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14 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
15 **FOR THE COUNTY OF LOS ANGELES**

16 JOSEPH R. LINTON,
17
18 Plaintiff,
19 vs.
20 CITY OF LOS ANGELES,
21 Defendant.

Case No.:
COMPLAINT FOR INJUNCTIVE
AND DECLARATORY RELIEF
JURY TRIAL DEMANDED

22
23 Plaintiff Joseph R. Linton alleges as follows:

24
25 **INTRODUCTION**

26 1. For fifty years, the City of Los Angeles has adopted “plans” to make its
27 streets and sidewalks safer for people driving, bicycling, and walking. But it lacked
28 the political will to implement them.

1 2. While the failure to carry out its safer-streets plans has imposed tragic
2 human costs in injuries and deaths, it has also led to budget-busting personal-injury
3 payouts. The City’s Bureau of Street Services paid nearly \$90 million dollars in
4 liability claims in fiscal years 2020-2023, per the city controller.

5 3. So, in 2024, Los Angeles’ residents decided to force the City to make
6 streets safer. Nearly two thirds of the electorate passed the Los Angeles Safe Streets
7 for All Initiative.

8 4. Plaintiff brings this lawsuit to ensure that the City stops failing its people
9 by refusing to implement faithfully the Los Angeles Safe Streets for All Initiative.

10
11 **PARTIES**

12 5. Plaintiff Joseph R. Linton has lived a block away from Vermont Avenue
13 in Los Angeles for decades, and he has paid taxes that fund the City, including sales
14 and use taxes.

15 6. Defendant Los Angeles is a California charter city in Los Angeles
16 County.

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18 **JURISDICTION AND VENUE**

19 7. The Court has jurisdiction over this matter pursuant to Code of Civil
20 Procedure section 410.

21 8. Venue in this Court is proper because the causes of action alleged in this
22 Complaint occurred in Los Angeles County, where the parties are located. (Code
23 Civ. Proc., § 395.)

24
25 **GENERAL ALLEGATIONS**

26 9. “On August 11, 2015, the Los Angeles City Council overwhelmingly
27 approved Mobility Plan 2035 (the ‘Mobility Plan’) as an update to the City’s General
28 Plan Transportation Element. The Mobility Plan calls for the construction of a

1 connected network of pedestrian and bicycle routes, transit routes, and vehicle routes
2 with the goal of creating a complete street network to support streets as public places
3 for the safe utilization for all modes of transportation. Despite the approval from City
4 Council, seven years later hardly any of the physical improvements [had] been
5 made.” (Los Angeles Safe Streets for All Initiative, § 2 (Findings), ¶ 1.)

6 10. “In considering the purpose of legislation, statements of the intent of the
7 enacting body contained in a preamble, while not conclusive, are entitled to
8 consideration.” (*People v. Canty* (2004) 32 Cal.4th 1266, 1280.) The “purpose and
9 intent” of the Los Angeles Safe Streets for All Initiative was: “[T]o require the City
10 to prioritize street enhancement measures described in the Mobility Plan to ensure
11 that the people of the City of Los Angeles have access to an adequate network of
12 complete streets.” (Los Angeles Safe Streets for All Initiative, § 3 [“Purpose and
13 Intent”].)

14 11. On February 9, 2022, the public campaign to put the “Los Angeles Safe
15 Streets for All Initiative” on the ballot began when the Los Angeles City Clerk
16 approved its title and authorized signature gathering.

17 12. The Los Angeles Safe Streets for All Initiative appeared on the March 5,
18 2024, ballot as Measure HLA. It passed by a nearly two-thirds margin citywide and
19 by more than three-quarters in communities along the Vermont Avenue corridor.
20 Codified as Section 85.11 of the Los Angeles Municipal Code, it took effect on April
21 9, 2024.

22 13. In 2023, the City of Los Angeles and the Los Angeles County
23 Metropolitan Transportation Authority (LACMTA) renewed their Master
24 Cooperative Agreement, a contract-like pact between the two governments governing
25 their mutual rights and obligating LACMTA to follow the same city ordinances that
26 bind others (including the City), with respect to street infrastructure. It also obliges
27 the City to insist that its municipal standards are followed when LACMTA touches
28 city street infrastructure.

1 14. Both before and after the passage of the Los Angeles Safe Streets for All
2 Initiative, the City and the Los Angeles County Metropolitan Transportation
3 Authority partnered in undertaking some of the Mobility Plan street enhancements
4 described in the Mobility Plan’s Enhanced Complete Street System. The Master
5 Cooperative Agreement recites, in part, that “[t]he purpose of [the Master
6 Cooperative Agreement] is to *establish a partnership* between the City and
7 LACMTA” concerning transportation projects. (Master Cooperative Agreement, p.
8 1, Recitals, ¶ D; emphasis added.)

9 15. To ensure that its partner would follow its ordinances, the City required
10 LACMTA to agree that “[c]onstruction work performed in Public Rights-of-Way in
11 connection with a Subject Transportation Project shall be performed in accordance
12 with ... *Applicable Law* ...” (Master Cooperative Agreement, § 5.2 (a)(ii); emphasis
13 added.) (Note the use of passive voice: “shall be performed in accordance.”)

14 16. Critically – in light of the pending campaign for the Los Angeles Safe
15 Streets for All Initiative – they defined “Applicable Law” as any “ordinance ...
16 *including those resulting from the initiative* ... which is applicable to the City-
17 Located Section ... whether taking effect before or after the date of this Agreement.
18” (Master Cooperative Agreement, § 12.1; emphasis added.)

19 17. The “Applicable Law” the partners agreed to follow requires that
20 “[w]henver the City makes Improvements to a segment of a City-owned Mobility
21 Plan Street, the Mobility Plan street enhancements described in the Enhanced
22 Complete Street System shall be installed along that segment as part of the
23 improvements undertaken by the City.” (LAMC § 85.11(a)(1).)

24 18. The “Enhanced Complete Street System” “consists of five networks:
25 Pedestrian-Enhanced Districts, Bicycle-Enhanced Network, Bicycle Lane Network,
26 Transit-Enhanced Network, and the Vehicle-Enhanced Network.” (LAMC §
27 85.11(a).) Each is defined and mapped within the Mobility Plan.

28 19. The phrases “City makes Improvements” and “improvements

1 undertaken by the City” are both part of the Los Angeles Safe Streets for All
2 Initiative’s triggering language, so both must be given meaning. (*Dyna-Med, Inc. v.*
3 *Fair Employment & Housing Com.* (1987) 43 Cal.3d 1379, 1387 [“A construction
4 making some words surplusage is to be avoided.”].) Because neither phrase is
5 defined in the Los Angeles Safe Streets for All Initiative, the words are given “their
6 usual and ordinary meaning, which would typically be their dictionary definition.”
7 (*Hammond v. Agran* (1999) 76 Cal.App.4th 1181, 1189.) Undertaking has been
8 defined as “[b]roadly, that which one has agreed to do” (Ballentine’s Law Dict.
9 (1969)); “to do or begin to do something, especially something that will take a long
10 time or be difficult” (Cambridge Dict. Online (2022); quoted in *IBC Business Owners*
11 *for Sensible Development v. City of Irvine* (2023) 88 Cal.App.5th 100, 124); and “to
12 accept as a charge: engage to look after or attend to; accept the responsibility for the
13 care of” quoted in *Brinsmead v. Elk Grove Unified School Dist.* (2023) 95
14 Cal.App.5th 583, 589.)

15 20. As defined in the Los Angeles Safe Streets for All Initiative,
16 “Improvements” mean a “paving project[s] or other modification[s] of at least one-
17 eighth (1/8) of a mile in length on a City-owned right of way” (LAMC § 85.11(a).)
18 “Improvements’ do not include restriping of the road without making other
19 improvements, routine pothole repair, utility cuts, or emergency repairs.” (*Ibid.*)
20 Paving projects or other modifications cannot be piecemealed to avoid the mandates
21 of the Los Angeles Safe Streets for All Initiative: “two or more projects covering a
22 continuous segment of the street shall be considered a single paving project or other
23 modification, provided that construction on the projects commence within one year of
24 each other.” (*Ibid.*)

25 21. “Vermont North,” which has come to be known as the “Vermont Transit
26 Corridor Project” is one of the “Subject Transportation Projects” listed within and
27 covered by the Master Cooperative Agreement. (Master Cooperative Agreement, p.
28 67.) The Mobility Plan provides for the Transit-Enhanced Network, Bicycle Lane

1 Network, Bicycle Enhanced Network, and Pedestrian Enhanced District to operate on
2 the section of the “Vermont Transit Corridor Project” within the City of Los Angeles.

3 22. The Mobility Plan – and therefore the Los Angeles Safe Streets for All
4 Initiative – provides that “on a street that is identified as both a TEN (Transit
5 Enhanced Network) and a BEN [Bicycle Enhanced Network], designs must include
6 both dedicated transit facilities and protected bicycle facilities, if feasible.” (Mobility
7 Plan, p. 67.)

8
9 **FIRST CAUSE OF ACTION**

10 Violation of the Los Angeles Safe Streets for All Initiative Ordinance
11 (Code Civ. Proc., §§ 526a, 1060, 1085; LAMC § 85.11(c))

12 23. In or about July 2024, the City repaved about 1,000 feet of Vermont
13 Avenue between 146th Street and 149th Street. However, despite that section of
14 Vermont being a City-owned Mobility Plan Street, the Mobility Plan street
15 enhancements described in the Enhanced Complete Street System – protected bike
16 lanes and pedestrian enhancements – were not installed along that segment as part of
17 the improvements undertaken by the City.

18 24. In or about August 2024, the City repaved over 800 feet of Vermont
19 Avenue between Florence Avenue and Gage Avenue. However, despite that section
20 of Vermont being a City-owned Mobility Plan Street, the Mobility Plan street
21 enhancements described in the Enhanced Complete Street System – protected bike
22 lanes and pedestrian enhancements – were not installed along that segment as part of
23 the improvements undertaken by the City.

24 25. For the “Vermont Transit Corridor Project” (which is separate from the
25 paving projects alleged in the foregoing two paragraphs), the City refuses to
26 implement the Mobility Plan street enhancements described in the Enhanced
27 Complete Street System – such as protected bicycle lanes – despite the affected
28 portions of the project constituting improvements undertaken by the City in

1 partnership with LACMTA along a City-owned Mobility Plan Street.

2 26. The City is and will be partnering in “undertaking” the Vermont Transit
3 Corridor Project by:

4 (a) Funding portions of it;

5 (b) “Planning phase support services” (Master Cooperative
6 Agreement, part Part D, §1(c));

7 (c) Conducting a “detailed review” (Master Cooperative Agreement,
8 § 4.3(b), subds. (i), (v)); and

9 (d) Issuing permits to proceed with construction on the City’s rights
10 of way. (Master Cooperative Agreement § 3.6.)

11 27. The City denies that Los Angeles Safe Streets for All Initiative applies
12 to its right of way on Vermont Avenue, concluding that LACMTA’s “Vermont
13 Transit Corridor project ... does not trigger any City obligations under Measure
14 HLA.” (Nov. 18, 2024, City Attorney letter to Streets for All.)

15 28. The City’s foregoing denial is contrary to the Los Angeles Safe Streets
16 for All Initiative because it would enable the City to avoid its obligations under the
17 ordinance – an ordinance passed to require the City to implement its safer street plans
18 (like the Mobility Plan) after decades of allowing its streets to become more
19 dangerous.

20 29. Moreover, California’s Constitution, Article XI, section 5, provides that
21 “City charters adopted pursuant to this Constitution shall supersede any existing
22 charter, and *with respect to municipal affairs shall supersede all laws inconsistent*
23 *therewith.*” (Emphasis added.) And, as the California Supreme Court held in
24 construing Article XI, section 5, “street work” “fall[s] within the definition of
25 municipal affairs” (*City of Walnut Creek v. Silveira* (1957) 47 Cal.2d 804, 812.)
26 Therefore, Los Angeles, a charter city, has superior power over and unique
27 responsibility to “[e]stablish, lay out, alter, keep open, improve, and repair streets,
28 [and] sidewalks” (Gov. Code, § 40401) for the City-owned right of way covered by

1 the Los Angeles Safe Streets for All Initiative.

2 30. The City cannot legally or in good faith disclaim its constitutionally
3 granted control over its right of way, to avoid enforcing the negotiated Master
4 Cooperative Agreement requiring that its co-venturer LACMTA follow the Los
5 Angeles Safe Streets for All Initiative. (See “Applicable Law,” ¶ 17 above.)

6 31. By refusing to apply properly the Los Angeles Safe Streets for All
7 Initiative, Defendant is denying Plaintiff and other Angelenos the benefits intended
8 by the Los Angeles Safe Streets for All Initiative.

9 32. By refusing to apply properly the Los Angeles Safe Streets for All
10 Initiative, Defendant will allow illegal expenditure of, waste of, or injury to, the
11 estate, funds, or other property of the City of Los Angeles. (Code Civ. Proc., §
12 526a.)

13 33. An actual controversy has arisen between Plaintiff and Defendant as to
14 their respective rights and duties under the law.

15 34. Under Code of Civil Procedure sections 526a and 1060, et seq., the court
16 may declare rights, duties, statuses, and other legal relations, regardless of whether
17 further relief is or could be claimed and, given Defendant’s steadfast refusal to
18 change their interpretation of the Los Angeles Safe Streets for All Initiative,
19 declaratory judgment is appropriate.

20 35. Under Code of Civil Procedure sections 526a and 1085, the court may
21 enjoin Improvements of at least one-eighth (1/8) of a mile on a City-owned right of
22 way, including but not limited to sections of Vermont Avenue included in the
23 “Vermont Transit Corridor Project” unless the City also implements the Mobility
24 Plan street enhancements described in the Enhanced Complete Street System along
25 the affected right of way.

26 36. Under Code of Civil Procedure sections 526a and 1085, the court may
27 mandate the implementation of the omitted Mobility Plan street enhancements
28 described in the Enhanced Complete Street System for the areas identified in

1 paragraphs 23 through 25 above.

2
3 **SECOND CAUSE OF ACTION**

4 Violation of Los Angeles Safe Streets for All Initiative by Stifling Los Angeles
5 Municipal Code section 85.11(c)

6 (Code Civ. Proc., §§ 526a, 1060, 1085; L.A. Safe Streets for All Initiative, § 5)

7 37. Los Angeles Safe Streets for All Initiative is meant to “[a]llow any City
8 resident to file a lawsuit against the City to require compliance with the requirements
9 of the measure.” (Voter Information Pamphlet for March 25, 2025, Primary
10 Nominating Election, Impartial Summary by Sharon M. Tso, Chief Legislative
11 Analyst.) That private-right-of-action provision is codified as Los Angeles
12 Municipal Code section 85.11(c), stating:

13 (1) Any individual residing within the City may bring a civil
14 action to enjoin violations of or compel compliance with the provisions
15 of this Ordinance.

16 (2) The court may award to a party, other than the City or any of
17 its commissions, boards, departments or agencies, who prevails in any
18 civil action authorized by this Ordinance, his or her costs of litigation,
19 including reasonable attorneys’ fees.

20 38. The private right of action in the initiative is an essential element the
21 measure meant to ensuring that the City fulfills its obligations under Los Angeles
22 Safe Streets for All Initiative.

23 39. Protecting the Los Angeles Safe Streets for All Initiative from
24 legislative mischief, Section 5 provides that it “may not be repealed or amended
25 without approval of the voters of the City of Los Angeles, provided that nothing
26 herein shall preclude the City, including the City Council, from taking actions that
27 ***further the purposes*** of this Ordinance.” (Emphasis added.)

28 40. Defying Section 5 of the Los Angeles Safe Streets for All Initiative, on

1 or about March 19, 2025, the City has undertaken to engraft an impermissible prior
2 administrative remedy hurdle onto the initiative.

3 41. The City’s prior administrative remedy hurdle *would not* “further the
4 purposes” of the Los Angeles Safe Streets for All Initiative. In fact, it would do the
5 opposite by requiring the “delay and cost of pursuing an administrative remedy” (*City*
6 *of Fillmore v. Board of Equalization* (2011) 194 Cal.App.4th 716, 728), before
7 bringing “a civil action to enjoin violations of or compel compliance with” the Los
8 Angeles Safe Streets for All Initiative (LAMC § 85.11(c). (*Cf. Farmers Ins.*
9 *Exchange v. Superior Court* (1992) 2 Cal.4th 377, 406 [“expense to litigants and
10 delay are factors which militate against application of the [primary jurisdiction]
11 doctrine”]; Mosk, J. *dissenting*.) Therefore, it is barred by Section 5 of the Los
12 Angeles Safe Streets for All Initiative.

13 42. Backstopping the Section 5 limitation on amending the Los Angeles
14 Safe Streets for All Initiative, California Elections Code section 9217 states that “No
15 ordinance ... proposed by initiative petition ... adopted by the voters, shall be ...
16 amended except by a vote of the people, unless provision is otherwise made in the
17 original ordinance.

18 43. Although Section 5 of the Los Angeles Safe Streets for All Initiative
19 was not codified, it governs amendment, as does Elections Code section 9217. (*Cf.*
20 *People v. Rojas* (2023) 15 Cal.5th 561, 566 [initiative’s uncodified “shall not be
21 amended by the Legislature except ...” provision was binding but not violated where
22 voters knew that an incorporated definition was changeable and there was no
23 indication they intended to foreclose future changes to the definition or to allow only
24 expansion and not contraction of the definition].)

25 44. An actual controversy has arisen between Plaintiff and Defendant as to
26 their respective rights and duties under the law.

27 45. Under Code of Civil Procedure sections 1060, et seq., the court may
28 declare rights, duties, statuses, and other legal relations, regardless of whether further

1 relief is or could be claimed.

2 46. Given Defendant’s steadfast refusal to change their interpretation of the
3 law, declaratory judgment is appropriate, as well as a judgment restraining and
4 preventing the City from enforcing the administrative remedy ordinance.

5
6 **PRAYER FOR RELIEF**

7 WHEREFORE, Plaintiff prays that judgment be entered as follows:
8

9 1. **Declaratory relief.** Under Code of Civil Procedure sections 526a and
10 1060, Plaintiff asks this Court to declare as follows:

11 a. Los Angeles Safe Streets for All Initiative concerns a “municipal
12 affair” as the term is used in Article, section 5, of the California Constitution,
13 and therefore Los Angeles Safe Streets for All Initiative “supersede[s] all laws
14 inconsistent therewith” (Cal. Const. art. XI, § 5), including Public Utilities
15 Code section 30633 (putatively giving LACMTA inherited “rights and
16 privileges relating to public ways ... granted to municipalities”), as it applies to
17 each “Mobility Plan Street” (as defined in LAMC § 85.11(a)) except for any
18 street designated as a state highway (*City and County of San Francisco v.*
19 *Regents of University of California* (2019) 7 Cal.5th 536, 552-553
20 [“maintenance of city streets ceases to be a municipal affair if the Legislature
21 designates a street as a secondary state highway”]).

22 b. The projects listed in paragraphs 24 through 26 above trigger the
23 City’s obligations to implement the Mobility Plan elements under the Los
24 Angeles Safe Streets for All Initiative and the City has unlawfully failed and/or
25 refused to install those elements along the affected segments of City-owned
26 right of way.

27 c. The City’s “Exhaustion of Administrative Remedies” requirement
28 concerning Los Angeles Safe Streets for All Initiative does not further the

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purposes of this Los Angeles Safe Streets for All Initiative, therefore it is an impermissible amendment under Elections Code section 9217 and is null and void.

2. **Injunctive relief.** Under Code of Civil Procedure sections 526a and 1085, Plaintiff asks this Court to order as follows:

a. The Mobility Plan street enhancements described in the Enhanced Complete Street System for each project listed in paragraphs 23 through 25 above shall be installed completely and promptly; and

b. The City’s administrative remedies requirements concerning Los Angeles Safe Streets for All Initiative shall not be enforced.

3. Reasonable attorneys’ fees (LAMC § 85.11(c)(2); Code Civ. Proc., § 1021.5, and the substantial benefit and common fund doctrines);

4. Costs of litigation (LAMC § 85.11(c)(2); Code Civ. Proc., § 1032, subd. (b)); and

5. Such other and further relief as may be just and proper.

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1 **JURY TRIAL DEMAND**

2 Plaintiff demands a trial by jury on all issues so triable.

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4 Respectfully submitted,

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6 Dated: April 9, 2025

7 ACTIUM LLP
8 MIKE GATTO

9 

10 Mike Gatto
11 Attorney for Plaintiff

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14 

15 /s/ Jonathan Weiss
16 Jonathan Weiss
17 Attorney for Plaintiff