

RESOLUTION NUMBER R- 306522  
DATE OF FINAL PASSAGE JAN 18 2011

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 APPEAL 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 were approximately 1500 Plaintiffs; and

WHEREAS, the City engaged outside counsel, Latham & Watkins, LLP to defend it in the lawsuit; and

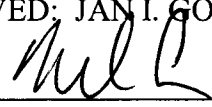
WHEREAS, the City prevailed in the lawsuit at a jury trial, and approximately 174 of the 1500 Plaintiffs have appealed the judgment against them to the United States Court of Appeals for the Ninth Circuit, Case Nos. 09-56437, 09-56444, 10-55087, and 10-55089; and

WHEREAS, the total additional amount requested to defend the City in this appeal is \$125,000 for Latham & Watkins, LLP; NOW THEREFORE,

BE IT RESOLVED that the City's Chief Financial Officer is authorized to expend an amount not to exceed \$125,000 from the Public Liability Fund, solely, and exclusively for the purpose of to provide legal services from the pending appeal 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.

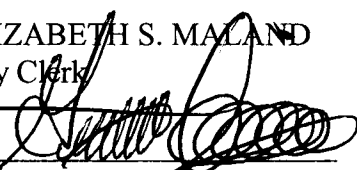
APPROVED: JANI I. GOLDSMITH, City Attorney

By:  For  
George F. Schaefer  
Deputy City Attorney

GFS:gb  
12/20/10  
Aud. Cert.: CC300003837  
Or. Dept: City Attorney  
R-2011-579

I hereby certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of 'JAN 11 2011'.

ELIZABETH S. MALAND  
City Clerk

By:   
Deputy City Clerk

Approved: 1.18.11  
(date)

  
JERRY SANDERS, Mayor

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

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