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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
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Case No. 26STCP01904

**DECLARATION OF TIFFANY WRIGHT
IN SUPPORT OF PETITIONER AND
PLAINTIFF'S 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 I, Tiffany K. Wright, declare as follows:

2 1. I am an attorney licensed to practice before the courts of the State of California and a
3 partner at Remy Moose Manley, LLP, counsel of record for Petitioner and Plaintiff Los Angeles
4 County Metropolitan Transportation Authority (Metro) in this action. I participated in the preparation
5 of Metro's Motion for Preliminary Injunction (P.I. Motion) and reply papers, reviewed the City of
6 Burbank's opposition papers, and appeared on behalf of Metro at the June 16, 2026, hearing on the P.I.
7 Motion. I have personal knowledge of the procedural matters stated in this declaration and, if called as
8 a witness, could and would testify competently to them.

9 2. Before the final order Metro had no notice that it was required to prove the specific
10 effect of the project's absence on the Games: On June 18, 2026, Metro applied to this Court, Judge
11 Stephen Morgan presiding, for a preliminary injunction restraining the City from conditioning its
12 review, processing, issuance, or approval of Project plans, submittals, permits, or other authorizations
13 on four identified grounds: additional review under the California Environmental Quality Act
14 concerning SB 79; removal or modification of the Project's dedicated bus lanes; amendment of the
15 Cooperative Agreement's Project Description or Project Site; or action by the Southern California
16 Association of Governments (SCAG) or another third party concerning SB 79 mapping. The City filed
17 its opposition on July 2, 2026; Metro filed its reply on July 9, 2026.

18 3. Metro's moving papers addressed the harm from denial of interim relief in terms of the
19 Project and the public. Metro explained that continued City-caused delay threatened the Project's
20 February 2028 revenue-service date, before the Olympic Games begin in July 2028, and would deprive
21 riders and the traveling public of the Project's added transit capacity, regional connectivity, travel-time
22 savings, and reliability during any resulting period of delay. Metro identified the 2028 Olympic and
23 Paralympic Games as a critical, time-sensitive period of extraordinary regional transportation demand
24 during which those benefits would be especially important. Metro did not contend that Los Angeles
25 could not stage the Games without this single Project or that the Project's absence would cause
26 catastrophic consequences for the Games.

27 4. The City's opposition disputed Metro's showing on that same footing. It challenged
28 Metro's construction schedule, argued that Metro had not produced a current operative schedule or

1 formally notified the City of a revised Project Schedule, disputed the weight of Metro’s public-interest
2 evidence, and argued that Metro could not attribute the anticipated regionwide increase in Games-
3 period travel to this individual Project. The City also emphasized that most Games venues were not
4 located near the Project. But the City did not argue that Metro had to prove that the Games themselves
5 could not proceed without the Project, that the Project’s absence would cause catastrophic
6 consequences during the Games, or that the governing harm was harm to the Games rather than harm to
7 the Project, its riders, and the traveling public.

8 5. The Court’s tentative ruling, which Metro obtained the morning of the July 16, 2026,
9 hearing, likewise evaluated the motion under the framework the parties had presented. It concluded that
10 delay causing the Project to miss the Games could not be remedied by a later damages award because
11 the public would permanently lose the Project’s corridor-wide transportation benefits during the
12 affected period. The tentative ruling further concluded that the City had shown comparatively less
13 cognizable harm and that the public interest favored interim relief. It did not state that Metro was
14 required to prove that the Games could not be conducted without the Project or that the Project’s
15 absence would cause catastrophic consequences for the Games.

16 6. I appeared at the July 16, 2026, hearing and argued on behalf of Metro My recollection
17 is that the Court did not advise Metro that the balance of harms or public interest would turn on
18 whether the Games themselves could be conducted without the Project or whether the Project’s absence
19 would cause catastrophic consequences during the Games. Nor did the Court invite or authorize Metro
20 to submit supplemental evidence on those subjects or otherwise leave the evidentiary record open.

21 7. The final order took a different approach. Although it retained the tentative ruling’s
22 conclusion that Metro had shown a strong likelihood of success, it discounted Metro’s harms showing
23 because Metro had not established what “specific effect” the Project’s absence would have “on those
24 events,” whether it would remain “possible to conduct the Games,” or whether the absence of the
25 Project would produce “catastrophic consequences during the Games.” The Court treated the absence
26 of that proof as dispositive of both the balance of harms and the public interest.

27 8. The Clerk electronically served the July 17, 2026, order on counsel of record on July 17,
28 2026.

1 9. The City's July 9, 2026, email became material because the City is no longer
2 cooperating with Metro on the Project approvals or permits: On July 9, 2026, David Kriske emailed
3 Metro stating that, because of the pending litigation, the City would not provide input or participate in
4 activities related to the construction phase of the Project until the litigation was resolved. The email
5 was not included in the reply. The City's opposition had not stated that the City was continuing to
6 provide input or participate in construction-phase activities while the litigation was pending, and I did
7 not then understand that subject to present a disputed factual issue requiring an additional evidentiary
8 submission. Statements made at the July 16 hearing, however, may have given the Court the impression
9 that the City was continuing to cooperate with Metro on the Project. The Court did not leave the
10 evidentiary record open or invite supplemental evidence following the hearing. In addition, the email
11 became materially relevant when the final order relied in part on the parties' desire to expedite the case
12 and the approaching case-management-conference and demurer hearing in the balance of harms. The
13 July 9 email shows that, under the City's stated position, ordinary construction-phase coordination
14 would remain suspended until the entire litigation ended. Metro therefore submits the email as different
15 evidence bearing on whether the City is continuing to perform its ordinary construction-coordination
16 role while this action proceeds, and whether even expedited proceedings would prevent continuing
17 Project delay.

18 10. The completed World Cup record and analysis were not available before the hearing:
19 Metro also presents newly completed analysis of the 2026 FIFA World Cup transportation operation.
20 The last World Cup match at SoFi Stadium occurred on July 10, 2026, and associated Fan Zone events
21 continued through July 19, 2026. James Shahamiri completed the technical analysis presented in his
22 declaration on July 22, 2026. The analysis uses newly available information concerning roadway travel
23 times, travel-time reliability, and the performance of regular fixed-route Metro bus service during the
24 World Cup events. It is directed to the concrete transportation consequences that major-event demand
25 can impose on ordinary travelers and transit riders, and to the role dedicated transit infrastructure can
26 serve under those conditions. Shahamiri also relies on current Games schedules, venue information, and
27 related planning materials to compare the scale and operational complexity of the World Cup and the
28

1 2028 Games. This analysis was not complete and the full underlying event information was not
2 available when Metro filed its reply or when the Court heard the motion.

3 11. The Games-planning record responds to the factual inquiry first identified in the final
4 order: Following the final order, counsel and Metro personnel also assembled and reviewed the official
5 planning records responsive to the factual inquiry identified in the order. Those records include the
6 Host City Contract, Los Angeles candidature materials, International Olympic Committee evaluation
7 materials, and other official materials submitted with Metro's concurrent Request for Judicial Notice
8 and associated Declaration of Laura M. Middleton in support thereof. Those records also include
9 Metro's 2017 Games-related publication, the original and revised Twenty-Eight by '28 project lists and
10 related Board reports, and Metro's Mobility Concept Plan for the 2028 Games, which are described and
11 authenticated in the concurrently filed declaration of Anthony DeFrenza. These historical records are
12 not offered on the ground that they were newly discovered. They are offered as different evidence
13 directly responsive to a factual question that neither party had understood to be dispositive before the
14 final order: the transportation function Metro had assigned this Project within its integrated Games
15 mobility plan. The records are not offered to establish that the Games depend on this one Project. They
16 show the capacity, connectivity, reliability, and venue-access functions Metro expected the Project to
17 provide during the Games and thereafter.

18 12. EWP-04 gave the detailed Burbank Schedule contractual effect: Metro also submits
19 materially different evidence concerning the present contractual status of the Burbank construction
20 schedule. Metro's July 9, 2026 reply materials disclosed that Metro and Myers-Shimmick Joint Venture
21 had executed the construction contract for the Burbank segment work package. The actual Modification
22 EWP MOD-004 to Contract No. PS118736000, referred to as EWP-04, and its detailed terms were not
23 submitted with the reply. EWP-04 was fully executed on JULY 9, 2026. It did not exist when Metro
24 filed its moving papers on June 18, 2026. Metro does not present EWP-04 as a document newly
25 discovered after the final order. It presents EWP-04 to establish the Project's current contractual status
26 and to explain the setting in which the later formal schedule notice operates. As described by DeFrenza,
27 EWP-04 gives the detailed April 23, 2026 Burbank Schedule contractual effect and establishes
28 Substantial Completion of the Burbank segment 486 days after Metro provides the approved design

documents to its contractor. The City's approval of the third submittal of the Approved for Construction plans ("AFC-03") is therefore necessary before Metro can provide those documents and begin that contractual period.

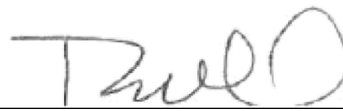
13. Since the hearing, Metro has resolved nearly all technical comments on the Approved for Construction plans: Additional material developments occurred after the parties' evidentiary submissions had closed. On July 16, 2026, Metro completed a Comment Resolution Matrix documenting its disposition of the City's 264 comments on the second submittal of the Approved for Construction plans ("AFC-02"). Of those comments, 255 were marked Complete or Resolved. Eight of the nine comments remaining unresolved concern the four conditions challenged in this action, and the one remaining technical comment concerns the location of an overhead-sign support post that may be addressed through ordinary continued coordination. On July 17, 2026, Metro transmitted AFC-03 and the completed Comment Resolution Matrix to the City for approval. AFC-03 incorporated the revisions corresponding to the completed and resolved comments while retaining the Project configuration previously approved by Metro. Those events occurred on the day of the hearing or afterward and therefore could not have been included in Metro's moving or reply papers. They are submitted as new evidence of the present status of the City's technical review and the limited matters that continue to prevent approval.

14. After the final order, Metro formally notified the City of the schedule: The Court's final order also discounted some of Metro's asserted schedule urgency because Metro had not shown that it formally notified the City of a revised Project Schedule under the Cooperative Agreement. On July 24, 2026, Metro formally notified the City that the same April 23, 2026 Burbank Schedule previously provided to the City would replace the higher-level schedule in Exhibit 2, Part B of the Agreement. The notice did not establish new construction dates. It formally designated the same schedule the City had received on April 30, 2026 and that EWP-04 had incorporated as the Baseline CPM Schedule. This post-order notice is a new circumstance that directly addresses the schedule-notice uncertainty identified in the final order.

15. SCAG's final map bears on causation: SCAG finalized and published its SB 79 map on July 2, 2026. The final map postdated Metro's June 18 motion but was available before the hearing.

1 Metro does not offer the final map as an independent new fact warranting reconsideration under Code
2 of Civil Procedure section 1008. It is submitted through Metro's Request for Judicial Notice as an
3 official record bearing on the causal issue already addressed in the Court's order: whether the City's
4 asserted SB 79 consequences arise from the requested injunction or instead from the Project's
5 previously approved features and SCAG's independent statutory mapping process.

6 I declare under penalty of perjury under the laws of the State of California that the foregoing is
7 true and correct, and was executed this 27th day of July 2026, in Sacramento, California.

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Tiffany K. Wright