(R-2011-578)

RESOLUTION NUMBER R- 306523

DATE OF FINAL PASSAGE

JAN 18 2011

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO AUTHORIZING ADDITIONAL EXPENDITURES FOR LEGAL SERVICES OF LATHAM & WATKINS, LLP WITH REGARD TO ONGOING AND RELATED LITIGATION

WHEREAS, current and former San Diego Police Officers individually filed federal and state law claims in the United States District Court in *Erica Aaron, et al. v. City of San Diego, et. al.*, U.S. District Court Case No. 06cv1451 H (POR) ("SDPOA 3A") based on alleged underfunding of the City's pension, and the City engaged the law firm of Latham and Watkins to defend it in that case;

WHEREAS, after the District Court dismissed that lawsuit, the plaintiffs appealed to the United States Court of Appeals for the Ninth Circuit in the case of *Mark Annis*, et al. v. Michael Aguirre, et al., Nos. 08-56653 & 08-56691; and

WHEREAS, after the District Court dismissed that lawsuit, some of the same plaintiffs also filed a new lawsuit with the state law claims previously dismissed in federal court in the Superior Court of San Diego County in the following case: *Erica Aaron, et al. v. City of San Diego, et. al.*, Superior Court Case No. 37-2008-00093078 ("SDPOA 3B"); and

WHEREAS, the City Council authorized continued retention of Latham & Watkins, LLP in the defense of the City in the federal appeal case and state court case; and

WHEREAS, the appeal and state court case were dismissed in favor of the City, but there are outstanding invoices for payment of legal services rendered by outside counsel; NOW THEREFORE,

BE IT RESOLVED that the City's Chief Financial Officer is authorized to expend an amount not to exceed \$36,516.24 from the Public Liability Fund, solely, and exclusively for the purpose of paying the outstanding invoices of Latham Latham & Watkins, LLP for the legal

services that were rendered in *Mark Annis, et al. v. Michael Aguirre, et al.*, Ninth Circuit Case Nos. 08-56653 & 08-56691 and *Erica Aaron, et al. v. City of San Diego, et. al.*, San Diego Superior Court Case No. 37-2008-00093078.

APPROVED: JANJ. GOLDSMIT By: For George F. Schaefer Deputy City Attorney	ney	
GFS:gb 12/20/10 Aud. Cert.: CC3000003836 Or. Dept: City Attorney R-2011-578		
I hereby certify that the foregoing liberal Diego, at this meeting of	s passed by the Council of ELIZABETH S. MACCity Clerk	·
Approved: (date)	By Deputy City Clerk JERRY SANDERS, I	Mayor
Vetoed:		•

(date)

JERRY SANDERS, Mayor

The City of San Diego COMPTROLLER'S CERTIFICATE

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