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RESOLUTION NUMBER R- 307674

DATE OF FINAL PASSAGE SEP 19 2012

A RESOLUTION AUTHORIZING ADDITIONAL FUNDING FOR SCHWARTZ SEMERDJIAN BALLARD & CAULEY LLP TO PROVIDE LEGAL SERVICES IN THE *THALHEIMER, ET AL. V. CITY OF SAN DIEGO, ET AL.*, U.S. DISTRICT COURT CASE NO. 09-CV-2862-IEG

WHEREAS, on December 21, 2009, a lawsuit was filed against the City of San Diego entitled *Thalheimer, et al. v. City of San Diego, et al.*, U.S. District Court Case No. 09-CV-2862-IEG; and

WHEREAS, on February 2, 2010, the City Council approved the retention of Schwartz Semerdjian Haile Ballard & Cauley LLP (now known as Schwartz Semerdjian Ballard & Cauley LLP) as outside counsel to assist the City in this matter; and

WHEREAS, Schwartz Semerdjian Ballard & Cauley LLP has represented the City to a final conclusion of the matter, including opposing Plaintiffs' request for attorneys' fees and costs; and

WHEREAS, Schwartz Semerdjian Ballard & Cauley LLP has notified the City that the most recent funding authorization was insufficient for the firm to complete their work and additional funding of \$10,000 is necessary to cover costs associated with closing the firm's work on this matter; NOW, THEREFORE,

BE IT RESOLVED, by the Council of the City of San Diego, that the Mayor, or his designee, is authorized to execute the fourth amendment to the agreement with Schwartz Semerdjian Ballard & Cauley LLP for outside legal counsel services in the matter of *Thalheimer,*

et al. v. City of San Diego, et al., U.S. District Court Case No. 09-CV-2862-IEG, increasing the contract amount by an additional \$10,000, for a total contract amount of \$325,000.

BE IT FURTHER RESOLVED, that the Chief Financial Officer is authorized to expend an additional \$10,000 from the various funds as shown on the FY 2013 FTE Cost Allocation Table attached to the Council Action Executive Summary Sheet dated May 31, 2012, contingent upon the Chief Financial Officer first furnishing one or more certificates certifying that the funds necessary for expenditure are, or will be, on deposit with the City Treasurer, and approval of the Fiscal Year 2013 Appropriation Ordinance.

APPROVED: JAN I. GOLDSMITH, City Attorney

By *Catherine M. Bradley*
Catherine M. Bradley
Chief Deputy City Attorney

CMB:sc
07/12/12
Or.Dept: Chief Operating Officer
Doc. No.: 398746

I hereby certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of SEP 13 2012.

ELIZABETH S. MALAND
City Clerk

By *Man Gumpaya*
Deputy City Clerk

Approved: 9-19-12
(date)

Jerry Sanders
JERRY SANDERS, Mayor

Vetoed: _____
(date)

JERRY SANDERS, Mayor