

RESOLUTION NUMBER R- **286067**

ADOPTED ON **JUL 17 1995**

WHEREAS, on June 30, 1994, American Medical Services ("AMS"), filed a complaint for declaratory relief against the City of San Diego ("City") seeking the court's interpretation of a contract between AMS and City pertaining to paramedic services; and

WHEREAS, on June 1, 1995, AMS filed another complaint for damages and injunction naming Councilmember Vargas as an individual defendant; and

WHEREAS, under California Government Code section 995, the City, acting through its City Attorney, has a duty to defend Councilmember Vargas for injuries to others arising out of the course and scope of his employment; and

WHEREAS, under California Government Code section 825, the City also has a duty to pay any judgment or settlement resulting from acts or omissions that arose during the course and scope of the Councilmember's City employment; and

WHEREAS, Dan Lawton and Greg Roper of the law firm of Luce, Forward, Hamilton and Scripps have offered to assist the City Attorney in the defense of this lawsuit and to provide their services pro bono; and

WHEREAS, under the proposed arrangement, Messrs. Lawton and Roper will work under the direction and control of the City Attorney; and

WHEREAS, accepting this offer of pro bono legal services will greatly relieve the financial burden of the City by reducing the workload on the City Attorney, so that he can devote attention to his other litigation and advisory duties; and

WHEREAS, it is not possible at this time to determine the exact value of Messrs. Lawton and Roper's legal services to be provided in this lawsuit, it is anticipated that the value may equal or exceed \$10,000; and

WHEREAS, the City Attorney finds that Messrs. Lawton and Roper are highly qualified to render the services necessary to assist in the defense of this lawsuit, and recommends that the offer be accepted; NOW, THEREFORE,

BE IT RESOLVED, on behalf of the citizens of The City of San Diego that the Council of The City of San Diego accepts the generous offer of Dan Lawton and Greg Roper to provide pro bono legal services to assist the City Attorney in the defense of the lawsuit American Medical Services v. Juan Vargas et al (S.D. Sup. Ct. Case No. 688867).

BE IT FURTHER RESOLVED, that the services are accepted with the understanding that Messrs. Lawton and Roper will work under the direction and control of the City Attorney in defending this lawsuit.

BE IT FURTHER RESOLVED, that although the exact monetary value of the legal services to be provided by Messrs. Lawton and Roper cannot be determined at this time, it is anticipated that the value of their services to the City may equal or exceed \$10,000.

BE IT FURTHER RESOLVED, that this resolution be placed on  
file in the office of the City Clerk.

APPROVED: JOHN W. WITT, City Attorney

By Cristie C McGuire  
Cristie C. McGuire  
Deputy City Attorney

CCM:jrl:pev  
06/22/95  
Or.Dept:Atty.  
R-95-1898  
Form=r-t