



# City Council Memorandum

City of Arts & Innovation

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**TO: HONORABLE MAYOR AND CITY COUNCIL      DATE: FEBRUARY 20, 2018**  
**FROM: CITY ATTORNEY      WARDS: ALL**  
**SUBJECT: OUTSIDE COUNSEL EXPENDITURE REPORT**

**ISSUE:**

The issue for City Council consideration is the Outside Counsel Expenditure Report for the period of October 1, 2017 through December 31, 2017, as provided in the outside counsel policy approved by City Council on June 16, 2015.

**RECOMMENDATIONS:**

That the City Council receives and files the attached report.

**BACKGROUND:**

In the continuing effort of transparency and accountability, City Council approved the City Attorney's recommendation of quarterly reporting of the outside counsel expenditures. This report includes the current spending for the prior quarter and the cumulative spending from inception of the matter grouped by law firm name. All closed matters are highlighted and will not be included in the next report. It should be noted that bond counsel and contingency payments are not paid through the City's accounts payable division and therefore must be manually added to information derived from the City's accounting system. In the case of bond counsel payments, the payments are typically made directly by the bond trustee from bond proceeds. In the case of contingency payments, the payments are typically deducted from the funds received prior to deposit by the City.

**FISCAL IMPACT:**

There is no fiscal impact at this time.

Prepared by:            Gary G. Geuss  
   City Attorney

*Attachment: Outside Counsel Expenditure Report*

**OUTSIDE COUNSEL EXPENDITURE REPORT  
THROUGH DECEMBER 31, 2017**

LAW FIRM	MATTER/CASE NAME	BRIEF DESCRIPTION			EXPENDITURES		BALANCE
			Funding Source	Authorized Spending Limit	10/1/17 - 12/31/17	TOTAL AS OF 12/31/17	
<b>BAKER HOSTETLER</b>							
	<i>Cyber Security Breach</i>	Prevention/Advice	510	20,000	-	2,375	17,625
<b>Subtotal</b>					-	<b>2,375</b>	
<b>BEST BEST KRIEGER</b>							
	<i>City HA v DOF</i>	*Note - HA allowance, costs split with several cities	280	37,388	1,845	36,306	1,082
	<i>City v Jurupa Valley</i>	(Vernola Apts) CEQA litigation	510	155,842		109,985	45,857
	<i>General Advice</i>	Miscellaneous	101	25,000	114	13,924	11,076
	<i>General Advice</i>	RPU	101	13,000	-	5,918	7,082
	<i>RTRP/CPUC</i>	Advice	510	16,455	-	2,039	14,416
	<i>SCE v. Mitsubishi Nuclear Energy Systems</i>	San Onofre decommissioning (SONGS)	510	721,693	295	658,101	63,592
	<i>Riverwalk CSD Foreclosure</i>		101	10,000	-	-	10,000
<b>Subtotal</b>					<b>2,254</b>		
<b>BLAISDELL, CHURCH &amp; JOHNSON</b>							
	<i>Bond Counsel</i>	IPP Generation Plant	510	5,000	-	1,000	4,000
<b>Subtotal</b>					-	<b>1,000</b>	
<b>CHAPMAN AND CUTLER</b>							
	<i>Bond Counsel*</i>						

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<b>COLANTUONO HIGHSMITH &amp; WHATLEY</b>							
	<i>General matters</i>	Prop 218 and conflicts advice	520	40,400	-	36,704	3,696
	<i>General Advice</i>	CAO	101	15,000	2,410	9,309	5,691
	<i>General/RPU</i>	City land transactions	510	5,000	-	6,208	(1,208)
	<i>General/RPU**</i>	Electric & Water Cost Service Study	520	25,000	-	-	25,000
	<i>Olquin, Richard v City**</i>	Litigation re GFT	630	155,000	15,569	102,781	52,219
	<i>Parada, Summer v City</i>	UUT Claim/Potential Litigation	101	275,000	7,591	11,533	263,467
	<i>City v Greyhound</i>	Advisory	630	7,000	-	7,000	7,000
<b>Subtotal</b>					<b>25,570</b>		
<b>CONSTANTINE CANNON</b>							
	<i>State of California et al. ex rel. [Under Seal] v [Under Seal]</i>	Litigation re wireless cell service/contingency		-		-	-
<b>Subtotal</b>							
<b>COTCHETT PITRE &amp; McCARTHY</b>							
	<i>Bond Derivative Litigation</i>	Contingency*					
<b>Subtotal</b>							
<b>GIBBS GIDEN LOCHER TURNER SENET &amp; WITTBRODT</b>							
	<i>Wasden, David</i>	Construction project dispute	520	5,000		1,626	3,374
	<i>General advice</i>	Prequalification re PW Bid Docs	510	7,500	-	7,500	0
	<i>High Light Electric v City</i>	Construction project dispute	520	15,000	8,249	14,098	902
<b>Subtotal</b>					<b>8,249</b>		

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<b>GREINES MARTIN STEIN &amp; RICHLAND</b>							
	<i>Dunbar, Ulrike v City**</i>	Wrongful death	630	183,775	-	166,181	17,594
	<i>Corona, Amador v City</i>	Appellate advice			-	-	
	<i>Easley, Michael v. City**</i>	Federal civil rights action	630	112,695	15,134	68,442	44,253
	<i>Brokaw, Dennis v City</i>	Appellate advice	630	3,500	2,233	2,233	1,267
	<i>Nichols, Raymond v City</i>	Federal civil rights action	630	66,962	8,330	47,326	19,636
<b>Subtotal</b>					<b>25,697</b>		
<b>HAWKINS DELAFIELD &amp; WOOD</b>							
	<i>Bond Counsel*</i>						
<b>Subtotal</b>							
<b>JONES HALL</b>							
	<i>Bond Counsel</i>	SIFMA		40,000	-	-	40,000
<b>Subtotal</b>							
<b>LEWIS BRISBOIS BISGAARD &amp; SMITH</b>							
	<i>Dunbar, Ulrike v City**</i>	Civil rights litigation	630	247,750	1,369	250,034	(2,284)
	<i>Easley, Michael v City**</i>	Civil rights litigation	630	341,500	2,244	292,818	48,682
	<i>Lacson, Maria v City</i>	Employment	630	151,000	3,128	22,042	128,958
	<i>Marshal, Paul v City</i>	Employment	630	100,000	7,806	7,806	92,194
<b>Subtotal</b>					<b>14,547</b>		

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<b>LIEBERT CASSIDY WHITMORE</b>							
	<i>General Advice</i>		101	1,000	-	447	553
	<i>Bonome, Jr., Camilo</i>	Petition re CCW denial	630	63,775	27	63,998	(223)
<b>Subtotal</b>					<b>27</b>		
<b>MANNING &amp; KASS</b>							
	<i>Wells Fargo v. City -1 and 2**</i>	Civil penalties on Tax Rolls Validity	630	146,520	66,821	105,966	40,554
	<i>(Consolidated Cases)</i>						
<b>Subtotal</b>					<b>66,821</b>		
<b>MILLER AXLINE &amp; SAWYER</b>							
	<i>City v Black &amp; Decker (U.S), Inc.</i>	Perchlorate litigation/contingency*			-	-	
<b>Subtotal</b>							
<b>RUTAN &amp; TUCKER</b>		DOF Litigation	630	50,000	2,814	2,814	47,186
<b>Subtotal</b>					<b>2,814</b>		

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<b>SMITH LAW OFFICES</b>							
	<i>Lacson, Maria v City</i>	Labor/Employment Litigation	630	158,832	14,915	41,923	116,909
	<i>Luong, Jason v City</i>	Civil rights litigation (Federal)	630	114,510	-	50,888	63,622
	<i>Luong, Jason v City</i>	Civil rights litigation (State)	630	84,376	-	12,931	71,445
	<i>Nichols, Raymond v City</i>	Civil rights litigation (Federal)	630	81,956	-	37,771	44,185
	<i>Nichols, Raymond v City</i>	Civil rights litigation (State)	630	70,550	742	10,131	60,419
	<i>Nguyen, Chau v City</i>	Employment litigation	630	122,000	7,594	137,402	-15,402
	<i>Roberts, Patricia v City</i>	Employment litigation	630	180,000	8,283	70,173	109,827
<b>Subtotal</b>					<b>31,534</b>		
<b>SOHAGI LAW GROUP</b>							
	<i>Ag Park</i>	CEQA	101	8,750	-	2,975	-
<b>Subtotal</b>					-		
<b>STRADLING YOCCA CARLSON &amp; RAUTH</b>							
	<i>Bond Counsel</i>	2011A Revenue Bonds		10,000		10,000	0
	<i>Bond Counsel</i>	Pension Obligation Bonds 2017		45,000		0	45,000
	<i>Bond Counsel</i>	Master Equipment Financing		15,000		15,000	0
	<i>Bond Counsel</i>	2008A and C Revenue Bonds		30,000		30,000	0
	<i>Bond Counsel</i>	2017B Equipment Financing		10,000		-	10,000
	<i>Bond Counsel</i>	2006 Lease Revenue (Galleria)		55,000		-	55,000
<b>Subtotal</b>					-		
<b>THINK LEGAL360</b>							
	<i>Harris, Bobby v. City</i>	Employment Litigation	630	270,000	8,937	62,654	207,346
<b>Subtotal</b>					<b>8,937</b>		

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THOMPSON COBURN							
	FERC**	Regulatory	510	575,000	148,328	311,447	263,553
	LADWP Transmission Agreements	Potential Extension	510	25,000	-	15,991	9,009
<b>Subtotal</b>					<b>148,328</b>		
<b>TOTAL</b>					<b>334,778</b>		

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			Funding Source	Authorized Spending	10/1/17 - 12/31/17	TOTAL AS OF 12/31/17	
<i>Note: Plaintiff's Case - Outside Counsel Retained for Recovery</i>							
BURKE WILLIAMS SORENSEN							
	City v. Jurupa/Rubidoux CSD, et al.**	Recovering contribution obligation for RWQCP project	550	3,799,326	189,220	3,143,447	655,879
					<b>189,220</b>		

**Please note:**

- (1) Some totals may include costs
- (2) Items shaded in blue are closed
- (3) \*Contingency bond counsel payments are per individual bond transactions or recovery received

\*\*Change order issued/adjustment; amount increased for current FY