

**Beverly Hills Unified Sch. Dist. v. Fed. Transit Admin., et al.**, Case No. CV-18-716-GW  
Tentative Ruling on Motion for Sanctions Against Defendant Los Angeles County  
Metropolitan Transportation Authority

Beverly Hills Unified School District (“BHUSD”) moves for sanctions in the form of compensation for attorney’s fees and costs it incurred due to, in its telling, various forms of misconduct on the part of defendant Los Angeles County Metropolitan Transportation Authority (“Metro”). The Court has read the parties’ briefs, and takes specific note both of the fact that BHUSD has requested sanctions under the Court’s “inherent authority” and that the Court’s orders leading to the conduct in question arose in the context of an action played out under the restrictions customary to Administrative Procedures Act litigation (in other words, a case that is, under normal circumstances, limited to consideration of an administrative record and which does not normally involve or allow for traditional civil discovery).

Under Ninth Circuit precedent, sanctions pursuant to a court’s inherent authority require “bad faith.” *See, e.g., Braunstein v. Ariz. Dep’t of Transp.*, 683 F.3d 1177, 1189 (9th Cir. 2012); *Christian v. Mattel, Inc.*, 286 F.3d 1118, 1131 (9th Cir. 2002); *see also Goodyear Tire & Rubber v. Haeger*, 137 S.Ct. 1178, 1186 (2017); Phillips & Stevenson, California Practice Guide: Federal Civil Procedure Before Trial (The Rutter Group 2020), ¶¶ 17:693, 705. An exhaustive discussion of the conduct at issue here, and of BHUSD’s arguments for why it amounted to bad faith, is unnecessary. Whether or not the Court would agree with BHUSD that Metro may have made certain mistakes or improper judgment calls in connection with their efforts to discover and produce information relevant to the question of use of property located at 1950 Avenue of the Stars as a construction staging area, the Court does not see anything in BHUSD’s presentation of the issue on this motion that rises to the level of bad faith on Metro’s part. Reasonable – even if mistaken – decisions and conduct is not enough for this Court to call upon its inherent authority to sanction monetarily. If the Court were to conclude that anytime a party in federal court made a mistake in discovery that led to a delay or some measure of disruption in a case would *necessarily* amount to bad faith sufficient to support a monetary sanction,

the Court would more-accurately be described as an ATM machine rather than anything else. As a result, the Court will deny BHUSD's motion for sanctions.