

RESOLUTION NUMBER R- 316046

DATE OF FINAL PASSAGE MAR 05 2025

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO AUTHORIZING THE RETENTION OF CASEY GERRY SCHENK FRANCAVILLA BLATT & PENFIELD LLP AS OUTSIDE COUNSEL AND APPROVING AN AGREEMENT FOR LEGAL SERVICES WITH CASEY GERRY SCHENK FRANCAVILLA BLATT & PENFIELD LLP

RECITALS

The Council of the City of San Diego (Council) adopts this Resolution based on the following:

A. On October 24, 2024, the Council of the City of San Diego authorized the Office of the City Attorney (Office) to file a class action litigation against major U.S. oil and gas producers for alleged price fixing violations under federal and state antitrust laws.

B. On November 1, 2024, the Office filed a complaint against defendants Hess Corporation; Exxon Mobil Corporation; Permian Resources Corp. f/k/a Centennial Resource Development, Inc.; Chesapeake Energy Corporation; Continental Resources, Inc.; Diamondback Energy, Inc.; EOG Resources, Inc.; Occidental Petroleum Corporation; and Pioneer Natural Resource alleging violation of the federal Sherman Act and California's Cartwright Act (the Litigation).

C. The Litigation has been consolidated with other similar actions against these defendants in a Multidistrict Litigation already pending in federal court in New Mexico.

D. On January 1, 2025, a consolidated amended complaint was filed in the Litigation listing the City as a named plaintiff to represent a class of fuel purchasers.

E. The Office does not have the necessary expertise to advise the City on the unusual and complex legal issues involved the Litigation.

F. Attorneys from Casey Gerry Schenk Francavilla Blatt & Penfield LLP will have prominent roles in the leadership of the Litigation moving forward.

G. The law firm Casey Gerry Schenk Francavilla Blatt & Penfield LLP (Law Firm) has the necessary skills and experience to assist the City in these matters.

H. The City Attorney's Office is now seeking to enter into a contract with the Law Firm.

I. The proposed outside counsel will work on a no-fee basis, having expressly disclaimed any interest in the City's prospective recovery.

J. As the contract establishes a no-fee engagement, no appropriation is requested.

K. In closed session on October 14, 2024, the City Council, by the following votes: Yeas, Districts 1, 3, 4, 5, 6, 7, 8, 9; Nays, None; and Absent, District 2; approved the Litigation and the engagement of the Law Firm.

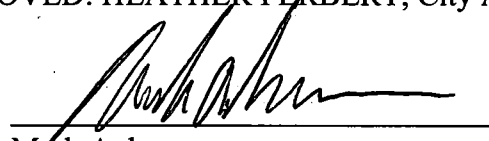
ACTION ITEMS

Be it resolved by the Council of the City of San Diego:

1. Authorizes the City Attorney to retain Casey Gerry Schenk Francavilla Blatt & Penfield LLP as outside counsel to represent the City in *In Re Shale Oil Antitrust Litigation*, United States District Court, District of New Mexico, Case Number 24-md-03119, and related matters, alleging damages arising from violations of the Sherman Act and the Cartwright Act.

APPROVED: HEATHER FERBERT, City Attorney

By

  
Mark Ankcorn  
Senior Chief Deputy City Attorney

JSM:mgm  
January 23, 2025  
Of. Dept: City Attorney  
Doc. No. 3936863

I certify that the Council of the City of San Diego adopted this Resolution at a meeting held on  
FEB 25 2025

DIANA J.S. FUENTES  
City Clerk

By Connie Patterson  
Deputy City Clerk

Approved: 3/3/25  
(date)

Todd Gloria  
TODD GLORIA, Mayor

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

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

Passed by the Council of The City of San Diego on FEB 25 2025, 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"/>
Henry L. Foster III	<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"/>
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 MAR 05 2025.

**(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.

DIANA J.S. FUENTES

(Seal)

City Clerk of The City of San Diego, California.

By Linda Krwin, Deputy  
For Connie Patterson

Office of the City Clerk, San Diego, California

Resolution Number R- **316046**