RESOLUTION NUMBER R- 304774

DATE OF FINAL PASSAGE APR 08 2009

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 CASE OF MARCUS R. ABBE, ET AL. V. CITY OF SAN DIEGO, USDC CASE NO. 05CV1629 DMS [SDPOA#2]

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 was consolidated by the United States District Court with a related case, *Brett H. Burkett*, et al. v. City of San Diego, USDC Case No. 06cv538 DMS. There are approximately 1500 Plaintiffs; and

WHEREAS, on February 24, 2009, the City Council voted in Closed Session in the matter of *Marcus Abbe, et al. v. City of San Diego*, U.S. District Court Case No. 05cv1629 and 06cv538 DMS (RBB) [SDPOA #2] (Item CS-9) to approve the case strategy and to authorize continued retention of Latham & Watkins, LLP. The motion was made by Councilmember Kevin Faulconer and seconded by Councilmember Marti Emerald. The motion passed 8 to 0 with all Councilmembers present; and

WHEREAS, the total amount requested for this case is an additional \$175,000 for Latham & Watkins and related litigation expenses; 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 \$175,000, to provide legal services in *Marcus Abbe, et al v. City of San Diego*, USDC Case Nos. 05cv1629 and 06cv538 DMS (RBB) and to pay for related litigation expenses.

BE IT FURTHER RESOLVED that the City Comptroller is authorized to expend an amount not to exceed \$175,000 from the Public Liability Fund, solely, and exclusively for the purpose of providing funds for the above described legal services and litigation expenses.

APPR	OVED: JAN I. GOLDSMITH, City Attorney
By:	
	George F. Schaefer
	Deputy City Attorney

GFS:ca 03/19/2009

Aud. Cert.: 2900665 Or. Dept: City Attorney

R-2009-979

I hereby certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of __MAR 3 0 2009.

ELIZABETH S. MALAND

By Jaralichara

City Clerk

	Deputy City Clerk
Approved: 4.8.09 (date)	JERRY SANDERS, Mayor
Vetoed:	
(date)	JERRY SANDERS, Mayor

The City of San Diego CERTIFICATE OF CITY AUDITOR AND COMPTROLLER

CERTIFICATE OF UNALLOTTED BALANCE

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