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SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF LOS ANGELES, CENTRAL DISTRICT

LOS ANGELES COUNTY
METROPOLITAN
TRANSPORTATION
AUTHORITY, a public entity,

Plaintiff,

v.

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

Defendants.

Case No. 26STCP01904

Assigned for all purposes to the
Hon. Judge Stephen Morgan

**CITY OF BURBANK'S
OPPOSITION TO
PETITIONER/PLAINTIFF'S
MOTION FOR
RECONSIDERATION**

Date: August 24, 2026
Time: 10:30 a.m.
Dept.: 416

Action Filed: May 19, 2026

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1 **I. INTRODUCTION**

2 The Court should *deny* Petitioner/Plaintiff Los Angeles County
3 Metropolitan Transit Authority (Metro)’s motion for reconsideration of the
4 Court’s ruling denying its motion for a preliminary injunction for three
5 reasons:

6 1. Petitioner fails to satisfy the rigorous Code of Civil Procedure
7 Section 1008, subd. (b) criteria, to establish “new or different facts” “law”
8 or “circumstances” that merit reconsideration.

9 2. Even if *arguendo*, Petitioner could satisfy that standard, its merits
10 argument for reconsidering this Court’s thoughtful order fails both as to
11 law and facts.

12 3. The proposed preliminary injunction implies that this Court would
13 retain continuing jurisdiction to review every denial of a permit or each
14 Metro request to the City that Metro argues was “conditional.” That is not
15 unworkable and wastes this Court’s time and limited resources.

16 **II. PETITIONER’S MOTION PRESENTS NO NEW FACTS OR**
17 **CIRCUMSTANCES THAT MERIT RECONSIDERATION.**

18 Code of Civil Procedure Section 1008 imposes special
19 requirements on renewed applications for orders a court has
20 previously refused. A party filing a renewed application
21 must...submit an affidavit showing what ‘new or different
22 facts, circumstances, or law are claimed’ [citation omitted] to
23 justify the renewed application, *and show diligence* with a
24 satisfactory explanation for not presenting the new or
25 different information earlier. [citations omitted, emphasis
26 added]. *Even Zohar Construction & Remodeling, Inc. v.*
27 *Bellaire Townhouses, LLC* (2015) 61 Cal.4th 830, 833
28 (“Zohar”).

As the California Supreme Court recognized, the legislative purpose
behind Section 1008 is: “ ‘to conserve judicial resources by constraining
litigants who would endlessly bring the same motions over and over, or

1 move for reconsideration of every adverse order and then appeal the denial
2 of the motion to reconsider.” (*Zohar, supra* 61 Cal.4th at 839-840 [quoting
3 Sen. Com. on Judiciary, Analysis of Assem. Bill. No. 1067 (2011-2012 Reg.
4 Sess.)].) Moreover, as the Supreme Court further noted: “To state that
5 purpose strongly, the Legislature made section 1008 expressly
6 jurisdictional as subdivision (e) explains...” (*Id.* at p. 840).¹ Metro cannot
7 meet either prong of this standard.

8 **A. Metro presents no “New Facts” To Merit**
9 **Reconsideration.**

10 Metro claims that it did not have an opportunity to be heard on the
11 Project’s effects on the 2028 Olympic Games (the “Games”). Yet, its
12 Petition alleged the Project was included as a priority transportation
13 improvement in its Olympic service (Pet. at p. 2). Thus, Metro’s failure to
14 adequately address the Project’s impact in its Motion for Preliminary
15 Injunction cannot now constitute new or different facts or circumstances
16 as section 1008 requires.

17 To the contrary, Metro’s Preliminary Injunction expressly argued
18 the reason delay to this Project created “irreparable harm” or injury
19 meriting relief was because of the Games. To quote from Metro’s Reply
20 Brief filed before July 16, 2026:

21 “Mr. Kriske states that the Agreement schedule showed a 26-
22 month construction period. (Kriske Decl., ¶ 11; City Comp. Ex.
23 1 at BUR-0036.) It is now July 2026; *the Games begin in about*
24 *24 months*. The City cannot invoke schedule pressure as a

25 1. Nothing herein suggests that the Court lacks authority to reconsider its
26 prior order on its own motion. A trial court retains inherent authority to
27 reconsider an interim ruling if it concludes the ruling was erroneous. (*Le*
28 *Francois v. Goel* (2005) 35 Cal.4th 1094, 1108.) However, the court may
only consider evidence presented with the original motion. (*Cox v.*
Bonni (2018) 30 Cal.App.5th 287, 313.)

1 reason to deny relief when its own conditions are adding delay
2 to an already time-sensitive public project.” (Pet.’s Reply in
3 Support of Motion for Preliminary Injunction at p. 10:26-
p.11:2 (emphasis added).)

4 Metro has not met its burden in explaining how the Project’s impact
5 on the Games qualifies as a new or different set of facts or circumstances.
6 (Code Civ. Proc., § 1008(b)). Courts routinely deny motions for
7 reconsideration, especially when an argument is featured prominently in
8 the briefing as to the initial motion. (*McPherson v. City of Manhattan*
9 *Beach* (2000) 78 Cal.App.4th 1252, 1266 [“We further note [Mun. Code
10 §]11.24.020 figured prominently in the briefs and at the hearing on the
11 writ petition. Appellants responded to the contention in their briefs and at
12 the hearing, raising the same legal arguments they do here, but chose to
13 wait until the court ruled on the issue to submit any evidence of the City’s
14 interpretation.”]; accord, *People v. Safety National Casualty Corp.* (2010)
15 186 Cal.App.4th 959, 974 [“Facts of which a party seeking reconsideration
16 was aware of at the time of the original ruling are not “new or different
17 facts,” as would support a trial court’s grant of reconsideration.” (citation
18 omitted)] (“*Safety Casualty*”).)

19 Metro claims it “now presents a materially different record
20 responsive to the concerns identified in the final order [denying the
21 preliminary injunction].” (Recon. at p. 8). The law, however, requires that
22 these facts be “new.” As the Supreme Court noted in *Zohar*: “to permit a
23 party to satisfy section 1008’s requirement of showing ‘new or different
24 facts’ simply by offering ‘anything not previously ‘presented’ to the court”
25 would have ‘[t]he miserable result...[of] defeat[ing] the Legislature’s stated
26 goal of reducing the number of reconsideration motions and would remove
27
28

1 an important incentive for parties to efficiently marshall their evidence.”
2 (*Zohar, supra*, 61 Cal.4th at p. 836, fn.3).

3 **1. Metro’s facts are not new.**

4 Metro first claims that the “Project’s delivery posture” has hardened
5 by citing to “Modification EWP MOD-004 dated July 9, 2026.” (Recon. at
6 p. 8). This was entered, however, 7 days before the hearing on the PI
7 motion and is not “new.” Next, Metro cites to a City of Burbank letter
8 dated July 9, 2026. (*Id.*) Again, before the hearing and not new. Metro then
9 cites to an “AFC-03” dated July 17, 2026. This document, which is largely
10 unexplained, matters not. Metro repeatedly cites submittals (85% design,
11 100% design, etc.) that it claimed the City did not fully respond to. An
12 “Approved-for-Construction” document number 3 is similarly unexplained
13 as to newness and import.

14 Materially, Metro’s Motion states that it “formally designated the
15 Burbank schedule” under the Agreement and notified the City on July 24,
16 2026. (*Id.*) Thus, Metro implicitly concedes it had not followed the notice
17 provisions of the Cooperative Agreement Section 10.4 and retroactively
18 attempted (after this Court noted that issue in its Final Order) to “fix” that
19 problem. But this is not “new” or different from Metro’s position at the
20 July 16, 2026 hearing. Metro submitted the same schedule, which it gave
21 only to certain City officials in an April 30, 2026, email. The same schedule
22 with the same alleged urgency was before this Court at the July 16, 2026,
23 hearing. (DeFrenza (Second) Dec. ¶14 [“I refer to that document below as
24 the “Burbank Schedule.” Metro transmitted the Burbank Schedule to the
25 City on April 30, 2026, in response to the City’s request for Metro’s latest
26 construction schedule. The City later filed that same document as *Exhibit*
27 *16 to its Compendium of Exhibits filed on July 2, 2026...*]. While Metro has
28 now followed the Cooperative Agreement by transmitting the “Burbank

1 Schedule” to the City on July 24, 2026, pursuant to the Notice required by
2 Section 10.4, the schedule is not new. The Burbank Schedule was, by
3 DeFrenza’s admission, part of the record before this Court July 2, 2026.

4 **2. “Evidence” of Olympic Games Planning is also not**
5 **“New.”**

6 Metro now attempts to lard the record with evidence attached to the
7 Middleton Declaration² and parts of the DeFrenza Declaration suggesting
8 that it planned long ago for this route as part of the 2028 Olympic games.
9 (Recon. Mem. at 8:2-28-9:2). This is again not “new” material.

10 Metro’s Petition, Preliminary Injunction and Reply brief repeatedly
11 claim that further construction delay threatens its ability to begin revenue
12 service of the BRT in February 2028 ahead of the *Games*. The references
13 appear repeatedly in both the Petition for Writ of Mandate and Complaint
14 for Declaratory and Injunctive Relief, and in its Motion and Reply for
15 Preliminary Injunction. (Petition at pp. 2, 5, 19, 24, 25, 28, 31; Motion for
16 Preliminary Injunction at pp. 3, 10, 13, 20; Petitioner’s Reply Brief ISO of
17 Preliminary Injunction at pp. 3, 10). While unexplained, Metro’s failure to
18 address the impact of not completing the Project prior to the Games does
19 not constitute a new fact, circumstance, or law. Metro has emphasized
20 such impact in all briefing submitted to the Court.

21 Clearly, facts of which a party seeking reconsideration was aware of
22 at the time of the original ruling are not “new or different facts.” (*Safety*
23 *Casualty, supra*, 186 Cal.App.4th at 974.) Metro cannot claim facts that
24

25 ² Burbank objects to Petitioner’s Request for Judicial Notice as to Exhibits
26 A-H, which are the same exhibits that Ms. Middleton purports to
27 authenticate in her separate Declaration. The Exhibits in Ms. Middleton’s
28 Declaration were created before the hearing on the Preliminary Injunction
and are therefore irrelevant.

1 were within its knowledge and discoverable with due diligence as “new.”
2 (*Id.*) Most of the evidence Metro provides in support of this
3 Reconsideration is dated. For example, attached to the Declaration of
4 DeFrenza, Exhibits A-H and Exhibit L were all created prior to the July
5 16, 2026, hearing on the preliminary injunction. Similarly, of the ten
6 exhibits attached to the Declaration of James Shahamiri, eight existed
7 prior to the July 16 hearing. And **all** of the exhibits attached to the
8 Declaration of Laura Middleton were available prior to the July 16
9 hearing. (Parker Decl., ¶ 3 [providing exact dates for referenced Middleton
10 and DeFrenza exhibits]).

11 **3. *The Shahamiri Declaration Fails to Explain Why***
12 ***Metro did not present the core evidence of its Study***
13 ***of FIFA World Cup traffic well before July 16, 2026.***

14 Petitioner offers the Declaration of James Shahamiri from its “Speed
15 & Reliability” program. (Recon. p. 9:3-14). This Declaration offers a
16 purported expert opinion³ about the efficacy (or lack thereof) of Metro’s
17 service during an entirely separate event, the FIFA World Cup.

18 First, most of the data that Shahamiri cites was in fact available on
19 or prior to July 10, 2026. As he concedes, July 10th was the last date that
20 a World Cup football event was held at SoFi Stadium in Inglewood.
21 (Shahamiri Dec. ¶ 28). Moreover, Shahamiri states that he first had
22 knowledge of that (and other prior events) because he personally
23 monitored “traffic and bus operations as the events occurred, evaluating
24

25 ³ It is at best unclear whether Mr. Shahamiri offers his statements as an
26 expert or not. Regardless of what testimonial hat Mr. Shahamiri as expert
27 or percipient adopts, it is not sufficient to cover the bald spot in the legal
28 argument—that this information could have been placed to the Court
before or on July 16, 2026.

1 changing conditions using real-time data and video.” (Shahamiri Dec. ¶
2 20; *id.* at ¶ 18 [“The platform displayed real-time locations and operating
3 conditions of more than 300 WC GETS buses...”]).

4 Mr. Shahamiri states that not all of the ‘complete traffic’ data was
5 available prior to July 16, 2026. (Shahamiri Dec. ¶ 28). This, however, begs
6 the critical question: Did Petitioner Metro have data for all of the actual
7 football games prior to July 16, 2026, and could it have, with reasonable
8 diligence, presented that data to the Court prior to the hearing?
9 Shahamiri’s Declaration avoids this question entirely.

10 Second, Shahamiri concedes that the World Cup is vastly different
11 from the Olympic Games in 2028. As he modestly states: “[T]he 2028
12 Olympic and Paralympic Games (Games) are operationally different and
13 substantially more complex [than the World Cup events].” (Shahamiri
14 Dec. ¶ 49). Indeed, comparing the World Cup to the Olympic Games is like
15 comparing apples to pistachio ice cream. They are different events, with
16 the World Cup concentrated in one single stadium—routes much different
17 than the streets in Burbank. (Shahamiri Dec. ¶50 [“The World Cup
18 required Metro to manage major ingress...and major egress after a match
19 at one primary venue.”]).

20 Shahamiri had the critical data from the one primary venue (SoFi
21 Stadium) in real-time results as of July 10, 2026. Metro simply chose not
22 to present that data on traffic in and out of Inglewood’s SoFi stadium
23 before the July 16, 2026 hearing. It cannot qualify as “new” facts.

24 **B. Petitioner Fails to Demonstrate Reasonable Diligence**
25 **in Obtaining and Presenting the Alleged New Data.**

26 The Supreme Court in *Zohar* emphasized that there is a second
27 criteria for reconsideration pursuant to Code of Civil Procedure Section
28 1008—that a party show diligence in not presenting the “new” material at

1 the earlier hearing. “Courts have construed section 1008 to require a party
2 filing an application for reconsideration...to show diligence with a
3 satisfactory explanation for not having presented the new or different
4 information earlier. (*California Correctional Peace Officers Assn. v. Virga*,
5 *supra*, 181 Cal.App.4th at pp. 46-47 & fns. 14-15, . . . see *Garcia v.*
6 *Hejmadi*, *supra*, Cal. App. 4th at pp. 688-690...)” (*Zohar*, *supra*, 61 Cal.4th
7 at 830-831).⁴

8 Petitioner claims that it has shown diligence in producing “new”
9 documents. (Recon. pp. 12-13). In fact, however, Petitioner has not
10 satisfied the requirement of diligence before deluging this Court with 246
11 pages of “new” exhibits with DeFrenza’s second declaration; Shahamiri’s
12 Declaration, and Middleton’s Declaration.

13 Middleton is a lawyer with Petitioner’s outside law firm who claims
14 to authenticate various exhibits. None, however, was created after July
15 16, 2025, and most were created years before July 2026. (Parker Dec. ¶3
16 [noting dates of documents authenticated by Middleton]).⁵

17 As to DeFrenza’s second Declaration, Exhibits A-H, all have dates
18 prior to July 16, 2026. (Parker Dec. ¶4). DeFrenza also identifies as
19 Exhibit L to his second Declaration an excerpt from Measure M, a ballot
20 measure from 2016 (almost ten years before the hearing). DeFrenza does
21

22 ⁴ Petitioner concedes this applicable law, citing to *Zohar*. (Recon., p. 11:16-
23 20).

24 ⁵ Lead counsel, Tiffany Wright, also submitted a Declaration. It had no
25 exhibits and is largely a summary of the principal arguments made in the
26 Motion for Reconsideration. To the extent Ms. Wright purports to offer
27 opinions on such items as the resolution of various technical issues
28 between her client and the City she both lacks such personal knowledge
and repeats statements in the DeFrenza declaration.

1 not explain that any of these documents were lost or unavailable at the
2 time of the first hearing. (Parker Dec. ¶4).

3 DeFrenza does identify as Exhibit J a transmittal email related to
4 something termed AFC.03 “Burbank Package Submittal” dated July 17,
5 2026. Though he does not attach the actual “AFC.03 Burbank Submittal”
6 package referenced in that cover email, nor does he explain why this
7 document is somehow critical to any irreparable harm to Metro. It appears
8 yet another construction-related document that the City had time to
9 review and sign. So, although the actual transmittal email was dated July
10 17, 2026, DeFrenza does not explain why it is critical new information
11 related to the motion for reconsideration. DeFrenza’s penultimate
12 document, Ex. L, is but a formal transmittal to the City on July 24, 2026
13 of the Burbank Project Schedule that was, as he himself admits,
14 previously available in the pleadings in this case as of July 2, 2026 as part
15 of the City’s Compendium of Exhibits. (DeFrenza Dec. ¶14). Again,
16 nothing “new.” If Metro had followed its clear contractual obligation to give
17 the City notice pursuant to Section 10.4 of the Cooperation Agreement, it
18 could have done so any time prior to July 16, 2026. That Metro suddenly
19 awoke to its contractual notice obligations after that date is not “diligence”
20 it is sloth.

21 Metro’s third Declaration, that of Mr. Shahamiri, relates to a
22 different recent event, but many of his documents are also dated years
23 before the hearing. Exhibit A, a map of FIFA Fan Zones was clearly
24 produced before the FIFA World Cup event in Los Angeles commenced.
25 Exhibit B, a lengthy third-party document indicates that it was produced
26 by the Texas Transportation Institute in December 2005. (Shahamiri Dec.
27 Ex. B at p. 36). Exhibit C has two “date ranges,” the second of which ends
28 July 16, 2026, the date of the hearing. (Shahamiri Dec. Ex. C at p.38).

1 Exhibit D shows run times for a “Hawthorne/Lennox Station” that ends
2 on July 16, 2026. (Shahamiri Dec. Ex. D at p.40). Moreover, none of these
3 locations is anywhere near the City of Burbank. Exhibit E features an
4 announcement of the LA28 Olympic and Paralympic Games in 2028 that
5 would arrive in “six short years,” meaning the document was created in
6 2022. (Shahamiri Dec. Ex. E at 42.) Exhibit F appears with a date legend
7 of 2026/01/14—some six months before the hearing. (Shahamiri Dec. Ex.
8 F at p. 44 [top right-hand corner]). Exhibit G is a schedule of the LA28
9 Olympic Games where someone has inserted red circles around certain
10 venues that might arguably be close to Burbank. (Shahamiri Dec. Ex. G
11 at p. 48). Shahamiri describes the schedule but fails to identify the date
12 on which it was originally available to him (Shahamiri Dec. ¶50). Exhibit
13 H is a map of the Los Angeles region and Olympic schedules that bears at
14 the bottom left corner the statement: “As of June 8th, 2026.” (Shahamiri
15 Dec. Ex. H at p. 50). Exhibit I contains an “Early Project Schedule” that
16 references its adoption by the Metro Board in November 2017. (Shahamiri
17 Dec. Ex. I at p. 52). Exhibit J is a single slide, presumably prepared by
18 Shahamiri, that purports to compare the FIFA World Cup to the LA28
19 Olympic Games. There is no date or source reference for this document,
20 which Shahamiri simply describes as a “slide presentation”). He does not
21 describe who prepared the “slide presentation” or any source materials in
22 his Declaration. (Shahamiri Dec. ¶75). Nor is there any evidence that this
23 evidence, or at least a significant portion thereof, was not available prior
24 to July 16, 2026.

25 Petitioner has not shown reasonable diligence, or indeed, any
26 diligence, in now advancing over 200 pages of additional material as
27 grounds for reconsideration.

28 ///

1 **III. THIS COURT SHOULD NOT *SUA SPONTE* RECONSIDER**
2 **ITS PRIOR WELL-REASONED ORDER.**

3 Petitioner’s suggestion that the Court should reconsider its own
4 ruling is what football fans would dub a “Hail Mary” desperation pass.
5 Petitioner suggests this judicial option to reconsider directly in its opening
6 paragraphs. (Recon. at pp. 2-3). Metro suggests that if the Court might
7 reconsider, then the “parties be given notice and an opportunity to address
8 that question...” (*Id.* at p.3). There is no reason for the Court to reconsider
9 its own ruling in a minute order issued on July 17, 2026. In fact, there are
10 three reasons it should not.

11 **A. Petitioner not only briefed but argued about the**
12 **putative importance of the Olympic Games on July 16.**

13 Petitioner suggests that the Court’s July 17, 2026 ruling itself
14 created a new legal standard about the Olympic Games that was not
15 foreseeable and therefore merits reconsideration *sua sponte*. (Recon. at p.
16 2:11-16). Petitioner’s lead counsel, however made it abundantly clear that
17 the current schedule (“Burbank Schedule”) was purportedly critical to the
18 Games. As Ms. Wright stated in oral argument:

19 MS. WRIGHT: YES. THAT DOES NOT AFFECT THE FACT THAT
20 WE ARE NOW 24 MONTHS AWAY FROM THE OLYMPICS. AND
21 THAT IS WHEN THIS PROJECT IS PROPOSED TO BE
22 CONSTRUCTED AND UNDER OUR REVENUE SERVICE...
(Parker Dec., Ex. A (7/16/2026 RT at pp.30:26-31:1)).

23 Ms. Wright re-emphasized her view of the schedule, whether it was 24
24 months or 26 months to complete, arguing:

25 MS. WRIGHT: IT MATTERS THAT -- WHETHER IT IS 24
26 OR 26, ANY DELAY IS GOING TO MEAN THAT THE PROJECT
27 WILL NOT BE COMPLETED ON TIME.
(Parker Dec. Ex. A (7/16/2026 RT at p.32:1-3).

1 In the words of Metro’s lead counsel, the schedule was only “24
2 months” away from the Olympics, and commencement (and completion) of
3 the schedule was paramount. The Court already took this argument, along
4 with all other arguments into consideration and there is no need to
5 reconsider that evaluation.

6 **B. The “24 Month” schedule does NOT directly relate to the**
7 **Olympic Games, which commence in mid-July 2028.**
8 **Rather, to Metro’s desire for an earlier revenue stream.**

9 Petitioner, through the DeFrenza Declaration, advances what it now
10 calls the “Burbank Schedule.” (DeFrenza Dec. ¶14). The “Burbank
11 Schedule” is the same one sent by Metro to the City’s contractor and Mr.
12 Kriske on April 30, 2026. What it shows, however, is a targeted completion
13 date of *January 24, 2028*. (Comp. Ex. 16 at BUR-445, top line: “LA Metro
14 NoHo to Pasadena BRT-85% Draft Burbank Schedule R1—Finish—24-
15 Jan-2028”). That January date is almost seven full months before the start
16 of the Olympic Games in mid-July 2028.⁶

17 Thus, what Petitioner seeks is the beginning of what its counsel
18 termed a “revenue service.” This Court should not reconsider a ruling
19 founded on a lack of irreparable harm merely to award Metro an earlier
20 date for the start of its revenue income. If there is any harm (which
21 Burbank denies), then it is readily compensable through monetary
22 damages. The completion date of January 2028 has nothing to do with
23 potential service in July 2028 for the Olympic games.

24 _____
25 ⁶ DeFrenza purports to attach a schedule as part of Exhibit L to his Second
26 Declaration. Exhibit L, however, contains a cover letter purporting to
27 enclose the schedule, but that referenced schedule is *not part* of Exhibit L.
28 Thus, only the City’s Compendium of Exhibits, Ex. 16 shows what
DeFrenza now terms the “Burbank Schedule.”

1 **C. The Key Issue between the Parties—Dedicated Bus**
2 **Lanes—Has Nothing to Do with Facilitating Transit**
3 **During the Olympics.**

4 Petitioner’s motion for Reconsideration, together with the four
5 declarations and one request for judicial notice, has one glaring
6 evidentiary deficiency--There is absolutely no showing how much saved
7 travel time (or increased ridership dollars) would be netted by insisting on
8 only dedicated bus lanes. David Kriske, the City’s Assistant Community
9 Development Director in charge of transportation, demonstrates the *only*
10 *evidence* on this point comes from a Metro presentation at a Community
11 Outreach event in October 2021. In a slide that Metro itself presented as
12 part of that Community Outreach event in Burbank, the estimated travel
13 time difference between a dedicated bus lane and a “mixed use” lane was
14 between 30-60 *seconds* per trip. (Kriske Dec. ¶ 18.). Moreover, as Kriske
15 further testified, this is the only estimate, and one for which Metro has
16 never provided any evidentiary support. (Kriske Dec. ¶ 18).

17 Indeed, as Kriske points out, most of the putative benefits of a rapid
18 bus transit system are available regardless of whether there are dedicated
19 bus lanes (or not). (Kriske Dec. ¶¶ 19-21). Moreover, the locations of the
20 bus routes to be constructed in Burbank are 10 miles (or more) distant
21 from the Burbank alignment. (Kriske Dec. ¶¶ 14-16).

22 Neither Shahamiri nor DeFrenza have said how a 30-60 second
23 travel time estimate based on “bus only lane designations” would make
24 any difference in terms of managing 2028 Olympic traffic patterns in or
25 around Burbank. (Kriske Dec. ¶18; id. at ¶¶ 19-21). This alone undermines
26 the putative urgency. Yet, there is more. In a clear admission against
27 interest, DeFrenza stated at a 2026 Pasadena Community Meeting: “[T]he
28 bulk of the benefits that the [P]roject will deliver can occur honestly

1 whether or not there's dedicated [bus] lanes or not.” (Kriske Dec. ¶13).

2 In addition, however, as Kriske points out, the location of the
3 primary Olympic venues that Petitioner cites to, the Valley Complexes 1-
4 4 and the Rose Bowl Stadium (and adjacent Aquatic Center) venues are
5 many miles from Olive Avenue in Burbank. (Kriske Dec. ¶15 and map
6 attached). Olive Avenue is not a major regional traffic thoroughfare
7 (Kriske Dec. ¶16), and thus it is at best unlikely that traffic on Olive
8 Avenue will serve or impact either of those two principle Olympic venues
9 (Kriske Dec. ¶¶ 16-18; see Parker Dec. Ex. B [28LA Olympics map marked
10 to show travel distances from Burbank to two principal venues]).

11 The *coup de gras* to Petitioner's irreparable harm argument comes
12 with its own schedule. That schedule points to a start date for the
13 completion of construction by February 2028, some six months *before* the
14 start of the Games in mid-July 2028. (Kriske Dec. ¶12.) This means that
15 Petitioner could proceed to do everything else it claims it needs to do and,
16 even if its schedule slips by some number of months it can still
17 accommodate the Games in July 2028.

18 Petitioner delayed the start of this Project from the original start
19 date of fourth quarter 2024 until now. It is the “victim” only of its own
20 delays, not delays caused by the City. Even if one were to ignore
21 Petitioner's own delays, the net result is that the current Project can start
22 without the work of “bus lane only” signage and stripping until October
23 2027.

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1 There is no irreparable harm. This Court need not reconsider its
2 thoughtful prior ruling and should reject Petitioner's efforts to invoke
3 Code of Civil Procedure Section 1008(b) as authority to do so.
4

5 DATED: August 11, 2026

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PROOF OF SERVICE

**(Los Angeles County Metropolitan Transportation Authority v.
City of Burbank)
LASC Case No. 26STCP01904**

STATE OF CALIFORNIA, COUNTY OF ORANGE

At the time of service, I was over 18 years of age and not a party to this action. I am employed in the County of Orange, State of California. My business address is 1 Park Plaza, Suite 1000, Irvine, CA 92614.

On August 11, 2026, I served true copies of the following document(s) described as **CITY OF BURBANK'S OPPOSITION TO PETITIONER/PLAINTIFF'S MOTION FOR RECONSIDERATION** on the interested parties in this action as follows:

SEE ATTACHED SERVICE LIST

BY E-MAIL OR ELECTRONIC TRANSMISSION: I caused a copy of the document(s) to be sent from e-mail address dvaillancourt@awattorneys.com to the persons at the e-mail addresses listed in the Service List. I did not receive, within a reasonable time after the transmission, any electronic message or other indication that the transmission was unsuccessful.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on August 11, 2026, at Irvine, California.



Debra E. Vaillancourt

SERVICE LIST
***(Los Angeles County Metropolitan Transportation Authority v.
City of Burbank)***
LASC Case No. 26STCP01904

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