

RESOLUTION NUMBER R- 315270

DATE OF FINAL PASSAGE DEC 22 2023

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO APPROVING WAIVER OF POTENTIAL CONFLICTS OF INTEREST REQUESTED BY LIEB & LIEB AND CONSENTING TO LIEB & LIEB'S JOINT REPRESENTATION OF ORION CONSTRUCTION AND THE CITY OF SAN DIEGO IN SDG&E V. ORION CONSTRUCTION, ET AL., SAN DIEGO SUPERIOR COURT CASE NO. 37-2022-00035613-CU-PO-CTL.

WHEREAS, SDG&E filed a negligence case against Orion Construction and an inverse case against the City related to damage caused to an SDG&E underground conduit that occurred when an Orion employee struck an underground electrical conduit in the course of Orion's work on a City construction project known as AC Water and Sewer Group 1024. SDG&E is seeking \$40,386.34 plus attorney's fees in damages in the case known as *SDG&E v Orion Construction, et al.*, San Diego Superior Court Case No. 37-2022-00035613-CU-PO-CTL; and

WHEREAS, on June 17, 2021, an employee of Orion Construction, sustained an electrical shock when his digging bar struck an unmarked electrical package beneath an 8" water main being replaced by Orion. This electrical package was a second electrical package located below the water main. The first electrical package above the water main had been marked. This incident occurred at 6315 Imperial Avenue, San Diego, Ca 92114 in front of the Encanto Village Apartments; and

WHEREAS, following the tender of the defense and indemnity of the lawsuit to Orion's insurance carrier, Liberty Mutual, the insurance carrier hired Lieb and Lieb to jointly represent Orion Construction and the City of San Diego; and

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

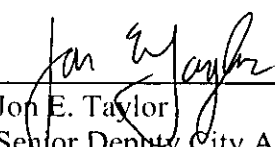
WHEREAS, granting Lieb & Lieb's request for a conflict-of-interest waiver does not pose a detrimental risk to the City as Lieb & Lieb will not obtain any confidential information from the City and Lieb & Lieb will implement appropriate screening measures to protect against sharing of confidential information within the law firm if any is received. NOW, THEREFORE

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

1. Approves the waiver of potential conflict-of-interest requested by Lieb & Lieb and consents to Lieb & Lieb's joint representation of Orion Construction and the City of San Diego in *SDG&E v Orion Construction, et al.*, San Diego Superior Court Case No. 37-2022-00035613-CU-PO-CTL.

2. Authorizes the Mayor or his designee to execute the requested waiver on behalf of the City.

APPROVED: MARA W. ELLIOTT, City Attorney

By   
Jon E. Taylor  
Senior Deputy City Attorney

JET:mgm  
Or.Dept: CAO  
Doc. No. 3307300

I certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of DEC 12 2023.

DIANA J.S. FUENTES  
City Clerk

By

  
Deputy City Clerk

Approved:

12/22/23  
(date)

  
TODD GLORIA, Mayor

Vetoed:

\_\_\_\_\_  
(date)

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

Passed by the Council of The City of San Diego on DEC 12 2023, 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"/>
District 4 - vacant	<input 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"/>
Kent Lee	<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 DEC 22 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 [Signature], Deputy

Office of the City Clerk, San Diego, California

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