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7 KEEP BEL-AIR BEAUTIFUL

8
9 SUPERIOR COURT OF THE STATE OF CALIFORNIA
10 COUNTY OF LOS ANGELES, CENTRAL DISTRICT

11 KEEP BEL-AIR BEAUTIFUL, a California
12 Nonprofit Corporation

13 Plaintiff and Petitioner,

14 vs.

15 LOS ANGELES COUNTY
16 METROPOLITAN TRANSPORTATION
AUTHORITY, a government agency and
DOES 1-50, inclusive,

17 Defendants and Respondents.
18

Case No.

**PETITION FOR WRIT OF MANDATE
UNDER THE CALIFORNIA
PUBLIC RECORDS ACT; COMPLAINT
FOR DECLARATORY AND
INJUNCTIVE RELIEF**

[Gov. Code §6258; Code Civ. Proc. §1085]

Trial Date: None Set

1 Plaintiff and Petitioner Keep Bel-Air Beautiful (“Bel Air”) alleges as follows:

2 **INTRODUCTION**

3 1. Bel-Air brings this lawsuit under the California Public Records Act (“CPRA”), the
4 California Constitution, common law, and other applicable legal authorities because the Los
5 Angeles County Metropolitan Transportation Authority (“Metro”) has failed to fulfill its legal
6 responsibilities to make its records promptly available for public review. Bel-Air seeks records
7 necessary to understand Metro’s analysis of, and the information it used to estimate the cost for,
8 Metro’s proposed Sepulveda Transit Corridor Project (“Project”), including, but not limited to,
9 Metro’s proposal to tunnel below Bel-Air.

10 2. In light of Metro’s continued refusal to respond to questions, either written
11 questions or questions posed to Metro employees at public meetings, Bel-Air was forced to engage
12 litigation counsel and submit a public records request pursuant to the CPRA. Bel-Air submitted
13 its request on November 22, 2022.

14 3. Instead of fulfilling its duty pursuant to the CPRA and the California Constitution,
15 Metro has consistently delayed its deadline, without a suitable explanation, and has only provided
16 a handful of records. This is not surprising given Metro’s record of ignoring its duty to the public
17 – and indeed, ignoring the public altogether – and mismanaging public funds.

18 4. Bel-Air believes that the records responsive to its request will uncover: (a) Metro’s
19 total lack of transparency and intentional exclusion of the public from its decision-making process;
20 (b) Metro’s failure to consider other, more feasible options besides tunneling under Bel-Air and
21 Sherman Oaks through the Sepulveda pass; (c) Metro’s willful ignorance of the very real safety
22 concerns inherent in its proposal for the Project¹; and (4) Metro’s enormous cost, budget and
23 scheduling overruns.

24
25 ¹ Indeed, Metro has a very real crime and safety problem throughout its public transit system, as
26 reported recently by the Los Angeles Times, causing ridership on existing lines to plummet.
27 (Uranga, *L.A. riders bail on Metro trains amid ‘horror’ of deadly drug overdoses, crime*, L.A.
28 Times, March 14, 2023, <https://www.latimes.com/california/story/2023-03-14/horror-the-deadly-use-of-drugs-on-metro-trains>, retrieved on March 17, 2023.)

1 **PARTIES**

2 5. Plaintiff and Petitioner Bel-Air is a California Nonprofit Corporation operating and
3 existing in Los Angeles County. Bel-Air is comprised of residents who are dedicated to ensuring
4 Bel-Air’s long-term value and status as a world-renowned community. Specifically as it relates to
5 this lawsuit, Bel-Air is concerned about Metro’s plans to tunnel directly underneath its community
6 as part of the Project.

7 6. Defendant and Respondent Los Angeles County Metropolitan Transportation
8 Authority (“Metro”) is a government agency. Metro’s purpose is to oversee, coordinate, and
9 approve use of public funds for transit projects in Los Angeles County.

10 7. The true names and capacities of the Defendants and Respondents identified as
11 DOES 1 through 50 are unknown to Bel-Air, which will seek the Court’s permission to amend this
12 pleading to allege their true names and capacities when they are ascertained. Bel-Air is informed
13 and believes, and on that basis alleges, that each of the fictitiously named Defendants/Respondents
14 1 through 50 has jurisdiction, possession, or control by law or otherwise over one or more aspects
15 of the public records that are the subject of this lawsuit or has some other cognizable interest in
16 those records.

17 8. Bel-Air is informed and believes, and on that basis alleges that, at all times stated in
18 this pleading, each Defendant/Respondent was the agent, servant, or employee of every other
19 Defendant/Respondent and was, in doing the things alleged in this pleading, acting within the
20 scope of said agency, servitude, or employment and with the full knowledge or subsequent
21 ratification of his/her/its principals, masters, and employers. Alternatively, in doing the things
22 alleged in this pleading, each Defendant/Respondent was acting alone and solely to further
23 his/her/its own interests.

24 **FACTUAL ALLEGATIONS**

25 9. The Project seeks to connect the Los Angeles basin to the San Fernando Valley via
26 a public transit corridor in the Sepulveda Pass.

- 1 10. Metro has proposed six (6) alternative routes to accomplish this²:
- 2 a. Alternative 1: a 15.3 mile long aerial automated monorail running along the
- 3 405 freeway and connecting to UCLA via a bus;
- 4 b. Alternative 2: a 15.8 mile long automated aerial monorail running along the
- 5 405 and connecting to UCLA via an underground automated people mover;
- 6 c. Alternative 3: a 16.2 mile long partially aerial and partially underground
- 7 automated monorail, with the underground portion running between the
- 8 Getty Center and Wilshire Blvd.;
- 9 d. Alternative 4: a 14 mile long partially aerial and partially underground
- 10 automated heavy rail train, with the underground portion running directly
- 11 under and through Westwood, Bel-Air and parts of Sherman Oaks;
- 12 e. Alternative 5: a 14 mile long completely underground automated heavy rail
- 13 train running directly under and through Westwood, Bel-Air and Sherman
- 14 Oaks; and,
- 15 f. Alternative 6: a 12.6 mile long completely underground heavy rail train
- 16 with driver, running directly under and through Westwood, Bel-Air and
- 17 Sherman Oaks.

18 11. Bel-Air is informed and believes, and on that basis alleges, that at no point was

19 anyone in the Bel-Air community consulted before these alternative routes were proposed. As a

20 result, the Bel-Air community remains ignorant as to how the contemplated routes were selected.

21 12. Bel-Air is informed and believes, and on that basis alleges, that Metro employees

22 have directed potential bidders on the Project – including through the use of threats – not to

23 communicate with residents of the very communities that would be impacted by the contemplated

24 Metro routes. This lack of transparency, coupled with Metro’s concomitant refusal to respond to

25 citizen inquiries made directly to it, is anathema to the very policies promoted by California’s

26 _____

27 ² Information retrieved from <https://www.metro.net/projects/sepulvedacorridor/#status> on March

28 17, 2023.

1 Public Records Act

2 13. The Project is to be funded pursuant to Measure M, a transportation sales tax
3 approved by voters in 2016. Bel-Air is informed and believes, and on that basis alleges, that
4 Measure M has identified approximately \$7.5 to \$8 billion in funding for the Project. However,
5 Bel-Air is informed and believes, and on that basis alleges, that certain of the proposed
6 alternatives would cost well over that amount – potentially 3 to 5 times the amount presently
7 allocated – particularly the alternatives that call for construction of tunnels. There is no assurance
8 that such additional funding could even be lawfully procured.

9 14. Bel-Air, as well as other community groups that would be affected by Metro’s
10 proposed alternatives, has sought answers from Metro as to the feasibility and costs of these
11 alternatives. Metro has consistently ignored all questions and concerns.

12 15. On November 22, 2022, Bel-Air’s counsel submitted a request for public records
13 related to the Project via email (“Request”). A copy of Bel-Air’s Request is attached hereto, and
14 incorporated herein, as Exhibit A.

15 16. On December 2, 2022, Metro responded via email and stated that it needed an
16 additional 14 days to “determine whether your request seeks disclosable public records in the
17 possession of the agency.”

18 17. On December 16, 2022, Metro advised that it needed another 30 days to respond in
19 light of the “upcoming holidays” and claimed that it was still searching for records.

20 18. On January 12, 2023, Bel-Air’s counsel sent Metro a letter, via email, advising that
21 Metro was in violation of the CPRA for failure to produce the requested records, and demanding
22 prompt disclosure. Bel-Air advised that should Metro give itself another unilateral extension, or
23 fail to make the requested records available, Bel-Air would have no choice but to resort to
24 litigation. A copy of Bel-Air’s January 12, 2023 letter is attached hereto, and incorporated herein,
25 as Exhibit B.

26 19. The very next day, January 13, 2023, Metro produced a handful of records, and
27 also advised that it was still compiling and reviewing records and needed an additional four
28 weeks, until February 10, 2023, to respond.

1 20. On January 19, 2023, Metro produced additional documents, most of which were
2 completely non-responsive – relating to an HVAC replacement project rather than the Sepulveda
3 Transit Corridor Project.

4 21. On February 2, 2023, Metro produced two additional documents. Again, far short
5 of all of the documents requested.

6 22. On February 10, 2023, Metro advised, via email, that it was still searching for and
7 collecting the requested documents and needed another 20 days to respond.

8 23. On March 5, 2023, Metro advised, via email, that it was still searching for and
9 collecting the requested documents and needed another 20 days to respond.

10 24. In light of Metro's pattern of giving itself extensions rather than provide any
11 meaningful documents, Bel-Air had no choice but to file this action.

12 **JURISDICTION AND VENUE**

13 25. The Court has jurisdiction pursuant to Government Code Sections 6258 and 6259;
14 and Code of Civil Procedure Section 1060 et seq., and 1084 et seq.

15 26. Venue in this Court is proper pursuant to Government Code Section 6259 and Code
16 of Civil Procedure Sections 393 and 394(a) because the obligations, liabilities, and violations of
17 law alleged in this pleading occurred in the County of Los Angeles in the State of California.

18 **FIRST CAUSE OF ACTION**

19 **Violation of the California Constitution and California Public Records Act ("CPRA")**

20 **(Against All Defendants/Respondents)**

21 27. Paragraphs 1 to 26 above are incorporated by reference as if set forth herein.

22 28. The California Constitution, Art. I, § 3(b)(1), declares that "[t]he people have the
23 right of access to information concerning the conduct of the people's business, and, therefore, the
24 meetings of public bodies and the writings of public officials and agencies shall be open to public
25 scrutiny."

26 29. The CPRA, Cal. Gov't Code § 6250, declares that "access to information
27 concerning the conduct of the people's business is a fundamental and necessary right of every
28 person in this state."

1 30. The CPRA provides, Cal. Gov't Code § 6253(a), that “[p]ublic records are open to
2 inspection at all times during the office hours of the state or local agency and every person has a
3 right to inspect any public record, except as hereafter provided.” The CPRA further provides that
4 each agency must respond “within 10 days.” *Id.* § 6253(c). The CPRA further requires that “the
5 head of the agency or his or her designee” may make extensions “in unusual circumstances,” but
6 only by written notice to the person making the request, “setting forth the reasons for the extension
7 and the date on which a determination is expected to be dispatched.” *Id.* The CPRA also limits
8 extensions: “[n]o notice shall specify a date that would result in an extension for more than 14
9 days.” *Id.*

10 31. Bel-Air submitted its Request on November 22, 2022. To date, Metro has given
11 itself five (5) unilateral extensions for over 115 days. This is well over the 14 days permitted by
12 the CPRA.

13 32. Bel-Air alleges Metro violated – and continues to violate – the CPRA, because
14 Metro was required to give Bel-Air a full explanation of the “unusual circumstance” justifying the
15 delay, including, but not limited to: (1) the need to search for and collect the requested records
16 from field facilities or other establishments separate from the office processing the Request; (2)
17 the need to search for, collect, and appropriately examine a voluminous amount of separate and
18 distinct records demanded in a single request; (3) the need for consultation, conducted with all
19 practicable speed, with another agency having substantial interest in determining the request or
20 among two or more components of the agency having substantial subject interest; or (4) the need
21 to compile data, to write programming language or a computer program, or to construct a
22 computer report to extract data. (Gov. Code §6253(c) (1)-(4).)

23 33. To date, Metro has provided Bel-Air none of this information, instead only
24 providing generic statements that it is “still searching for and collecting the requested records,”
25 and that the Request seeks a “voluminous amount” of records. These generic statements do not
26 meet the requirement for a full explanation, and in any event, the over 115 day delay is well
27 outside the 14 day limit.

28 34. Government Code section 6253, subdivision (d) states that nothing in the CPRA

1 permits a public agency to delay or obstruct the inspection or copying of public records. All
2 public records are subject to disclosure unless the Legislature has expressly provided otherwise.
3 (*Haynie v. Superior Ct.* (2001) 26 Cal. 4th 1061, 1068.)

4 35. Therefore, Bel-Air is informed and believes and on that basis alleges:

5 a. Metro has failed to undertake a thorough search for all requested records,
6 including but not limited to failing to search for responsive public records maintained on
7 the personal accounts and/or devices of its staff and consultants. For example and without
8 limitation, Metro has never provided Bel-Air any affidavit or other evidence as described
9 in *Smith v. City of San Jose* (2017) 2 Cal.5th 608, to satisfactorily establish that each
10 Metro-affiliated agent using a personal account and/or device has searched for and
11 produced all responsive public record in and/or on the agent’s personal account and/or
12 device.

13 b. Metro has failed to produce all public records it admits exist and are
14 responsive to the Request;

15 c. Metro has neither informed Bel-Air it requires a more focused request, nor
16 has it offered to assist Bel-Air to identify the requested records more specifically;

17 d. Metro has not stated any of the requested records are exempt from
18 disclosure;

19 e. To the extent that any of the requested records, or information contained
20 therein, may be exempt from disclosure based on one or more CPRA exemptions, Metro
21 has never identified (i) any exemption(s) invoked to justify non-disclosure, or (ii) the
22 person responsible for making an exemption determination.

23 36. Bel-Air and other members of the public have been, and will continued to be
24 harmed by Metro’s failure to produce the requested records if relief is not provided by this lawsuit.

1 **SECOND CAUSE OF ACTION**

2 **Declaratory Relief under Code of Civil Procedure Section 1060 et seq.**

3 **(Against All Defendants/Respondents)**

4 37. Paragraphs 1 to 36 above are incorporated by reference as if set forth herein.

5 38. Bel-Air is informed and believes, and on that basis alleges, that an actual
6 controversy exists between Bel-Air and Defendants/Respondents concerning their respective
7 rights and duties under the CPRA, the California Constitution, common law, and other applicable
8 legal authorities. As alleged herein, Bel-Air contends Metro failed to comply promptly and fully
9 with one or more open-government laws applicable to the Request; whereas
10 Defendants/Respondents dispute Bel-Air’s contention.

11 39. Bel-Air, therefore, desires a judicial determination and declaration as to whether
12 Defendants/Respondents have complied with all open-government laws applicable to the Request.

13 **PRAYER**

14 Bel-Air respectfully prays for the following relief against all Defendants/Respondents (and
15 any other parties who may oppose Bel-Air in this lawsuit) jointly and severally:

16 **FIRST CAUSE OF ACTION**

17 1. A judgment determining or declaring that Defendants/Respondents have not
18 promptly and fully complied with the CPRA, the California Constitution, the common law, and/or
19 other applicable laws regarding the Request;

20 2. That a peremptory writ of mandate issue ordering all Defendants/Respondents to
21 promptly and fully comply with the CPRA, the California Constitution, the common law, and all
22 other applicable laws regarding the Request; and

23 3. Preliminary and permanent injunctive relief directing Defendants/Respondents to
24 respond to the Request and to permit Bel-Air to inspect and obtain copies of all responsive public
25 records (or portions thereof as allowed by law).

26 **SECOND CAUSE OF ACTION**

27 1. An order determining and declaring the Defendants/Respondents, and each or all of
28 them, failed to disclose all public records (or portions thereof as allowed by law) responsive to the

1 Request and to declare the lack of disclosure of such records does not comply with the CPRA, the
2 California Constitution, the common law, and/or other applicable laws, according to proof; and;

3 2. Preliminary and permanent injunctive relief directing Defendants/Respondents to
4 respond to and disclose all public records (or portions thereof as allowed by law) responsive to the
5 Request and to permit Bel-Air to inspect and obtain copies of such records.

6 ON ALL CAUSES OF ACTION

7 1. An order providing for the Court’s continuing jurisdiction over this lawsuit to
8 ensure Defendants/Respondents comply with the CPRA, the California Constitution, the common
9 law, and/or other applicable laws;

10 2. All attorney fees and other legal expenses Bel-Air incurs in connection with this
11 lawsuit as allowed by law; and,

12 3. Any further relief this Court may deem appropriate.

13 DATED: March 20, 2023

ELLIS GEORGE CIPOLLONE
O’BRIEN ANNAGUEY LLP
Eric M. George
Kathryn L. McCann



17 By: _____
18 Eric M. George
19 Attorneys for Plaintiff Keep Bel-Air Beautiful

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EXHIBIT C

November 22, 2022

Via E-Mail and U.S. Mail

Sepulveda Transit Corridor Project
Los Angeles County Metropolitan
Transportation Authority
One Gateway Plaza
Los Angeles, CA 90012
sepulvedatransit@metro.net

Records Management Center
Los Angeles County Metropolitan
Transportation Authority
One Gateway Plaza, Plaza Level
Mail Stop 99-PL-5
Los Angeles, CA 90012
rmc@metro.net

Re: California Public Records Request and Litigation Hold re Sepulveda Transit
Corridor Project

To Whom It May Concern:

I am litigation counsel for Keep Bel-Air Beautiful, a California non-profit association comprised of Bel-Air residents who are dedicated to ensuring Bel-Air's long-term value and status as a world-renowned community. To that end, the purpose of this letter is to request access to records in the possession of the Los Angeles County Metropolitan Transportation Authority ("LACMTA") relating to the Sepulveda Transit Corridor Project ("STCP") for the purpose of inspection and copying pursuant to the California Public Records Act (Government Code Section 6250 et seq.) and Article I, Section 3 of the California Constitution. You are also advised to preserve all records, documents, data, evidence, and electronically stored information (ESI) relating in any way to the STCP, including but not limited to the records requested below, in advance of potential litigation.¹

This request is necessitated by the fact that LACMTA has completely mismanaged the STCP and has failed in its duties to keep the public informed and to properly manage public funds. In particular, there are four areas about which we are utterly baffled: (1) LACMTA's total lack of transparency and intentional decision to exclude the public from its decision-making process; (2) the fact that the proposed routes for the STCP include tunneling under Bel-Air and Sherman Oaks through a five mile stretch of the Sepulveda pass and elevated heavy rail subway

¹ I understand that Fred Rosen recently also requested, via correspondence with Stephanie Wiggins, that LACTMA staff should maintain and not delete any email correspondence in light of pending litigation. Please confirm that this directive was followed.

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trains above Sepulveda Boulevard in only the San Fernando Valley, which would be nothing short of insanity particularly in light of the existence of other, more feasible options; (3) related to the lack of feasibility of the current proposed routes is the fact that LACMTA also ignores the very real safety concerns inherent in such a long underground tunnel, among other issues; and (4) LACTMA's enormous cost, budget and scheduling overruns.

Accordingly, I request production of the records set forth below, in the format in which they are recorded, including but not limited to writings, letters, reports, studies, proposals, all forms of electronic data (including emails), maps, photographs, audio or video tapes. Unless noted otherwise, the time frame for each of the below requests is from January 1, 2012 to the date of this request.

1. Records relating to LACTMA's lack of transparency:
 - a. Produce all records showing the current STCP master plan.
 - b. Produce all records containing any discussion of written questions from the public regarding the STCP, including but not limited to written questions submitted by Fred Rosen, Bob Anderson, Keep Bel-Air Beautiful, and/or the Sherman Oaks Homeowners Association.
 - c. Produce all records containing any discussion regarding whether or not to respond to written questions from the public regarding the STCP, including but not limited to written questions submitted by Fred Rosen, Bob Anderson, Keep Bel-Air Beautiful, and/or the Sherman Oaks Homeowners Association.
 - d. Produce all records containing any discussion of, or reference to, Fred Rosen, Bob Anderson, Keep Bel-Air Beautiful, and/or the Sherman Oaks Homeowners Association.
 - e. Produce all records containing any discussion of, or reference to, emails sent to LACTMA, or to any individual associated with or employed by LACTMA, by Fred Rosen, Bob Anderson, Keep Bel-Air Beautiful, and/or the Sherman Oaks Homeowners Association.
 - f. Produce all records in which any individual associated with or employed by LACTMA internally forwards or replies to email correspondence from

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Fred Rosen, Bob Anderson, Keep Bel-Air Beautiful, and/or the Sherman Oaks Homeowners Association.

- g. Produce all records containing any draft responses to written questions from the public regarding the STCP, including but not limited to written questions submitted by Fred Rosen, Bob Anderson, Keep Bel-Air Beautiful, and/or the Sherman Oaks Homeowners Association.
 - h. Produce all records containing any responses to written questions from the public regarding the STCP, including but not limited to written questions submitted by Brad Sherman, Fred Rosen, Bob Anderson, Keep Bel-Air Beautiful, and/or the Sherman Oaks Homeowners Association.
 - i. Produce all records containing any discussion regarding questions posed by the public during public meetings regarding the STCP.
 - j. Produce all records containing any discussion regarding what information, if any, to include or not include in response to questions posed by the public during public meetings regarding the STCP.
 - k. Produce all records relating to public presentations regarding the STCP.
 - l. Produce all records containing notes from public meetings regarding the STCP.
 - m. Produce all records regarding the decision(s) regarding what documents and/or information to provide to the public regarding the STCP.
 - n. Produce all records regarding what documents and/or information to withhold from the public regarding the STCP.
2. Records relating to the proposed routes:
- a. Produce all records relating to the decision(s) to consider tunneling under the Sepulveda pass.
 - b. Produce all records relating to the decision(s) to consider tunneling under the Sepulveda pass despite the existence of other, more feasible, routes, including but not limited to above-ground options.

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- c. Produce all feasibility studies relating to the STCP.
 - d. Produce all records relating to discussions of all feasibility studies relating to the STCP.
 - e. Produce all contracts related to the STCP.
 - f. Produce all records relating to contracts related to the STCP.
 - g. Produce all records relating to LACTMA's decision(s) to utilize Public Private Partnerships with respect to the STCP and/or STCP alternatives.
 - h. Produce all records relating to Pre-Development Agreements and/or contracts for Public Private Partnerships with respect to the STCP and/or STCP alternatives.
3. Records relating to safety concerns:
- a. Produce all records showing any analysis of safety issues relating to the STCP.
 - b. Produce all records relating to the safety issues that caused the shut-down of the Purple (D) Line Extension project.
 - c. Produce all records relating to LACTMA's correspondence with the contractor working on the Purple (D) Line Extension relating to the safety issues that caused the shut-down of that project.
 - d. Produce all records relating to why the Purple (D) Line Extension project was not shut down earlier in light of the safety issues.
 - e. Produce all records showing any analysis of the earthquake risk impacting train tunnels under the Sepulveda Pass.
 - f. Produce all records showing any analysis of the potential for criminal activity on all existing or planned LACTMA trains, including STCP.
 - g. Produce all records showing any analysis of the actual rates of criminal activity on all existing LACTMA trains.

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4. Records relating to cost, budget and scheduling overruns:
 - a. Produce all records containing any budget forecasts or actual budgets for the STCP.
 - b. Produce the current budget for the STCP.
 - c. Produce all records showing that the STCP is, or has been, over budget.
 - d. Produce all records showing that any other transit project funded pursuant to Measure M are, or have been, over budget.
 - e. Produce all records showing the number of other transit projects funded pursuant to Measure M that are, or have been, over budget in the last 20 years.
 - f. Produce all records containing any explanation of and/or justification for the STCP's "Most Recent Cost Estimates" as reflected in Measure M.
 - g. Produce all records showing the actual cost of the STCP to date.
 - h. Produce all records containing any proposed or actual schedules for the STCP.
 - i. Produce the current schedule for the STCP.
 - j. Produce all records showing that the STCP is, or has been, behind schedule.
 - k. Produce all records showing that any other transit project funded pursuant to Measure M are, or have been, behind schedule.
 - l. Produce all records showing the number of other transit projects funded pursuant to Measure M that are, or have been, behind schedule in the last 20 years.
 - m. Produce all records showing the number of LACTMA projects that have exceeded their budgets and are therefore currently stalled, or otherwise not moving forward and/or only partially moving forward, and awaiting additional funding.

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- n. Produce all records showing what, if any, STCP related contracts include penalties for cost and/or schedule overruns.

These requests reasonably describe identifiable records or information to be produced from those records. If you are unable comply with these requests because you believe they are not focused or effective, California Government Code Section 6253.1(a) requires you to: (1) assist in identifying the records and information that are responsive to the requests or to the purpose of the requests; (2) describe the information technology and physical location in which the records exist; and (3) provide suggestions for overcoming any practical basis for denying access to the records or information sought.

Pursuant to Government Code Section 6253(b), I ask that you make the records “promptly available,” for inspection and copying, based on payment of “fees covering direct costs of duplication, or statutory fee, if applicable.” I believe that no express provisions of law exist that exempt the records from disclosure. As you determine whether these requests seek copies of disclosable public records, be mindful that Article I, Section 3 (b)(2) of the California Constitution requires you to broadly construe a statute, court rule, or other authority if it furthers the right of access to the information requested and to narrowly construe a statute, court rule, or other authority if it limits the right of access to these records.

If a portion of the information requested is exempt from disclosure by express provisions of law, Government Code Section 6253(a) additionally requires segregation and deletion of that material in order that the remainder of the information may be released. If you determine that an express provision of law exists to exempt from disclosure all or a portion of the material requested, Government Code Section 6253(c) requires that you provide notification of the reasons for the determination not later than 10 days from your receipt of this letter.

Government Code Section 6253(d) prohibits the use of the 10-day period, or any provisions of the Public Records Act “to delay access for purposes of inspecting public records.”

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To date, LACTMA has operated as if it is above the law and can ignore the citizens of Los Angeles County with impunity. In light of LACTMA's refusal to respond to previous inquiries from members of the public, please promptly confirm receipt of this letter and that LACTMA intends to comply with this public records request and adhere to our request to retain documents in advance of potential litigation as set forth above.

Sincerely,



Eric M. George

cc: Congressmember and Los Angeles Mayor-Elect Karen Bass (via email only at info@karenbass.com, karen@karenbass.com)
Congressmember Brad Sherman (via email only at Brad.Sherman@mail.house.gov)
LACTMA CEO Stephanie Wiggins (via email only at wiggins@metro.net)
LA County Supervisor Kathryn Barger (via email only at Kathryn@bos.lacounty.gov)
LA Councilmember-Elect Katy Yaroslavsky (via email only at kyaroslavsky@bos.lacounty.gov)
West Hollywood City Councilmember and Supervisor-Elect Lindsey Horvath (via email only at lhorvath@weho.org)
Glendale Mayor Ara Najarian (via email only at anajarian@glendaleca.gov)

EXHIBIT D

January 12, 2023

Via E-Mail Only

Sepulveda Transit Corridor Project
Los Angeles County Metropolitan
Transportation Authority
One Gateway Plaza
Los Angeles, CA 90012
sepulvedatransit@metro.net

Records Management Center
Los Angeles County Metropolitan
Transportation Authority
One Gateway Plaza, Plaza Level
Mail Stop 99-PL-5
Los Angeles, CA 90012
rmc@metro.net

Re: Record Request #22-1578

To Whom It May Concern:

As you are aware, I am litigation counsel for Keep Bel-Air Beautiful. On November 21, 2022, I submitted a records request pursuant to the California Public Records Act to Los Angeles County Metropolitan Transportation Authority ("LACTMA") for inspection and copying of records relating to the Sepulveda Transit Corridor Project.

It has been nearly two months and all we have received from LACTMA are excuses. LACTMA's most recent update, dated December 16, 2022, merely states that it needs additional time. LACTMA has neither identified any records, nor provided a detailed explanation as to what records may be released or what cannot because they are protected by law, as is required. Therefore, LACTMA is in violation of Government Code Section 6253(c).

Accordingly, I demand that LACTMA promptly comply with its obligations pursuant to the Public Records Act by making the requested records available. Failure to do so and/or provision of another unilateral extension, will leave us no choice but to proceed with legal action.

Sincerely,



Eric M. George