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(R-2010-555)

RESOLUTION NUMBER R- 305732

DATE OF FINAL PASSAGE APR 12 2010

A RESOLUTION AUTHORIZING THE CITY ATTORNEY TO RETAIN OSBORNE & NESBITT, LLP TO PROVIDE LEGAL SERVICES IN CONNECTION WITH THE DEFENSE OF SMITH, ET AL. V. TAYLOR WOODROW HOMES, INC., SDSC CASE NO. 37-2007-00073116-CU-CD-CTL; CRESTO, ET AL. V. TAYLOR WOODROW HOMES, INC., SDSC CASE NO. 37-2007-00074271-CU-CD-CTL, AND AUTHORIZING THE CHIEF FINANCIAL OFFICER TO EXPEND UP TO \$80,000.00 FROM THE PUBLIC LIABILITY FUND FOR THE COVERAGE OF OSBORNE & NESBITT, LLP'S LEGAL FEES AND COSTS RELATED TO THIS MATTER.

WHEREAS, in 2007, two homeowners sued the City and the Developer/Owners of Santaluz on behalf of themselves and their children seeking damages of approximately \$15 million in property and bodily injury damages; and,

WHEREAS, City believes there are insurance policies which may indemnify City for some or all of the costs related to these cases; and,

WHEREAS, the issues surrounding the insurance policies are highly complex and technical involving an established specialty area of law; and,

WHEREAS, the Office of the City Attorney does not have the necessary expertise to handle the issues surrounding the insurance policies; and,


WHEREAS, the law firm of Osborne & Nesbitt, LLP. has the necessary insurance expertise; NOW, THEREFORE,

BE IT RESOLVED, by the Council of the City of San Diego, that the City Attorney is authorized to enter into an agreement with Osborne & Nesbitt, LLP. for the provision of legal services in *Smith, et al. v. Taylor Woodrow Homes, Inc.*, SDSC Case No. 37-2007-00073116-

CU-CD-CTL; *Cresto, et al. v. Taylor Woodrow Homes, Inc.*, SDSC Case No. 37-2007-00074271-CU-CD-CTL, in an amount not to exceed \$80,000.

BE IT FURTHER RESOLVED, that the Chief Financial Officer is authorized to appropriate and expend up to \$80,000 from the Sewer Fund 700000.

APPROVED: JAN I. GOLDSMITH, City Attorney

By 

Paul F. Prather
Deputy City Attorney

PF:als
02/25/10
Or.Dept:City Atty
R-2010-555

I hereby certify that the foregoing Resolution was passed by the Council of the City of San Diego, at its meeting of APR 06 2010.

ELIZABETH S. MALAND
City Clerk

By 

Deputy City Clerk

Approved: 4.12.10

(date)



JERRY SANDERS, Mayor

Vetoed: _____
(date)

JERRY SANDERS, Mayor