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17 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
18 **COUNTY OF LOS ANGELES**

19 LOS ANGELES COUNTY METROPOLITAN
TRANSPORTATION AUTHORITY, a public
20 entity,

21 Petitioner and Plaintiff,

22 v.

23 CITY OF BURBANK, a municipal corporation;
and DOES 1-10, inclusive,

24 Respondents and Defendants.
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Case No. 26STCP01904

**[PROPOSED] ORDER GRANTING
PETITIONER AND PLAINTIFF'S
MOTION FOR RECONSIDERATION AND
GRANTING PRELIMINARY
INJUNCTION**

ASSIGNED FOR ALL PURPOSES:
Hon. Stephen Morgan

Hearing Date: August 24, 2026
Time: 10:00 a.m.
Dept.: 416

Action filed: May 19, 2026 (CEQA)

1 The Motion for Reconsideration of the Court's July 17, 2026 Order Denying Preliminary
2 Injunction brought by Petitioner and Plaintiff Los Angeles County Metropolitan Transportation
3 Authority (Metro) came on regularly for hearing on August 24, 2026, in Department 416 of this Court,
4 the Honorable Stephen Morgan presiding. Having considered the motion, opposition, reply, supporting
5 declarations and exhibits, request for judicial notice, the record in this action, and the arguments of
6 counsel, the Court rules as follows:

7 1. Metro's Motion for Reconsideration is **GRANTED** under Code of Civil Procedure
8 section 1008, subdivision (a).

9 2. The Court finds that the final order created a different circumstance by making
10 dispositive a factual inquiry that the parties had not briefed or had a fair opportunity to support with
11 evidence. The Court further finds that Metro has presented new and materially different facts and
12 circumstances bearing on the balance of harms and public interest and has satisfactorily explained why
13 those matters were not presented earlier.

14 3. The portion of the Court's July 17, 2026 order denying Metro's motion for preliminary
15 injunction, in section 2 of the order, is **VACATED**.

16 4. The Court's findings in section 1 of the Court's July 17, 2026 order, including that
17 Metro demonstrated a strong likelihood of success on its first, second, and fifth causes of action, and
18 that the requested injunction is prohibitory in nature, remain unchanged.

19 5. On the supplemented record, the Court finds that the balance of harms and the public
20 interest favor preliminary relief. Metro's motion for preliminary injunction is therefore **GRANTED**.

21 6. Pending final judgment or further order of the Court, Respondent and Defendant City of
22 Burbank (City), and its officers, employees, agents, and all persons acting in concert with it who
23 receive actual notice of this Order, are enjoined from doing any of the following:

24 a) Conditioning approval of Metro's plans, submittals, permits, traffic-control
25 plans, or other authorizations for the North Hollywood to Pasadena Bus Rapid Transit Corridor Project
26 (Project) on Metro's preparation of a subsequent or supplemental environmental impact report (EIR), or
27 other additional environmental review under the California Environmental Quality Act (CEQA) (Pub.
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Resources Code, § 21000 et seq.) based on Senate Bill 79 (SB 79) (codified in Gov. Code, § 65912.155 et seq.);

b) Conditioning the review, processing, issuance, or approval of Metro's Project-related plans, submittals, permits, traffic-control plans, or other authorizations on Metro's removal, modification, conversion, deferral, suspension, or non-implementation of any element of the Project as approved by the Metro Board of Directors (Metro Board) and defined in the certified Final EIR for the Project;

c) Conditioning the review, processing, issuance, or approval of Metro's Project-related plans, submittals, permits, traffic-control plans, or other authorizations on amendment of the Project Description, Project Site, or other exhibits of the parties' Cooperative Agreement to remove, modify, convert, suspend, condition, or make optional any element of the Project as approved by the Metro Board and analyzed in the Final EIR, including but not limited to the Project's dedicated bus lanes;

d) Conditioning the review, processing, issuance, or approval of Metro's Project-related plans, submittals, permits, traffic-control plans, or other authorizations on action by the Southern California Association of Governments or any other third-party concerning SB 79 mapping; and,

e) Withholding, delaying, or refusing to process, or refusing to act on Metro's pending or future Project-related plans, submittals, permits, traffic-control plans, or other authorizations based on any of the grounds or conditions described above.

7. Nothing in this Order requires the City to approve any specific submittal, permit, traffic-control plan, or other authorization except as required by the Cooperative Agreement. This Order requires only that the City review, process, and act on those items under the Cooperative Agreement without imposing the conditions barred above.

8. Nothing in this Order prevents the City from issuing Compliance Comments permitted by the Cooperative Agreement or requires Metro to disregard or decline to respond to such comments,

1 provided that any such comments and responses are consistent with the Cooperative Agreement and are
2 not based on the conditions barred above.

3 9. Because Metro is a public entity, no bond or undertaking is required. (Code Civ. Proc. §
4 995.220.)

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6 **IT IS SO ORDERED.**

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8 Dated: _____, 2026

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11 The Honorable Stephen Morgan
12 JUDGE OF THE SUPERIOR COURT
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