

RESOLUTION NUMBER R- 313531

DATE OF FINAL PASSAGE MAY 19 2021

A RESOLUTION OF THE COUNCIL OF THE CITY OF  
SAN DIEGO APPROVING CONFLICT OF INTEREST  
WAIVER FOR WINGERT GREBING BRUBAKER & JUSKIE  
LLP TO REPRESENT THE CITY OF SAN DIEGO IN THE  
LITIGATION MATTER ENTITLED *CAROLYN REYNOLDS V.  
CITY OF SAN DIEGO*.

WHEREAS, on May 26, 2020, Carolyn Reynolds filed a complaint against the City of San Diego (City) and others for personal injuries as a result of trip and fall over the cover of a San Diego Gas and Electric (SDGE) utility vault located on Drury Lane on May 15, 2019.

WHEREAS, Pursuant to the Franchise Agreement (Ordinance No. 10466, dated December 17, 1970) between the City and SDGE, Section 10 requires SDGE to indemnify, defend, and hold the City harmless for any and all claims and damages growing out of or resulting from the privileges and rights granted within the Franchise Agreement.

WHEREAS, the City tendered its defense to SDGE on December 9, 2020, and SDGE accepted the City's tender on January 7, 2021.

WHEREAS, SDGE has retained the law firm of Wingert Grebing Brubaker & Juskie LLP to defend the City in this matter.

WHEREAS, to consent to this representation, the City must acknowledge and accept the retention of Wingert Grebing Brubaker & Juskie LLP to defend the City in the *Reynolds* litigation.

WHEREAS, concurrently with the approval of Wingert Grebing Brubaker & Juskie LLP as counsel for the City, the City must waive any potential conflict of interest. Wingert Grebing

Brubaker & Juskie LLP is a local law firm that has previously represented adverse parties to the City and is currently doing so in matters unrelated to *Reynolds*.

WHEREAS, Wingert Grebing Brubaker & Juskie LLP's representation of the City in this matter will not prejudice the City's position in any of other cases.

WHEREAS, Wingert Grebing Brubaker & Juskie LLP has implemented an ethical screen between the Reynolds matter and any cases and attorneys within Wingert Grebing Brubaker & Juskie LLP that have or are working on matters in which they are representing adverse parties.

WHEREAS, Because of the unique nature of this representation in which a third party, SDGE, is funding the City's defense, a limited waiver of the attorney-client communication privilege regarding Wingert Grebing Brubaker & Juskie LLP's billing invoices is necessary so that the invoices may be provided to SDGE for payment.

WHEREAS, the City must give Wingert Grebing Brubaker & Juskie LLP its informed written consent to this arrangement as required pursuant to California Rules of Professional Conduct, Rule 1.8.6.

NOW, THEREFORE,

BE IT RESOLVED, by the City Council of the City of San Diego, that the Council:

1. Approves the representation of Wingert Grebing Brubaker & Juskie LLP of the City, pursuant to the Engagement Agreement entered into between Wingert Grebing Brubaker & Juskie LLP and San Diego Gas and Electric Company in the matter of *Reynolds v. City of San Diego, et al.*, SDSC Case No. 37-2020-00015770-CU-PO-CTL.
2. Waives any and all potential conflicts of interest involving Wingert Grebing Brubaker & Juskie LLP in the litigation of unrelated matters set forth in the letter dated February

19, 2021, as it relates to the representation of the City by Wingert Grebing Brubaker & Juskie LLP in this matter.

3. Provides a limited waiver of the attorney-client communication privilege as it pertains to the litigation invoices prepared by Wingert Grebing Brubaker & Juskie LLP in the matter of *Reynolds v. City of San Diego, et al.*, SDSC Case No. 37-2020-00015770-CU-PO-CTL, for the limited and sole purpose of providing them to SDGE for payment pursuant to the Engagement Agreement.

4. Provides informed written consent pursuant to California Rules of Professional Conduct, Rule 1.8.6 acknowledging that SDGE is funding the defense of the City in the matter of *Reynolds v. City of San Diego, et al.*, SDSC Case No. 37-2020-00015770-CU-PO-CTL.

By s/Valerie Silverman Massey  
Valerie Silverman Massey  
Chief Deputy City Attorney

VSM:slc  
Or.Dept: City Attorney  
Doc. No. 2614072

I certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of 05/18/2021.

ELIZABETH S. MALAND  
City Clerk

By /s/ Matthew R. Hilario  
Deputy City Clerk

Approved: 5/19/21  
(date)

  
TODD GLORIA, Mayor

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

\_\_\_\_\_  
TODD GLORIA, Mayor

Passed by the Council of The City of San Diego on MAY 18 2021, by the following vote:

Councilmembers	Yeas	Nays	Not Present	Recused
Joe LaCava	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Jennifer Campbell	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Stephen Whitburn	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Monica Montgomery Steppe	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Marni von Wilpert	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Chris Cate	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Raul A. Campillo	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Vivian Moreno	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sean Elo-Rivera	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Date of final passage MAY 19 2021.

**(Please note: When a resolution is approved by the Mayor, the date of final passage is the date the approved resolution was returned to the Office of the City Clerk.)**

AUTHENTICATED BY:

TODD GLORIA  
Mayor of The City of San Diego, California.

(Seal)

ELIZABETH S. MALAND  
City Clerk of The City of San Diego, California.

By , Deputy

Office of the City Clerk, San Diego, California

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