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September 8, 2017

***Via U.S. Mail & Email***

*Confidential Settlement Communication (Evid. Code § 1152)*

John S. Moot, Esq.  
SCHWARTZ, SEMERDJIAN,  
CAULEY & MOOT, LLP  
101 West Broadway, Suite 810  
San Diego, CA 92101

**Re: San Diego Metropolitan Transit System v. Grand Central West, LLC**  
Superior Court of California, County of San Diego  
Case No.: 37-2014-00044014-CU-OR-CTL  
Our Clients: San Diego Metropolitan Transit System ("MTS"), SYPS, LLC  
and Greyhound Lines Inc.  
Our File No.: 415-22109

Dear Mr. Moot:

We are in receipt of your September 7, 2017 correspondence. As to any communication with the Board for the San Diego Metropolitan Transit System ("MTS") concerning the July 26, 2017 proposal of Grand Central West, LLC ("GCW"), and without waiving any attorney client privilege, MTS's staff has already thoroughly vetted this matter with and received clear direction concerning this case from MTS's Board. We assure you there is no Brown Act violation.

More importantly, and as more specifically discussed in our August 18, 2017 response letter, GCW's July 26, 2017 proposal was really not a settlement offer but a take all demand based on unfounded facts. Frankly, GCW's terms were not well received, especially considering the facts in this case, GCW's clear trespass activities and the court's already imposed preliminary injunction. Any bouyancy founded on GCW's ever changing land use claims is most likely short lived as they are legally vapid.

Based on your recent comments, however, we have re-visited with MTS GCW's proposal to attend a settlement conference. As you may recall, we discussed attending a settlement conference with a sitting superior court judge. You identified that such a procedure might assist your client in better understanding its beleaguered position. With this in mind, MTS would be willing to attend such a settlement conference for one half day.

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John S. Moot, Esq.  
SCHWARTZ, SEMERDJIAN, CAULEY & MOOT, LLP  
Re: *Response to Settlement Offer*  
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LIEDLE, LARSON, LIDL & VAIL, LLP

We have had a previous experience with Judge Ken So. His background as a former San Diego deputy city attorney and his government related experience appears to fit this case's claims and defenses. Judge So would be acceptable to MTS.

Be advised, however, that MTS's position has not changed. As a reminder, MTS demands that GCW's illegal wall opening closed, permanently. Further, GCW needs to reimburse MTS for its attorney fees and costs and dismiss SYPS, LLC and Greyhound Lines, Inc. and reimburse them for their respective costs, as well.

If GCW still wants to proceed, please undertake whatever is necessary to accomplish this task. We will work with you to coordinate scheduling. In the meantime, if you should have any questions, please email or call.

Very truly yours,

LIEDLE, LARSON, LIDL & VAIL, LLP



Matthew J. Liedle

MJL/ajm