

#102
9/14/21

RESOLUTION NUMBER R- 313699

DATE OF FINAL PASSAGE SEP 27 2021

A RESOLUTION OF THE COUNCIL OF THE CITY OF
SAN DIEGO APPROVING WAIVER OF POTENTIAL
CONFLICTS OF INTEREST REQUESTED BY DEAN GAZZO
ROISTACHER LLP AND CONSENTING TO DEAN GAZZO
ROISTACHER LLP'S REPRESENTATION OF DICK MILLER,
INC., IN *GREGORY MONTOYA, ET AL. V. CITY OF
SAN DIEGO, ET AL.*, SAN DIEGO SUPERIOR COURT
CASE NO. 37-2019-00047134-CU- EI-CTL.

WHEREAS, attorney Mitchell D. Dean and the law firm of Dean Gazzo Roistacher LLP,
is currently assisting in the City of San Diego's (City) defense of *Darin Barioni, et al. v. State of
California, et al.*, San Diego Superior Court Case No. 37-2015-00033388-CU-PO-CTL; and

WHEREAS, Dean Gazzo Roistacher LLP, now seeks a conflict-of-interest waiver from
the City so that attorney Samuel Gazzo and Dean Gazzo Roistacher LLP may represent Dick
Miller, Inc., in an inverse condemnation action titled *Gregory Montoya, et al. v. City of
San Diego, et al.*, San Diego Superior Court Case No. 37-2019-00047134-CU-EI-CTL; and

WHEREAS, under the California Rules of Professional Conduct, Rule 1.7, an attorney
shall not, without the informed written consent, represent a client if the representation is directly
adverse to another client in the same or separate matter; and

WHEREAS, Dean Gazzo Roistacher LLP's representation of Dick Miller, Inc., in the
inverse condemnation action is completely unrelated to the legal services performed in defense
of *Darin Barioni, et al. v. State of California, et al.*, San Diego Superior Court Case
No. 37-2015-00033388-CU-PO-CTL; and

WHEREAS, granting Dean Gazzo Roistacher LLP's conflict-of-interest waiver does not
pose a risk of detrimental impact to the City and Dean Gazzo Roistacher LLP has obtained no
confidential City information relating to the inverse condemnation action; NOW, THEREFORE,

BE IT RESOLVED, by the City Council of the City of San Diego, that the Council
approves the waiver of potential conflicts of interest requested by Dean Gazzo Roistacher LLP
and consents to Dean Gazzo Roistacher LLP's representation of Dick Miller, Inc., in *Gregory
Montoya, et al. v. City of San Diego, et al.*, San Diego Superior Court Case
No. 37-2019-00047134-CU-EI-CTL.

APPROVED: MARA W. ELLIOTT, City Attorney

By /s/ David J. Karlin
David J. Karlin
Senior Deputy City Attorney

DJK:slc:cm
August 12, 2021
September 10, 2021 COR. COPY
Or.Dept: City Attorney's Office
Doc. No.: 2757346

I certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this
meeting of SEP 14 2021.

ELIZABETH R. MALAND
City Clerk

By 
Deputy City Clerk

Approved: 9/24/21
(date)


TODD GLORIA, Mayor

Vetoed: _____
(date)

TODD GLORIA, Mayor

Passed by the Council of The City of San Diego on SEP 14 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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input 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 SEP 27 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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