

RESOLUTION NUMBER R- 304549

DATE OF FINAL PASSAGE DEC 16 2008

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO AUTHORIZING ADDITIONAL EXPENDITURES FOR CONTINUED RETENTION OF LATHAM & WATKINS LLP WITH REGARD TO ONGOING LITIGATION IN THE CASES OF *MARCUS R. ABBE, ET AL. V. CITY OF SAN DIEGO*, USDC CASE NO. 05CV1629 DMS [SDPOA#2] AND *SAN DIEGO POLICE OFFICERS' ASSOCIATION V. CITY OF SAN DIEGO*, SUPERIOR COURT CASE NO. 37-2007-00082592-CU-OE-CTL [SDPOA #7].

WHEREAS, on August 16, 2005 current and former San Diego Police Department officers filed a lawsuit against the City in the case of *Marcus R. Abbe, et al. v. City of San Diego*, USDC Case No. 05cv1629 DMS [SDPOA#2]. The case has been consolidated by the United States District Court with a related case, *Burkett, et al. v. City of San Diego*, USDC Case No. 06cv538 DMS. There are approximately 1500 Plaintiffs; and

WHEREAS, on September 9, 2008, the City Council voted in Closed Session on Item CS-5, *Marcus Abbe, et al. v. City of San Diego*, U.S. District Court Case No. 05cv1629 and 06cv538 DMS (RBB) [SDPOA #2] and *San Diego Police Officers' Association v. City of San Diego*, Superior Court Case No. 37-2007-00082592-CU-OE-CTL [SDPOA #7] approving the case strategy and to authorize continued retention of Latham & Watkins, LLP. The motion was made by Council President Pro Tem Madaffer and the second by Councilmember Hueso. The motion passed 7 to 0 with Councilmember Young absent; and

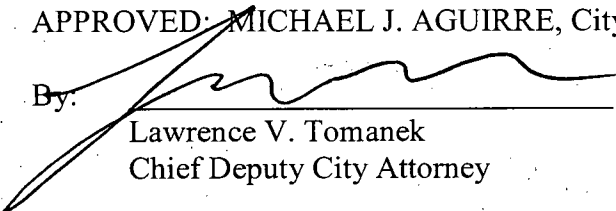
WHEREAS, the total amount requested for these two cases is an additional \$500,000 for Latham & Watkins; NOW THEREFORE,

BE IT RESOLVED, by the Council of the City of San Diego, that the City Attorney is authorized to continue the retention of Latham & Watkins, LLP, for an additional amount not to exceed \$500,000, to provide legal services in *Marcus Abbe, et al v. City of San Diego*, USDC Case No. 05 CV 1629 and *San Diego Police Officers' Association v. City of San Diego*, Superior Court Case No. 37-2007-00082592-CU-OE-CTL.

BE IT FURTHER RESOLVED that the City Comptroller is authorized to expend an amount not to exceed \$500,000 from the Public Liability Fund, solely, and exclusively for the purpose of providing funds for the above described legal services.

APPROVED: MICHAEL J. AGUIRRE, City Attorney

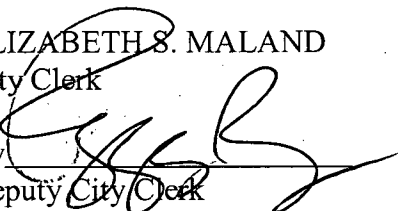
By:


Lawrence V. Tomanek
Chief Deputy City Attorney

LVT:ca
11/18/2008
Aud. Cert.: AC #2900366
Or.Dept: City Attorney
R-2009-628

I hereby certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of DEC 09 2008.

ELIZABETH S. MALAND
City Clerk

By: 
Deputy City Clerk

Approved: 12.16.08
(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 2900366
 DEPT. NO.: 045

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: \$500,000.00

Vendor: Latham & Watkins, LLP

Purpose: Authorize continued retention of Latham & Watkins, LLP for legal services in Marcus Abbe et al. v. City of San Diego and San Diego Police Officers' Association v. City of San Diego. Authorize the City Comptroller to expend \$500,000 from the Public Liability Fund (81140) to pay for these expenditures.

Date: November 3, 2008 By: *Pam Wallcut* 11/3/08
 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	81140	3501	4141	081141					\$500,000.00
TOTAL AMOUNT											\$500,000.00

FUND OVERRIDE

P - 304549

DEC 09 2008