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17 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**  
18  
19 **FOR THE COUNTY OF LOS ANGELES**  
20  
21 **NORTH CENTRAL DISTRICT - BURBANK**

22 BURBANK-GLENDALE-PASADENA )  
23 AIRPORT AUTHORITY, )  
24 Petitioner, )

25 v. )

26 CITY OF Burbank, )  
27 Respondent. )

28 Case No. EC 04248  
[PROPOSED]

FINAL JUDGMENT DENYING  
PETITION FOR WRIT OF  
ADMINISTRATIVE MANDATE  
(CCP § 1094.5) OR  
TRADITIONAL MANDATE  
(CCP § 1085)

Date:  
Time:  
Place: Dept. NC B  
300 East Olive Avenue  
Burbank, CA 91502

1           WHEREAS on December 19, 1996, petitioner Burbank-Glendale-Pasadena Airport  
2 Authority (“Authority”) filed its Petition for Writ of Administrative Mandate (CCP  
3 § 1094.5) or Traditional Mandate (CCP § 1085) in this action seeking to overturn the  
4 decision of the Burbank City Council (“City”) disapproving the Authority’s application  
5 pursuant to California Public Utilities Code § 21661.6 (Section 21661.6) to acquire and  
6 use an approximately 130-acre parcel of property, a portion of which is located in the  
7 City, known as the B-6 Property, for the purpose of expanding or enlarging the Burbank-  
8 Glendale-Pasadena Airport (“Airport”); and

9           WHEREAS on October 29, 1997, the Authority sought judgment on the ground  
10 that the City’s decision violated the Authority’s procedural due process rights and was  
11 otherwise improper because the City was impermissibly biased against the Authority and  
12 had prejudged the Authority’s Section 21661.6 application; and

13           WHEREAS on February 16, 1998, having heard the evidence and argument of the  
14 parties and the Authority having withdrawn all other ground for its Petition, the trial court,  
15 the Honorable Carl J. West presiding, ruled that the City had not violated the Authority’s  
16 procedural due process rights based on the evidence regarding alleged bias or  
17 prejudgment; and

18           WHEREAS on February 16, 1998, the trial court, the Honorable Carl J. West  
19 presiding, ruled that the City had acted in excess of its jurisdiction by denying the  
20 Authority’s Section 21661.6 application because, based on the court’s ruling in *City of*  
21 *Burbank, et al. v. Burbank-Glendale-Pasadena Airport Authority*, Case No. EC 0022341,  
22 the trial court determined that the City had delegated its Section 21661.6 powers to the  
23 Authority; and

24           WHEREAS on March 10, 1998, the trial court, the Honorable Carl J. West  
25 presiding, issued a Writ on Mandate in favor of the Authority; and

26           WHEREAS on April 20, 1998, the City timely filed a Notice of Appeal; and

27           WHEREAS on May 5, 1999, the Court of Appeal reversed the trial court’s  
28 delegation decision in Case No. EC 0022341 (*City of Burbank et al. v. Burbank-Glendale-  
Pasadena Airport Authority*, 72 Cal. App. 4th 366 (1999), review denied, Aug. 11, 1999);  
and

1 WHEREAS on May 5, 1999, the Court of Appeal reversed the trial court's ruling  
2 that the City had acted in excess of its jurisdiction by reason of delegation, vacated the  
3 writ of mandate issued by the trial court and remanded the case to the trial court with  
4 directions to issue a new and different judgment denying the writ petition; and

5 WHEREAS on August 11, 1999, the California Supreme Court denied the  
6 Authority's Petition for Review of the Court of Appeal's decision; and

7 WHEREAS on August 19, 1999, the Court of Appeal issued the remittitur; and

8 WHEREAS all claims and defenses raised and asserted in this case have been  
9 finally disposed of; and

10 GOOD CAUSE APPEARING THEREFOR,

11 **IT IS HEREBY ORDERED, ADJUDGED AND DECREED:**

12 1. That actions and statements of the City of Burbank evidencing prejudgment  
13 and/or bias did not constitute a violation of the Burbank-Glendale-Pasadena Airport  
14 Authority's right to procedural due process;

15 2. That the Burbank-Glendale-Pasadena Airport Authority's Petition for Writ  
16 of Mandate shall be and hereby is denied and that judgment shall be and hereby is entered  
17 in favor of the City of Burbank and against the Burbank-Glendale-Pasadena Airport  
18 Authority;

19 3. That the Burbank-Glendale-Pasadena Airport Authority shall take nothing  
20 against the City of Burbank, the State of California or the California Department of  
21 Transportation by reason of its Petition for Writ of Mandate on file in this action;

22 4. That the Parties shall bear their own costs and attorneys fees; and

23 5. That the Clerk shall enter this Judgment forthwith.

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IT IS SO ORDERED

Dated:

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Carl J. West  
Superior Court Judge

Presented By:

DENNIS A. BARLOW, City Attorney  
Terry B. Stevenson, Sr. Assistant  
CITY OF BURBANK  
CUTLER & STANFIELD, LLP  
Perry M. Rosen  
Peter J. Kirsch

By:

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CITY OF BURBANK

Approved as to form:

**McDERMOTT, WILL & EMERY**

Richard K. Simon  
Thomas A. Ryan

By:

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Attorneys for Petitioner  
Burbank-Glendale-Pasadena Airport Authority