

LA**Los Angeles
Department of
Water & Power**

RESOLUTION NO. _____

BOARD LETTER APPROVAL

RICHARD M. BROWN
General Counsel for Water and Power

MARCIE L. EDWARDS
General Manager

DATE: April 21, 2015

SUBJECT: Proposed Agreement between the City of Los Angeles, Department of Water and Power and Kiesel Law LLP (Agreement No.47334-5) and Paradis Law Group, PLLC (Agreement No. 47335-5) as Special Counsel for Matters Related to a Lawsuit Against PricewaterhouseCoopers LLP, City of Los Angeles v. PricewaterhouseCoopers LLP (PwC), Los Angeles Superior Court Case No. BC574690

SUMMARY

The Office of the City Attorney (City Attorney) is transmitting for your approval a proposed Contingent Fee Agreement (Agreement) between the City of Los Angeles (City) acting by and through the Los Angeles Department of Water and Power (Department) and Kiesel Law LLP (Agreement No. 47334-5) and Paradis Law Group, PLLC (Agreement No 47335-5), (collectively, Special Counsel), in connection with representation of the City in City of Los Angeles v. PricewaterhouseCoopers LLP (PwC), Case No. BC574690 in Los Angeles Superior Court, and related actions against PwC and possibly other entities, in connection with LADWP Agreement No. 47976 (the CISCON Contract), and related matters therein. The Agreement provides for a term commencing January 1, 2015 and terminating upon resolution of the litigation.

City Council approval is required .

RECOMMENDATION

It is recommended that the Board of Water and Power Commissioners adopt the attached Resolution authorizing execution of the Agreement.

BACKGROUND

This professional services contract is being recommended as a sole source due to the fact that competitive bidding at this juncture would not be practical or advantageous for LADWP, as time is of the essence. Further, Kiesel Law LLP and Paradis Law Group,

PLLC are highly experienced attorneys in this area of law, and no lawyers have greater familiarity with the underlying facts at this time than they do. Further, the Legal Division does not have personnel with the expertise in the prosecution of civil claims for fraud in the context of the professional service agreement at issue here. The term of the contingency agreement commenced on January 1, 2015 and terminates upon resolution in litigation. The firms will advance all costs, and have agreed to share a contingency payment if successful in obtaining and collecting a recovery. The firm has no conflict of interest in representing the City and/or the Department.

CITY ATTORNEY

The Office of the City Attorney reviewed and approved the Resolution as to form and legality.

ATTACHMENTS

Resolution
Agreement Nos. 47334-5/47335-5