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16

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.
25
26
27
28

Case No. 26STCP01904

**PETITIONER AND PLAINTIFF'S
REQUEST FOR JUDICIAL NOTICE IN
SUPPORT OF MOTION FOR
RECONSIDERATION OF ORDER
DENYING 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 TO THE COURT, ALL PARTIES AND THEIR COUNSEL OF RECORD:

2 PLEASE TAKE NOTICE that Petitioner and Plaintiff Los Angeles County Metropolitan
3 Transportation Authority (Metro) hereby requests that the Court take judicial notice of the following
4 documents, true copies of which are attached as Exhibits A through H to the Declaration of Laura
5 Middleton filed concurrently herewith in support of this request (“Middleton Declaration”):

6 1. Southern California Association of Governments’ Regional Council Report for its July
7 2, 2026 meeting, approving the Senate Bill 79 Approach and Methodology for its map identifying
8 qualifying transit-oriented development stops and zones around eligible transit stations, a true and
9 correct copy of which is attached as **Exhibit A** to the Middleton Declaration.

10 2. Southern California Association of Governments’ Senate Bill (SB) 79 Stops, Zones, and
11 Tiers Map, identifying Transit-Oriented Development zones in and around Burbank, a true and correct
12 copy of which is attached as **Exhibit B** to the Middleton Declaration.

13 3. City of Los Angeles’ 2024 Olympic and Paralympic Games Stage 1 Candidature File
14 (“Vision, Games Concept and Strategy”), a true and correct copy of which is attached as **Exhibit C** to
15 the Middleton Declaration.

16 4. City of Los Angeles’ 2024 Olympic and Paralympic Games Stage 3 Candidature File
17 (“Candidature Questionnaire: Games Delivery, Experience and Venue Legacy), a true and correct copy
18 of which is attached as **Exhibit D** to the Middleton Declaration.

19 5. International Olympic Committee’s Host City Contract Principles for the 2028 Olympic
20 Games, a true and correct copy of which is attached as **Exhibit E** to the Middleton Declaration.

21 6. International Olympic Committee’s Evaluation Commission Report for the 2024
22 Olympic Games, a true and correct copy of which is attached as **Exhibit F** to the Middleton
23 Declaration.

24 7. Metro Board of Directors’ December 3, 2020, Regular Board Meeting Report, approving
25 Motion 42 involving the preparation of an inter-agency mobility concept plan of permanent transit and
26 transit-supportive projects and programs in service of the 2028 Olympic and Paralympic Games, a true
27 and correct copy of which is attached as **Exhibit G** to the Middleton Declaration.
28

1 8. Metro 2028 Olympics Committee’s June 14, 2023, Board Report providing a progress
2 updated on the 2028 Mobility Concept Plan, a true and correct copy of which is attached as **Exhibit H**
3 to the Middleton Declaration.

4 Metro offers the following Memorandum of Points and Authorities in support of its request that
5 the Court take judicial notice of the above documents (the Subject Documents).

6 **MEMORANDUM OF POINTS AND AUTHORITIES**

7 **I. INTRODUCTION**

8 The Court should take notice of the Subject Documents pursuant to Evidence Code section 452
9 and 453. Evidence Code section 453 provides that a court “shall” take judicial notice of any matter
10 specified in Evidence Code section 452, provided that the party requesting notice: (a) gives each
11 adverse party sufficient notice of the request to enable that party to meet the request; and (b) furnishes
12 the court with sufficient information to enable it to take judicial notice of the matter. This request, and
13 the Subject Documents filed herewith, satisfy the requirements of Evidence Code section 453 by
14 providing all parties with notice adequate to enable them to oppose the request, and by providing the
15 Court with both the entire materials for which notice is requested, and also a discussion of the propriety
16 of taking judicial notice of the Subject Documents pursuant to Evidence Code section 452.

17 **II. ARGUMENT**

18 **A. Exhibits A through D, and G and H are judicially noticeable as “official acts”** 19 **under Evidence Code, section 452, subdivision (c).**

20 Evidence Code section 452, subdivision (c), authorizes judicial notice of “[o]fficial acts of the
21 legislative, executive, and judicial departments of the United States and of any state of the United
22 States.” (Evid. Code, § 452, subd. (c).) Pursuant to Evidence Code section 452, subdivision (c), official
23 acts include “the records and files” of a public entity covered by this subdivision.

24 Exhibits A and B are judicially noticeable as official acts of the Southern California Association
25 of Governments (SCAG). SCAG is a joint powers authority under California state law and is therefore
26 a public entity covered by subdivision (c). Exhibit A is judicially noticeable as an official report of
27 SCAG’s Regional Council. (*Banning Ranch Conservancy v. City of Newport Beach* (2012) 211
28 Cal.App.4th 12091, 1225, fn. 6 (*Banning Ranch*) [taking judicial notice of respondent agency’s staff

report]; *Cedar Fair, L.P. v. City of Santa Clara* (2011) 194 Cal.App.4th 1150, 1156–1158 (*Cedar Fair*) [taking judicial notice of a city’s agenda report and meeting agendas].) Exhibit B is an official map created and published by SCAG. (*Fowler v. Howell* (1996) 42 Cal.App.4th 1746, 1750 (*Fowler*) [noting that “official acts” include records, reports, and orders of governmental agencies]; *Long Beach Equities v. County of Ventura* (1991) 231 Cal.App.3rd 1016, 1024 [court may take judicial notice of resolutions, reports, and other official acts of the city].)

Exhibits C and D are judicially noticeable as official acts of the City of Los Angeles, as reports released in the City’s bid to host the 2028 Olympic and Paralympic Games (2028 Games). (*Fowler, supra*, 43 Cal.App.4th at p. 1750 [official acts also include “the records and files” of a public entity covered by this subdivision]; *Associated Builders & Contractors, Inc. v. San Francisco Airports Com.* (1999) 21 Cal.4th 352, 375, fn. 4 (*Associated Builders*) [court may take judicial notice of administrative agency records].)

Exhibits G and H are judicially noticeable as official act of Metro. Exhibit G is an official agenda for a Metro Board of Directors meeting. Exhibit H is an official Board Report prepared by Metro in advance of its public meeting on the 2028 Mobility Concept Plan Update. (*Banning Ranch, supra*, 211 Cal.App.4th at p. 1225, fn. 6; *Cedar Fair, supra*, 194 Cal.App.4th at pp. 1156–1158.) Accordingly, the Subject Documents are properly the subject of judicial notice.

B. The Subject Documents are judicially noticeable pursuant to Evidence Code section 452, subdivision (h).

Evidence Code, section 452, subdivision (h), authorizes judicial notice of matters “that are not reasonably subject to dispute and are capable of immediate and accurate determination by resort to sources of reasonably indisputable accuracy.” (Evid. Code, § 452, subd. (h).) Public agency records and reports made available on the agency’s official website are judicially noticeable as official acts and matters not reasonably subject to dispute because they are capable of immediate determination. The Subject Documents are readily available to the public online through the agencies’ respective websites:

- **Exhibit A**, which contains SCAG’s July 2, 2026, Regional Council meeting agenda packet and Report, is available online at: <https://scag.ig2.com/Citizens/>.

- 1 • **Exhibit B**, which contains SCAG’s SB 79 Transit-Oriented Development Stops, Zones, and
2 Tiers Map, is available online at:
3 [https://rdp.scag.ca.gov/portal/apps/experiencebuilder/experience/?id=6a2891fa768646f8a41](https://rdp.scag.ca.gov/portal/apps/experiencebuilder/experience/?id=6a2891fa768646f8a410b1e7d249d8e2)
4 [0b1e7d249d8e2](https://rdp.scag.ca.gov/portal/apps/experiencebuilder/experience/?id=6a2891fa768646f8a410b1e7d249d8e2).
- 5 • **Exhibits C and D**, which contain the City of Los Angeles’ Candidature Files for the 2028
6 Games, are available online at:
7 [https://library.olympics.com/Default/doc/SYRACUSE/171668/candidature-file-los-](https://library.olympics.com/Default/doc/SYRACUSE/171668/candidature-file-los-angeles-candidate-city-olympic-games-2024?_lg=en-GB)
8 [angeles-candidate-city-olympic-games-2024?_lg=en-GB](https://library.olympics.com/Default/doc/SYRACUSE/171668/candidature-file-los-angeles-candidate-city-olympic-games-2024?_lg=en-GB).
- 9 • **Exhibit E**, which contains the International Olympic Committee’s Host City Contract
10 Principles for the 2028 Olympic Games, is available online at:
11 [https://stillmed.olympic.org/media/Document%20Library/OlympicOrg/Documents/Host-](https://stillmed.olympic.org/media/Document%20Library/OlympicOrg/Documents/Host-City-Elections/XXXIV-Olympiad-2028/Host-City-Contract-2028-Principles.pdf)
12 [City-Elections/XXXIV-Olympiad-2028/Host-City-Contract-2028-Principles.pdf](https://stillmed.olympic.org/media/Document%20Library/OlympicOrg/Documents/Host-City-Elections/XXXIV-Olympiad-2028/Host-City-Contract-2028-Principles.pdf)
- 13 • **Exhibit F**, which contains the International Olympic Committee’s Evaluation Commission
14 Report for the 2024 Olympic Games, is available online at:
15 [https://stillmed.olympics.com/media/Document%20Library/OlympicOrg/Documents/Host-](https://stillmed.olympics.com/media/Document%20Library/OlympicOrg/Documents/Host-City-Elections/XXXIII-Olympiad-2024/Report-IOC-Evaluation-Commission-2024-low-resolution.pdf)
16 [City-Elections/XXXIII-Olympiad-2024/Report-IOC-Evaluation-Commission-2024-low-](https://stillmed.olympics.com/media/Document%20Library/OlympicOrg/Documents/Host-City-Elections/XXXIII-Olympiad-2024/Report-IOC-Evaluation-Commission-2024-low-resolution.pdf)
17 [resolution.pdf](https://stillmed.olympics.com/media/Document%20Library/OlympicOrg/Documents/Host-City-Elections/XXXIII-Olympiad-2024/Report-IOC-Evaluation-Commission-2024-low-resolution.pdf)
- 18 • **Exhibit G**, which contains the agenda packet and Board Report from Metro’s December 3,
19 2020, Regular Board Meeting, is available online at:
20 <https://boardagendas.metro.net/event/regular-board-meeting-60cce7069f66/>.
- 21 • **Exhibit H**, which contains the agenda packet and Board Report from Metro’s June 14,
22 2023, 2028 Olympics Committee, is available online at:
23 <https://boardagendas.metro.net/event/ad-hoc-2028-olympic-875bbdb25037/>.

24
25 **C. The Subject Documents are relevant.**

26 Judicially noticed materials must be relevant to the matter at hand. (See *Mangini v. R.J.*
27 *Reynolds Tobacco Co.* (1994) 7 Cal.4th 1057, 1063; Evid. Code, § 350.) Evidence is relevant if it has
28

1 “any tendency in reason to prove or disprove any disputed fact that is of consequence to the
2 determination of the action,” and is “helpful toward resolving the matter.” (Evid. Code, § 210.)

3 Exhibit A is relevant because it demonstrates SCAG’s independent development and approval
4 of its SB 79 Transit-Oriented Development (TOD) Stops, Zones, and Tiers Map. Likewise, Exhibit B is
5 relevant because it identifies the relevant Project stops and corresponding TOD zones in and around
6 Burbank. The ruling on Metro’s motion for preliminary injunction agreed with Metro that “SB 79
7 qualification flows from the Project’s already approved features and SCAG’s independent statutory
8 mapping process” (July 17, 2026, Minute Order, p. 5) but found that harm to the City from “the
9 consequences that will potentially flow from the interplay between SB 79, SB 35, and the Housing
10 Accountability Act” “seems to outweigh” the harm to Metro (Minute Order, p. 7). Exhibits A and B are
11 directly relevant to confirming that no harm to the City would result from complying with the
12 Cooperative Agreement.

13 Exhibit C is relevant because it describes the region’s planned transit investments ahead of the
14 2028 Games. Exhibit D is relevant because it particularly identifies the Project (referred to by its former
15 name, the “BRT Connector—Metro Red/Orange Line to Gold Line”) as improving travel for the 2028
16 Games. Metro’s motion for preliminary injunction argued that the inability to complete the Project
17 ahead of the 2028 Olympic Games was an irreparable harm to Metro, as transit agency, and the public,
18 who would lose Project benefits including reduced travel time, improved transit reliability and access,
19 as well as improved air quality. (Motion for Preliminary Injunction, pp. 20-21.) The ruling, however,
20 concluded that Metro failed to show adequate harm to the operation of the 2028 Olympic Games
21 themselves. (Minute Order, p. 7.) Exhibits C and D are relevant to showing the harm to Metro and the
22 public if the City is not required to comply with the Cooperative Agreement so that the Project can be
23 completed on time.

24 Relatedly, Exhibit E contains the principles agreed to by the City of Los Angeles to host the
25 2028 Olympic Games, including the “provision of a safe, reliable and efficient system of transport....”
26 Exhibit F contains the International Olympic Committee’s evaluation of the City of Los Angeles’
27 submittals to host the 2024 Olympic Games, including the City’s commitment to “increase the number
28 of citizens who use public transportation by accelerating planned transport expansions and actively

1 promoting their use during the Games.” Like Exhibits C and D, these documents establish the
2 relationship between Metro’s Project and the 2028 Olympic Games for the purposes of showing the
3 harm to Metro and the public if the Project is not completed on time. Accordingly, Exhibits E and F are
4 relevant to the issues before the court through Metro’s motion for reconsideration.

5 Exhibit G is relevant because it shows Metro’s approval of the 2028 Mobility Concept Plan
6 program, directing Metro and partner agencies to identify permanent transit projects that can help serve
7 the 2028 Games. Exhibit H demonstrates the Project’s relationship to the 2028 Games transportation
8 planning. Accordingly, Exhibits G and H are relevant for similar reasons as Exhibits C and D, which is
9 to clarify that the irreparable harm at issue is to Metro’s ability to meet its statutory duties and to the
10 public. For these reasons, the Subject Documents are relevant in this case.

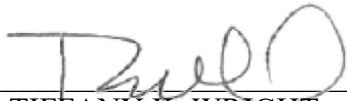
11 **III. CONCLUSION**

12 Metro respectfully requests the Court take judicial notice of the Subject Documents attached as
13 Exhibits A through H of the Middleton Declaration.

14
15 Respectfully submitted,

16 Dated: July 27, 2026

REMY MOOSE MANLEY, LLP

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18 By: 

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20 LOS ANGELES COUNTY METROPOLITAN
21 TRANSPORTATION AUTHORITY
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