RESOLUTION NUMBER R- 306442

DATE OF FINAL PASSAGE DEC 1 4 2010

A RESOLUTION AUTHORIZING THE CITY ATTORNEY TO CONTINUE THE RETENTION OF LATHAM & WATKINS LLP, FOR LEGAL SERVICES IN CONNECTION WITH DE ANZA COVE HOMEOWNERS, INC. V. CITY OF SAN DIEGO, ET AL., SAN DIEGO SUPERIOR COURT CASE NO. GIC821191, AND RELATED CASES FOR AN ANALYSIS OF INSURANCE COVERAGE AS IT RELATES TO THE PARK PROPERTY

WHEREAS, the City Attorney has contracted Kristine Wilkes, Esq., and the law firm of Latham & Watkins LLP, for legal services in connection with the ongoing litigation related to De Anza Harbor Resort's transition from a privately-operated mobile home to City-operated park [Park]. The litigation is entitled *De Anza Cove Homeowners, Inc. v. City of San Diego, et al.*, San Diego Superior Court Case No. GIC821191, along with related matters, *Abbit, et al. v. City of San Diego, et al.*, SDSC Case No. GIC865536; *Aglio et al. v. City of San Diego*, SDSC Case No. 37-2009-81994, *Scottsdale Insurance Company v. City of San Diego, et al.*, SDSC Case No. 37-2008-83941; *Certain Interested Underwriters at Lloyd's v. Terra Vista Management, Inc., De*Anza Cove Homeowners Association, Inc. and City of San Diego, SDSC Case No.: 37-2008-00092709-CU-MC-CTL and excess insurance matters. The services provided by Latham & Watkins include the analysis of insurance coverage as relates to the Park property and the litigation,

WHEREAS, in Closed Session on June 15, 2010, the City Council by the following votes: Yeas, Districts 1, 2, 3, 4, 5, 6 and 7; Nays, None; and Absent, District 8 passed the motion; and

WHEREAS, this action seeks an amount not to exceed \$345,000 for retention of Latham & Watkins in the matter of De Anza Harbor and Resort litigation for purposes of insurance coverage analysis. NOW, THEREFORE;

BE IT RESOLVED that the Chief Financial Officer is authorized and empowered to execute, for and on behalf of the City, an agreement with Latham & Watkins for the purposes of insurance coverage analysis, for an amount not to exceed \$345,000.00 from the Public Liability Fund 720045, solely, and exclusively for the purpose of providing funds for the above described legal services and litigation expenses.

BE IT FURTHER RESOLVED, that the City Financial Officer is authorized and empowered to appropriate up to \$345,000 from the Public Liability Fund 720045 to meet this obligation.

APPROVED: JAN I. GOLDSMITH, City Attorney

By

Deputy City Attorney

JR:jp 07/13/2010

Or.Dept:City Attorney

CC: 3000003425

R-2011-68

ELIZABETH S. MALAND

City Clerk

Deputy City Clerk

Approved: 12 · K	
(date)	JERRY SAMDERS, Mayor
Vetoed:	
(date)	JERRY SANDERS, Mayor

## The City of San Diego COMPTROLLER'S CERTIFICATE

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