

ORDINANCE NUMBER O- 20035 (NEW SERIES)

DATE OF FINAL PASSAGE APR 05 2011

AN ORDINANCE OF THE CITY OF SAN DIEGO  
AUTHORIZING AN AGREEMENT FOR LEGAL SERVICES  
WITH COTCHETT, PITRE & MCCARTHY, LLP IN  
CONNECTION WITH PUBLIC NUISANCE CLAIMS  
RELATED TO LEAD PAINT AS ALLEGED IN *COUNTY OF  
SANTA CLARA, ET AL. V. ATLANTIC RICHFIELD CO., ET AL.*,  
SANTA CLARA COUNTY SUPERIOR COURT, CASE NO. CV  
788657.

WHEREAS, in December 2006, the City retained the services of Cotchett, Pitre, Simon & McCarthy, LLP as contingent fee counsel in connection with public nuisance claims related to lead paint as alleged in *County of Santa Clara, et al. v. Atlantic Richfield Co., et al.*, Santa Clara County Superior Court, Case No. CV 788657; and

WHEREAS, the litigation has been stayed due to appeals to the California Supreme Court challenging the contingency fee agreement in which the City has now received a favorable ruling, the City continues to require the legal services of Cotchett, Pitre and McCarthy, LLP and it is anticipated that the litigation will extend beyond the five-year limit of the current agreement; and

WHEREAS, the City Attorney has determined that this matter involves specialized litigation for which the City Attorney does not have necessary resources; NOW, THEREFORE,

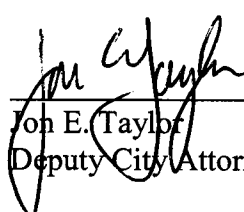
BE IT ORDAINED, by the Council of the City of San Diego, as follows:

Section 1. That the Mayor or his designee is authorized to execute, for and on behalf of the City, the Agreement for Legal Services Between the City of San Diego and Cotchett, Pitre & McCarthy, LLP in connection with *County of Santa Clara, et al. v. Atlantic Richfield Co., et al.*, Santa Clara County Superior Court, Case No. CV 788657.

Section 2. That a full reading of this ordinance is dispensed with prior to its passage, a written or printed copy having been made available to the City Council and the public prior to the day of its passage.

Section 3. That this ordinance shall take effect and be in force on the thirtieth day from and after its final passage.

APPROVED: JAN I. GOLDSMITH, City Attorney

By   
Jon E. Taylor  
Deputy City Attorney

JET:bas  
03/01/11  
Or.Dept: City Attorney  
O-2011-81

I hereby certify that the foregoing Ordinance was passed by the Council of the City of San Diego, at this meeting of MAR 29 2011.

ELIZABETH S. MALAND  
City Clerk

By   
Deputy City Clerk

Approved: 4-5-11  
(date)

  
JERRY SANDERS, Mayor

Vetoed: \_\_\_\_\_  
(date)

\_\_\_\_\_  
JERRY SANDERS, Mayor