

RESOLUTION NUMBER R- 307360

DATE OF FINAL PASSAGE APR 23 2012

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO AUTHORIZING ADDITIONAL EXPENDITURES FOR LEGAL SERVICES RENDERED BY LATHAM & WATKINS LLP WITH REGARD TO LITIGATION IN THE APPEAL IN THE CASE OF *MARCUS R. ABBE, ET AL. V. CITY OF SAN DIEGO*, USDC CASE NOS. 05CV1629 DMS AND 06CV538 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

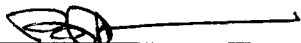
WHEREAS, the City prevailed in the lawsuit at a jury trial, and approximately 174 of the 1500 Plaintiffs unsuccessfully appealed the judgment against them to the United States Court of Appeals for the Ninth Circuit, Case Nos. 09-56437, 09-56444, 10-55087, and 10-55089 and the United States Supreme Court, Case No. 11-673; and

WHEREAS, Latham & Watkins, LLP incurred additional expenses of \$68,757.20 to defend the City in the appeal; NOW THEREFORE,

BE IT RESOLVED that the City's Chief Financial Officer is authorized to expend an amount not to exceed \$68,757.20 from the Public Liability Fund, solely, and exclusively for the purpose of final payment for the legal services and related legal services rendered in the

appeal arising out of *Marcus Abbe, et al v. City of San Diego*, USDC Case Nos. 05cv1629 and 06cv538 DMS (RBB).

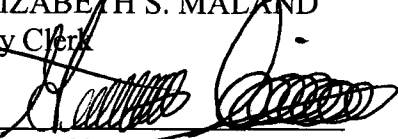
APPROVED: JAN I. GOLDSMITH, City Attorney

By: 
George F. Schaefer
Deputy City Attorney

GFS:ca
3/15/12
Aud. Cert.: 3000004858
Or. Dept: City Attorney
R-2012-476

I hereby certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of APR 10 2012.

ELIZABETH S. MALAND
City Clerk

By: 
Deputy City Clerk

Approved: 4.23.12
(date)


JERRY SANDERS, Mayor

Vetoed: _____
(date)

JERRY SANDERS, Mayor

**The City of San Diego
COMPTROLLER'S CERTIFICATE**

CERTIFICATE OF UNALLOTTED BALANCE

ORIGINATING CC 3000004858
DEPT. NO. _____

I HEREBY CERTIFY that the money required for the allotment of funds for the purpose set forth in the foregoing resolution is available in the Treasury, or is anticipated to come into the Treasury, and is otherwise unallotted.

Amount: _____ Fund: _____

Purpose: _____

Date: _____ By: _____
COMPTROLLER'S DEPARTMENT

ACCOUNTING DATA									
Doc. Item	Fund	Funded Program	Internal Order	Funcional Area	G/L Account	Business Area	Cost Center	WBS	Original Amount
TOTAL AMOUNT									

FUND OVERRIDE

CERTIFICATION OF UNENCUMBERED BALANCE

I HEREBY CERTIFY that the indebtedness and obligation to be incurred by the contract or agreement authorized by the hereto attached resolution, can be incurred without the violation of any of the provisions of the Charter of the City of San Diego; and I do hereby further certify, in conformity with the requirements of the Charter of the City of San Diego, that sufficient moneys have been appropriated for the purpose of said contract, that sufficient moneys to meet the obligations of said contract are actually in the Treasury, or are anticipated to come into the Treasury, to the credit of the appropriation from which the same are to be drawn, and that the said money now actually in the Treasury, together with the moneys anticipated to come into the Treasury, to the credit of said appropriation, are otherwise unencumbered.

Not to Exceed: \$68,757.20

Vendor: Latham & Watkins, LLP

Purpose: Authorize final funding for Latham & Watkins, LLP for legal services in Marcus R. Abbe, et al. v. City of San Diego.

Date: March 7, 2012 By: *Gaylia Vang*
COMPTROLLER'S DEPARTMENT

ACCOUNTING DATA									
Doc. Item	Fund	Funded Program	Internal Order	Funcional Area	G/L Account	Business Area	Cost Center	WBS	Original Amount
	720045				512042	1515	1515000011		\$68,757.20
TOTAL AMOUNT									\$68,757.20

FUND OVERRIDE