

RESOLUTION NUMBER R- 303577

DATE OF FINAL PASSAGE APR 23 2008

A RESOLUTION AUTHORIZING THE CITY ATTORNEY TO CONTINUE THE AGREEMENT WITH LATHAM & WATKINS LLP AND LEVINE STEINBERG, AS CO-COUNSEL IN AN ADDITIONAL AMOUNT UP TO \$300,000 TO PROVIDE LEGAL SERVICES IN CONNECTION WITH THE PROSECUTION OF THE BAD FAITH CASE OF INSURANCE COMPANY OF THE STATE OF PENNSYLVANIA V CITY OF SAN DIEGO AND AUTHORIZING THE AUDITOR AND COMPTROLLER TO EXPEND RELATED FUNDS

WHEREAS, Since 2002, the De La Fuente cases have been compounded by insurance coverage litigation, *Insurance Company of the State of Pennsylvania, et al. v. City of San Diego*, USDC Case No. 02CV0693; and

WHEREAS, the defense of the aforementioned case involves a highly specialized area of law; and

WHEREAS, the firms of Latham & Watkins and Levine Steinberg have the necessary skills and experience to assist the City in defense of this matter; and

WHEREAS, the Council of the City of San Diego has been briefed on the status of this matter in duly-noticed Closed Session on December 4, 2007; and

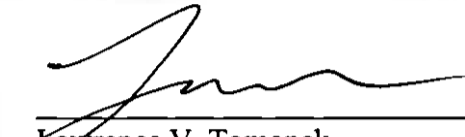
WHEREAS, the Council determined to continue retention of Latham & Watkins and Levine Steinberg to assist the City Attorney in defense of this matter; NOW, THEREFORE,

BE IT RESOLVED, by the Council of the City of San Diego, that the City Attorney is authorized to continue retention of Latham & Watkins and Levine Steinberg for the provision of legal services in *Insurance Company of the State of Pennsylvania, et al. v. City of San Diego*, USDC Case No. 02CV0693, in an additional amount not to exceed \$300,000.

(R-2008-805)

BE IT FURTHER RESOLVED, that the Auditor and Comptroller is authorized to expend up to \$300,000 from the Public Liability Fund.


APPROVED: MICHAEL J. AGUIRRE, City Attorney

By   
Lawrence V. Tomanek  
Chief Deputy City Attorney

LVT:jdf  
03/24/2008  
Or.Dept:ATTY  
R-2008-805

I hereby certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of APR 15 2008.

ELIZABETH S. MALAND  
City Clerk

By   
Deputy City Clerk

Approved: 4-23-08  
(date)

  
JERRY SANDERS, Mayor

Vetoed: \_\_\_\_\_  
(date)

\_\_\_\_\_  
JERRY SANDERS, Mayor

**The City of San Diego  
CERTIFICATE OF CITY AUDITOR AND COMPTROLLER**

**CERTIFICATE OF UNALLOTTED BALANCE**  
ORIGINATING

AC 2800627  
DEPT. NO.: 45

I HEREBY CERTIFY that the money required for the allotment of funds for the purpose set forth in the foregoing resolution is available in the Treasury, or is anticipated to come into the Treasury, and is otherwise unallotted.

Amount: \_\_\_\_\_ Fund: \_\_\_\_\_

Purpose: \_\_\_\_\_  
\_\_\_\_\_

Date: \_\_\_\_\_ By: \_\_\_\_\_  
AUDITOR AND COMPTROLLER'S DEPARTMENT

ACCOUNTING DATA											
ACCTG. LINE	CY PY	FUND	DEPT	ORG.	ACCOUNT	JOB ORDER	OPERATION ACCOUNT	BENF/	EQUIP	FACILITY	AMOUNT
TOTAL AMOUNT											

FUND OVERRIDE

**CERTIFICATION OF UNENCUMBERED BALANCE**

I HEREBY CERTIFY that the indebtedness and obligation to be incurred by the contract or agreement authorized by the hereto attached resolution, can be incurred without the violation of any of the provisions of the Charter of the City of San Diego; and I do hereby further certify, in conformity with the requirements of the Charter of the City of San Diego, that sufficient moneys have been appropriated for the purpose of said contract, that sufficient moneys to meet the obligations of said contract are actually in the Treasury, or are anticipated to come into the Treasury, to the credit of the appropriation from which the same are to be drawn, and that the said money now actually in the Treasury, together with the moneys anticipated to come into the Treasury, to the credit of said appropriation, are otherwise unencumbered.

Not to Exceed: \$300,000.00

Vendor: Latham & Watkins, LLP

Purpose: Authorize the continued retention of Latham & Watkins and Harvy Levine, Levine Steinberg , et al, as co-counsel to prosecute bad faith case in Insurance Co of the State of Pennsylvania v. City of San Diego. Authorize the City Auditor & Comptroller to allocate and expend up to \$300,000 from the Public Liability Fund (81140) for legal costs and related fees.

Date: March 12, 2008 By: *Pam Walby* 3/12/08  
AUDITOR AND COMPTROLLER'S DEPARTMENT

ACCOUNTING DATA											
ACCTG. LINE	CY PY	FUND	DEPT	ORG.	ACCOUNT	JOB ORDER	OPERATION ACCOUNT	BENF/	EQUIP	FACILITY	AMOUNT
001	0	81140	82240		4151						\$300,000.00
TOTAL AMOUNT											\$300,000.00

AC-361 (REV 2-92)

FUND OVERRIDE

AC 2800627

*R* 303577

APR 15 2008