RESOLUTION NUMBER R- 303996

DATE OF FINAL PASSAGE AUG 0 6 2008

A RESOLUTION OF THE CITY OF SAN DIEGO AUTHORIZING THE RETENTION OF LATHAM & WATKINS FOR THE PURPOSES OF LITIGATION REGARDING SCOTTSDALE INSURANCE AS IT RELATES TO DE ANZA COVE LITIGATION AND AUTHORIZING THE CITY COMPTROLLER TO EXPEND RELATED FUNDS

WHEREAS, this insurance lawsuit arises out of Scottsdale Insurance's payment of legal defense costs in the action entitled Scottsdale Insurance Company v. City of San Diego dba:

Mission Bay Mobile Home Park, San Diego Superior Court Case No. 37-2008-00083941
CU-IC-CTL. Scottsdale Insurance seeks reimbursement of fees and costs paid in that matter, stating it had no coverage obligations after certain rulings by the Superior Court in that action; and

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

WHEREAS, the firm of Latham & Watkins LLP has 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 June 24, 2008, the City Council voted on Item CS-3, authorizing \$100,000 to defend the case *Scottsdale Insurance Company v. City of San Diego dba: Mission Bay Mobile Home Park*, San Diego Superior Court Case No. 37-2008-00083941-CU-IC-CTL. The motion was made by Councilmember Frye and seconded by Councilmember Atkins. The motion passed 7 to 0 with Councilmember Young absent; and

WHEREAS, the Council determined to retain Latham & Watkins 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 retain Latham & Watkins LLP for the provision of legal services in *Scottsdale Insurance Company v. City of San Diego dba: Mission Bay Mobile Home Park*, San Diego Superior Court Case No. 37-2008-00083941-CU-IC-CTL, in an amount not to exceed \$100,000.

BE IT FURTHER RESOLVED, that the Comptroller is authorized to expend up to \$100,000 from the Public Liability Fund on this matter.

AP	PROVED: MICHAEL J. AGUIRRE, City	Attorney
D.,		
Ву	Lawrence V. Tomanek	
	Chief Deputy City Attorney	•

LVT:ca 07/16/2008

Aud. Cert.: AC 2900044 Or.Dept:CITY ATTY

R-2008-1175

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

ELIZABETH S. MALAND City Clerk

Deputy City Clerk

Approved: (date)

Vetoed: ______(date)

JERRY SANDERS, Mayor

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JERRY SANDERS, Mayor

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-PAGE 2 OF 2-

The City of San Diego CERTIFICATE OF CITY AUDITOR AND COMPTROLLER

CERTIFICATE OF UNALLOTTED BALANCE ORIGINATING

AC DEPT: NO.: 2900044

Amount:	_		_				Fund:				
Purpose:	:										
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