

RESOLUTION NUMBER R- 305802

DATE OF FINAL PASSAGE MAY 11 2010

A RESOLUTION AUTHORIZING ADDITIONAL FUNDING FOR THE RETENTION OF SCHWARTZ SEMERDJIAN HAILE BALLARD & CAULEY LLP TO PROVIDE LEGAL SERVICES IN THE *THALHEIMER, ET AL. V. CITY OF SAN DIEGO, ET AL.*, U.S. DISTRICT COURT CASE NO. 09-CV-2862-IEG

WHEREAS, suit has been brought against the City in the matter of *Thalheimer, et. al. v. City of San Diego, et al.*, U.S. District Court Case No. 09-CV-2862-IEG; and

WHEREAS, the City Attorney has determined he has a conflict of interest; and

WHEREAS, the City Attorney recommended the retention of the firm of Schwartz Semerdjian Haile Ballard & Cauley LLP, who has the necessary skills and experience to assist the City in this matter; and

WHEREAS, on February 2, 2010, the City Council approved the retention of Schwartz Semerdjian Haile Ballard & Cauley LLP and approved funding the retention in an amount not to exceed \$100,000.00; and


WHEREAS, Schwartz Semerdjian Haile Ballard & Cauley LLP has notified the City that it has or will soon expend the full \$100,000 and is in need of additional funding to continue its representation of City; NOW, THEREFORE,

BE IT RESOLVED, by the Council of the City of San Diego, that the City Attorney is authorized to amend the agreement with Schwartz Semerdjian Haile Ballard & Cauley LLP for legal services in the in the matter of *Thalheimer, et al. v. City of San Diego, et. al.*, U.S. District

Court Case No. 09-CV-2862-IEG, in an amount not to exceed an additional \$50,000.00 for a total contract amount of \$150,000.

BE IT FURTHER RESOLVED, that the Chief Financial Officer is authorized to appropriate and expend up to \$150,000 for this contract applying the FY2010 FTE allocation, contingent upon the Chief Financial Officer first furnishing one or more certificates certifying that the funds necessary for expenditure are, or will be, on deposit with the City Treasurer.

APPROVED: JAN I. GOLDSMITH, City Attorney

By 
Paul F. Prather
Deputy City Attorney

PFP:als
03/09/10
Or.Dept: Atty
R-2010-645

I hereby certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of APR 27 2010.

ELIZABETH S. MALAND
City Clerk

By 
Deputy City Clerk

Approved: 5.11.10
(date)


JERRY SANDERS, Mayor

Vetoed: _____
(date)

JERRY SANDERS, Mayor