaintiff's rights and interest in the Property;

20 7. For costs of suit including an award of reasonable attorney's fees and costs pursuant  
21 to applicable law; and

22 8. For such other and further relief as the Court deems just and equitable.

23 Dated: March 28, 2022

BROWNSTEIN HYATT FARBER SCHRECK, LLP

24 By:   
25

Scott S. Slater

Christopher R. Guillen

Laura K. Yraceburu

Attorneys for Plaintiff

SIERRA NORTHERN RAILWAY









Google Earth

38°40'42.57" N 121°38'15.49" W elev 18 ft eye alt 6988 ft

1985





Stormwater Crossing

Conaway

West Side Fwy

Google Earth

38°40'46.01" N 121°40'09.40" W elev 26 ft eye alt 6988 ft

1985



