



# City Council Memorandum

City of Arts & Innovation

**TO: HONORABLE MAYOR AND CITY COUNCIL      DATE: MAY 7, 2019**  
**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 January 1, 2019 through March 31, 2019, 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 MARCH 31, 2019**

LAW FIRM	MATTER/CASE NAME	BRIEF DESCRIPTION			EXPENDITURES		BALANCE
			Funding Source	Authorized Spending Limit	1/1/19 - 3/31/19	TOTAL AS OF 3/31/19	
<b>BAKER HOSTETLER</b>							
	<i>Cyber Security Breach</i>	Prevention/Advice	510	20,000	-	2,375	17,625
	<i>Business Tax Security</i>	Prevention/Advice	630	4,000		1,838	2,162
<b>Subtotal</b>					-		
<b>BUCHALTER</b>							
	<i>SCE/CPC Application*</i>	RTRP		303,000	55,005	84,469	218,521
<b>Subtotal</b>					<b>55,005</b>		
<b>BEST BEST KRIEGER</b>							
	<i>General Advice</i>	Miscellaneous	101	25,000	-	14,987	10,013
	<i>General Advice</i>	RPU	101	13,000	-	5,918	7,082
	<i>RTRP/CPUC</i>	Advice	510	16,455	-	8,326	8,129
	<i>City v DOF</i>	Anticipated litigation	630	65,000	5,225	44,194	20,806
	<i>Riverwalk CSD Foreclosure</i>	Collection	101	10,000	-	2,645	7,355
	<i>Gage Canal</i>	Advisory	101	20,000	-		
<b>Subtotal</b>					<b>5,225</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>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	-	13,771	1,229
	<i>General/RPU**</i>	Electric & Water Cost Service Study	520	25,000	-	65	24,935
	<i>Parada, Summer v City</i>	UUT Claim Litigation	101	275,000	2,017	33,310	241,690
	<i>Parada II v City</i>	GFT Challenge/Litigation	101	162,500	20,069	49,571	112,929
	<i>Bailey, William R. v City***</i>	Litigation Initiated by Mayor	101	288,000	72,521	230,694	57,306
	<i>Clymer, R. Ben v City</i>	Challenge to Russo Contract	101	155,000	13,815	97,891	82,391
	<i>Nunez, J. v City</i>	Claim	101	25,000	1,420	1,420	23,580
<b>Subtotal</b>					<b>109,842</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;</b>							
	<i>High Light Electric v City**</i>	Construction project dispute	520	265,000	48,078	179,764	85,236
<b>Subtotal</b>					<b>48,078</b>		

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<b>GREINES MARTIN STEIN &amp; RICHLAND</b>							
	<i>Clymer v City</i>	Challenge to Russo Contract	630	75,000	-	767	74,233
	<i>Corona, Amador v City</i>	Appellate advice	630	45,000	590	32,297	12,703
	<i>Easley, Michael v. City**</i>	Federal civil rights action	630	137,695	15,907	112,633	25,062
	<i>Brokaw, Dennis v City</i>	Appellate advice	630	3,500	-	2,233	1,267
	<i>Nichols, Raymond v City</i>	Federal civil rights action	630	66,962	-	58,636	8,326
<b>Subtotal</b>					<b>16,497</b>		
<b>HAWKINS DELAFIELD &amp; WOOD</b>							
	<i>Bond Counsel*</i>						
<b>JONES HALL</b>							
	<i>Bond Counsel*</i>	SIFMA		40,000		-	40,000
	<i>Bond Counsel*</i>	Electric and Water Bonds 2018		45,000		-	45,000
	<i>Bond Counsel*</i>	2019 Electric & Water Bonds		90,000		-	90,000
<b>Subtotal</b>							
<b>LEWIS BRISBOIS BISGAARD &amp; SMITH</b>							
	<i>Easley, Michael v City**</i>	Civil rights litigation	630	406,500	431	320,169	86,331
<b>Subtotal</b>					<b>431</b>		

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<b>LIEBERT CASSIDY WHITMORE</b>							
	<i>RPOA v City</i>	Labor	101	252,500	-	8,878	243,622
	<i>RFA/Fenske v City</i>	Employment/Labor	101	125,000	9,604	45,181	79,819
	<i>General Advice</i>	Misc	101	1,000	-	447	553
<b>Subtotal</b>					<b>9,604</b>		
<b>MEYERS NAVE</b>							
	<i>Machowski v Bird Rides</i>	ADA Complaint	630	225,000			225,000
<b>Subtotal</b>							
<b>MILLER AXLINE &amp; SAWYER</b>							
	<i>City v Black &amp; Decker (U.S), Inc.</i>	Perchlorate litigation/contingency*				-	
<b>MURPHY &amp; EVERTZ</b>							
	<i>SBCTA v City</i>	Condemnation		100,000	2,790	2,790	97,210
<b>Subtotal</b>					<b>2,790</b>		
<b>SMITH LAW OFFICES</b>							
	<i>Amicone, Lorraine v City</i>	Employment Litigation	630	170,200	10,357	21,365	148,835
	<i>Clymer v City</i>	Challenge to Russo Contract	630	75,000	2,760	2,760	72,240
	<i>Louis, Jean-Louis v City</i>	Civil rights litigation	630	176,000	720	16,330	159,670
	<i>Nichols, Raymond v City</i>	Civil rights litigation (Federal)	630	81,956	113	37,884	44,072
	<i>Nichols, Raymond v City</i>	Civil rights litigation (State)	630	70,550	-	10,345	60,205
<b>Subtotal</b>					<b>13,950</b>		
<b>STRADLING YOCCA CARLSON &amp; RAUTH</b>							

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	<i>Bond Counsel</i>	2006 Lease Revenue (Galleria)		55,000		-	55,000
	<i>Bond Counsel</i>	2018 Sewer Revenue Bonds		65,000		-	65,000
	<i>Bond Counsel</i>	RPU Line of Credit		55,000	55,000	55,000	0
	<i>Bond Counsel</i>	2019 Electric and Water Bonds		140,000		-	140,000
<b>Subtotal</b>					<b>55,000</b>		
<b>THINK LEGAL360</b>							
	<i>Harris, Bobby v. City</i>	Employment Litigation	630	270,000	6,880	146	124,474
<b>Subtotal</b>					<b>6,880</b>		
<b>THOMPSON COBURN</b>							
	<i>FERC**</i>	Regulatory	510	575,000	146,634	413,751	161,249
	<i>LADWP Transmission Agreements</i>	Potential Extension	510	25,000	-	-	25,000
<b>Subtotal</b>					<b>146,634</b>		
<b>TOTAL</b>					<b>469,936</b>		

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<i>Note: Plaintiff's Case - Outside Counsel Retained for Recovery</i>							
<b>BURKE WILLIAMS SORENSEN</b>							
	<i>City v. Jurupa/Rubidoux CSD, et al.**</i>	Recovering contribution obligation for RWQCP project	550	4,782,326	58,827	<b>3,990,084</b>	792,242

**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
- (4)\*\*Change order issued/adjustment; amount increased for current FY
- (5)\*\*\*Litigation initiated by Mayor