RESOLUTION NUMBER R- **314667**

DATE OF FINAL PASSAGE ___ **MAR 2 8 2023**

A RESOLUTION OF THE COUNCIL OF THE CITY OF
SAN DIEGO APPROVING THE SECOND AMENDMENT TO
THE LEGAL SERVICES AGREEMENT WITH QUINN
EMANUEL URQUHART & SULLIVAN AS OUTSIDE
COUNSEL TO PROVIDE ONGOING LEGAL SERVICES
RELATED TO LITIGATION MATTERS INVOLVING THE
101 ASH STREET AND CIVIC CENTER PLAZA PROPERTY
TRANSACTIONS.

WHEREAS, the City of San Diego (City) entered into two separate lease purchase

agreements involving two high rise buildings in downtown San Diego, one at 101 Ash Street

(101 Ash Building) and the other at Civic Center Plaza at 1200 Third Avenue (CCP Building);

and

WHEREAS, despite reaching settlement agreements with two parties, the City continues

to be embroiled in two different lawsuits involving these properties against various other parties

including the City's supposedly "volunteer" broker for both properties as well as contractors who

performed work on the 101 Ash Building; and

WHEREAS, among other things, the City is seeking to recover monetary damages from

defendants on these matters; and

WHEREAS, on December 14, 2021, the Council of the City of San Diego (City Council)

approved the retention of Quinn Emanuel Urquhart & Sullivan (Quinn Emanuel) as outside

counsel to represent the City in these three litigation matters because of the complexity of the

legal issues and because hundreds of millions of dollars are at stake in these cases; and

WHEREAS on August 9, 2022, the City Council approved the First Amendment to the

Legal Services Agreement, which increased the not-to-exceed amount of the contract with Quinn

Emanuel from $500,000 to $1 million; and

WHEREAS, Quinn Emanuel is able to continue performing the requested services at an hourly rate substantially lower than the rates typically billed by the law firm; and

WHEREAS, with the necessary legal work to prepare the cases for trial in April 2023, Quinn Emanuel will soon exceed the maximum not-to-exceed amount based on the current work that the law firm is performing for the City on litigation related to the 101 Ash Building and CCP Building; and

WHEREAS, an increase of $500,000 to the Legal Services Agreement, which would raise the total not-to-exceed amount from $1 million to $1.5 million, is necessary to avoid disruption in Quinn Emanuel's services that would impede the current work that the law firm is performing, which all have deadlines that must be met in light of a trial date in April 2023; and

WHEREAS, the continuing legal services of Quinn Emanuel are necessary because the Office of the City Attorney lacks capacity to handle these matters with the departure of experienced senior litigators and leave of other litigators; and

WHEREAS, the amount of the Second Amendment to the Legal Services Agreement with Quinn Emanuel would increase the contract by $500,000 for a total contract amount not to exceed $1.5 million, which requires City Council approval of the contract itself pursuant to San Diego Municipal Code section 22.3207(a); NOW, THEREFORE,

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

1.   That the Second Amendment to the Legal Services Agreement with Quinn Emanuel is approved, and the Mayor or his designee is authorized to execute this Second Amendment for and on behalf of the City of San Diego in a total amount not to exceed $1.5 million (reflecting the $500,000 increase, above the current $1 million contract amount).

2.   That the Chief Financial Officer or his designee is authorized to appropriate and expend an amount not to exceed $1.5 million from the Public Liability Fund for the purpose of executing the Second Amendment to the Legal Services Agreement with Quinn Emanuel, contingent upon the adoption of the Annual Appropriation Ordinance for the applicable Fiscal Year, and contingent upon the Chief Financial Officer first furnishing one or more certificates that the funds necessary are, or will be, on deposit in the City Treasury.
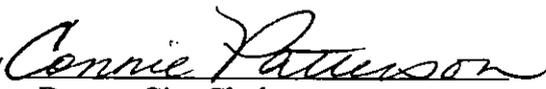
APPROVED: MARA W. ELLIOTT, City Attorney

By   _____
       Ken So
       Chief Deputy City Attorney

KRS:cc
01/23/2023
Or.Dept:City Attorney
Doc. No. 3221289

I certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of _____ **MAR 2 0 2023** _____.

                                   DIANA J.S. FUENTES
                                   City Clerk

                              By _____
                                   Deputy City Clerk

Approved: __3/27/23_____   _____
              (date)   TODD GLORIA, Mayor

Vetoed: _____   _____
              (date)   TODD GLORIA, Mayor

Passed by the Council of The City of San Diego on **MAR 2 0 2023**, by the following vote:

Councilmembers	Yeas	Nays	Not Present	Recused
Joe LaCava	☑	☐	☐	☐
Jennifer Campbell	☑	☐	☐	☐
Stephen Whitburn	☑	☐	☐	☐
Monica Montgomery Steppe	☑	☐	☐	☐
Marni von Wilpert	☑	☐	☐	☐
Kent Lee	☑	☐	☐	☐
Raul A. Campillo	☑	☐	☐	☐
Vivian Moreno	☐	☐	☑	☐
Sean Elo-Rivera	☑	☐	☐	☐

Date of final passage **MAR 2 8 2023**.

(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)

_____
DIANA J.S. FUENTES
City Clerk of The City of San Diego, California.

By _Connie Patterson_, Deputy

Office of the City Clerk, San Diego, California

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