(R-2008-805)

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RESOLUTION NUMBER R- 303577

DATE OF FINAL PASSAGE APR 2 3 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.

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

Ву

Lawrence V. Tomanek Chief Deputy City Attorney

LVT:jdf 0**3**/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_1 5 2008.

ELIZABETH S. MALAND

City Clerk

Deputy City Clerk

Approved:

(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

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