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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,

**BURBANK'S OBJECTIONS TO
PETITIONER'S REQUESTS
FOR JUDICIAL NOTICE IN
SUPPORT OF MOTION FOR
RECONSIDERATION AND
EVIDENTIARY OBJECTIONS
TO DECLARATION OF LAURA
MIDDLETON**

Date: August 24, 2026
Time: 10:00 am
Dept.: 416

Action Filed: May 19, 2026

1 **I. INTRODUCTION**

2 Defendant City of Burbank (“City”) objects to Plaintiff Los Angeles
3 County Metropolitan Transportation Authority’s (“Metro”) Request for
4 Judicial Notice in Support of its Motion for Reconsideration. Plaintiff filed
5 a Motion to Reconsider on July 27, 2026, asking the Court to reconsider
6 its decision denying Metro’s Motion for Preliminary Injunction which was
7 heard on July 16, 2026. The City also objects to Metro’s Declaration of
8 Laura Middleton, which purports to authenticate the same exhibits
9 contained in the RJN Motion in a separate (and redundant) Declaration.

10 A motion for reconsideration based on Section 1008 specifically says
11 “[a] party who originally made an application for an order which was
12 refused in whole or part, or granted conditionally or on terms, may make
13 a subsequent application for the same order *upon new or different facts.*”
14 (Code of Civ. Pro., §1008(b)[emphasis added]). All the documents attached
15 to Metro’s Request for Judicial Notice existed before the July 16 hearing,
16 in fact they existed before Metro filed its reply in the original Preliminary
17 Injunction motion on July 9. Thus, the documents are not new, and cannot
18 serve as a proper basis for reconsideration and are irrelevant to the Court’s
19 determination. (*Mangini v. R.J. Reynolds Tobacco Co.* (1994)
20 7 Cal.4th 1057, 1063 [“only relevant material may be noticed. ‘But judicial
21 notice, since it is a substitute for proof [citation], is always confined to
22 those matters which are relevant to the issue at hand.’”][citation omitted]).
23 In this case, the “issue at hand” is a motion for reconsideration based on
24 new facts; and none of the requested documents are in any way “new.”

25 Each of the exhibits referenced in Metro’s RJN are dated well before
26 the hearing on the original Preliminary Injunction and several of them
27 date almost a decade ago (2016-2017). These are the same exhibits that
28 Metro introduces in the Declaration of Laura Middleton filed separately.

1 **Exhibit A** is copy of Southern California Association of
2 Governments' Regional Council Report for its July 2, 2026, meeting.

3 **Exhibit B** is copy of Southern California Association of
4 Governments' Senate Bill (SB) 79 Transit Oriented Development Map
5 which is dated July 1, 2026.

6 **Exhibit C** and **D** are portions of the City of Los Angeles' 2024
7 Olympic and Paralympic Games Stage 1 and Stage 3 Candidature File
8 which is based on the Olympic World Library and are dated February 2016
9 and February 2017 respectively.

10 **Exhibit E** is a copy of the International Olympic Committee's Host
11 City Contract Principles for the 2028 Olympic Games which is dated
12 September 13, 2017.

13 **Exhibit F** is a copy of the International Olympic Committee's
14 Evaluation Commission Report for the 2024 Olympic Games which was
15 published July 2017.

16 **Exhibit G** and **H** are Board Reports dated December 2, 2020, and
17 June 14, 2023.

18 **II. ARGUMENT**

19 Metro's Request for Judicial Notice in support of its Motion for
20 Reconsideration should be denied, and the related Middleton Declaration
21 should be rejected. A motion for reconsideration may be made based upon
22 new or different facts, circumstances, or law. (Code Civ. Proc., § 1008).
23 Moreover, facts of which a party seeking reconsideration was aware of at
24 the time of the original ruling are not "new or different facts." (*People v.*
25 *Safety National Casualty Corp.* (2010) 186 Cal.App.4th 959, 974.) Metro
26 cannot claim that facts which were always within its knowledge and
27 discoverable with due diligence as "new." (*Id.*) The City's evidentiary
28 objections to Metro's Request for Judicial Notice in Support of its Motion

1 for Reconsideration (the same exhibits listed in the Middleton
2 Declaration) are as follows:

3	RJN	Description	Evidentiary
4	Exhibit		Objection
5	Exhibit A	SCAG's Regional Council	Exhibit A existed prior
6		Report for its July 2, 2026	to the July 16, 2026,
7		meeting.	hearing, and cannot
8			serve as a proper basis
9			for reconsideration
10			(Code of Civ. Pro.,
11			§1008(b)). Thus Exhibit
12			A is irrelevant to the
13			Court's determination.
14			(Evid. Code, § 350).
15	Exhibit B	SCAG's SB 79 Transit-	Exhibit B existed prior
16		Oriented Development	to the July 16, 2026,
17		Stops, Zones, and Tier	hearing, and cannot
18		Map (dated July 1, 2026).	serve as a proper basis
19			for reconsideration
20			(Code of Civ. Pro.,
21			§1008(b)). Thus,
22			Exhibit B is irrelevant
23			to the Court's
24			determination. (Evid.
25			Code, § 350).
26	Exhibit C	City of Los Angeles'	Exhibit C existed prior
27		Candidature Files for the	to the July 16, 2026,
28			

1 2028 Olympic Games, hearing, and cannot
2 Stage One (dated serve as a proper basis
3 February 2016). for reconsideration
4 (Code of Civ. Pro.,
5 §1008(b). Thus, Exhibit
6 C is irrelevant to the
7 Court's determination.
8 (Evid. Code, § 350).

9 Exhibit D City of Los Angeles' Exhibit D existed prior
10 Candidature Files for the to the July 16, 2026,
11 2028 Olympic Games, hearing, and cannot
12 Stage Three (dated serve as a proper basis
13 February 2017). for reconsideration
14 (Code of Civ. Pro.,
15 §1008(b)). Thus,
16 Exhibit D is irrelevant
17 to the Court's
18 determination. (Evid.
19 Code, § 350).

20 Exhibit E Olympic Committee's Exhibit E existed prior
21 Host City Contract to the July 16, 2026,
22 Principles for the 2028 hearing, and cannot
23 Olympic Games (dated serve as a proper basis
24 September 13, 2017). for reconsideration
25 (Code of Civ. Pro.,
26 §1008(b)). Thus,
27 Exhibit E is irrelevant
28

1		to the Court's
2		determination. (Evid.
3		Code, § 350).
4	Exhibit F	International Olympic Exhibit F existed prior
5		Committee's Evaluation to the July 16, 2026,
6		Commission Report for the hearing, and cannot
7		2024 Olympic Games serve as a proper basis
8		(dated July 2017). for reconsideration
9		(Code of Civ. Pro.,
10		§1008(b)). Thus,
11		Exhibit F is irrelevant
12		to the Court's
13		determination. (Evid.
14		Code, § 350).
15	Exhibit G	Agenda Packet and Board Exhibit G existed prior
16		Report from Metro's to the July 16, 2026,
17		December 3, 2020, hearing, and cannot
18		Regular Board Meeting. serve as a proper basis
19		for reconsideration
20		(Code of Civ. Pro.,
21		§1008(b)). Thus,
22		Exhibit G is irrelevant
23		to the Court's
24		determination. (Evid.
25		Code, § 350).
26	Exhibit H	Agenda Packet and Board Exhibit H existed prior
27		Report from Metro's June to the July 16, 2026,
28		

1 14, 2023, Regular Board hearing, and cannot
2 Meeting. serve as a proper basis
3 for reconsideration
4 (Code of Civ. Pro.,
5 §1008(b)). Thus,
6 Exhibit H is irrelevant
7 to the Court's
8 determination. (Evid.
9 Code, § 350).

10 **III. CONCLUSION**

11 The City respectfully requests that the Court deny judicial notice of
12 Exhibits A through H contained in Metro's Request for Judicial Notice in
13 Support of its Motion for Reconsideration. The City further requests that
14 the Court sustain objections to the Middleton Declaration which contains
15 the same Exhibits A through H.

16 DATED: August 11, 2026 ALESHIRE & WYNDER, LLP
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22 By: 
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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 **BURBANK'S OBJECTIONS TO PETITIONER'S REQUESTS FOR JUDICIAL NOTICE IN SUPPORT OF MOTION FOR RECONSIDERATION AND EVIDENTIARY OBJECTIONS TO DECLARATION OF LAURA MIDDLETON** 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

(01504.0001)

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