

RESOLUTION NUMBER R- 314162

DATE OF FINAL PASSAGE JUN 27 2022

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO APPROVING WAIVER OF POTENTIAL CONFLICTS OF INTEREST REQUESTED BY TRESSLER, LLP, AND CONSENTING TO THE LAW FIRM'S REPRESENTATION OF THE CITY OF SAN DIEGO, IN *JOSE ROCHA V. CITY OF SAN DIEGO, ET. AL.*, SAN DIEGO SUPERIOR COURT CASE NO. 37-2022-00004062-CU-PO-CTL.

WHEREAS, the City of San Diego (City) has been named as a defendant in a personal injury lawsuit titled *Jose Rocha v. City of San Diego, et al.*, San Diego Superior Court Case No. 37-2022-00004062-CU-CTL (*Rocha* lawsuit), arising from a trip-and-fall incident alleged to have occurred in the entryway of a building located at Brown Field Municipal Airport and leased to Brown Field Aviation Ventures and its sub-lessee, Lancair Corp. dba San Diego Jet Center (Lancair Corp.); and

WHEREAS, the City tendered its defense in the *Rocha* lawsuit to Allianz Global Risks US Insurance Company (Allianz) as an Additional Insured under a policy issued to Lancair Corp., and Allianz assigned the law firm of Tressler, LLP, to defend the City; and

WHEREAS, Tressler, LLP, also represents Brown Field Aviation Ventures and Lancair Corp. in the *Rocha* lawsuit; 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 or potentially adverse to another client in the same or separate matter; and

WHEREAS, informed written consent requires that the attorney communicate and explain the relevant circumstances and material risks, including any actual or reasonably

foreseeable adverse consequences of the proposed course of conduct, in writing to the client, who then must consent to the proposed course of conduct in writing; and

WHEREAS, Tressler, LLP, now seeks the City's waiver of potential conflicts of interest and has informed the City in writing of the potential for conflicts of interest whenever a law firm represents more than one client in a lawsuit, and its intent to withdraw from representing the City at any time it concludes that any conflict or potential conflict makes it difficult or inconvenient to continue representing the City in the *Rocha* lawsuit; and

WHEREAS, granting Tressler LLP's conflict-of-interest waiver does not pose a risk of detrimental impact to the City, and Tressler LLP is unlikely to obtain confidential City information related to other litigation matters; 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 Tressler, LLP, and consents to Tressler's representation of City of San Diego in *Jose Rocha v. City of San Diego, et. al.*, San Diego Superior Court Case No. 37-2022-00004062-CU-PO-CTL.

APPROVED: MARA W. ELLIOTT, City Attorney

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

DJK:slc
May 23, 2022
Or.Dept: City Attorney's Office
Doc. No.: 2988705

I certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of JUN 14 2022.

ELIZABETH R. MALAND
City Clerk

By *Cecilia Patterson*
Deputy City Clerk

Approved: 6/27/22
(date)

Todd Gloria
TODD GLORIA, Mayor

Vetoed: _____
(date)

TODD GLORIA, Mayor

Passed by the Council of The City of San Diego on JUN 14 2022, 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 JUN 27 2022.

(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 Connie Patterson, Deputy

Office of the City Clerk, San Diego, California

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