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MICHAEL N. FEUER
City Attorney

REPORT NO. 19-0103
APR 10 2019

REPORT RE:

**REQUEST FOR APPROPRIATIONS
FOR OUTSIDE COUNSEL**

S.G., et al. v. City of Los Angeles, et al.,
U.S.D.C. CASE NO. CV17-09003

The Honorable Budget & Finance Committee
of the City of Los Angeles
Room 1010, City Hall
200 North Spring Street
Los Angeles, CA 90012

Honorable Members:

This report sets forth the funding needs for outside counsel in the above referenced case.

After the City approved plans permitting a developer, Hiro Kobayashi, and 3568 Motor LLC, to construct a residential development next to Palms Elementary School, Plaintiffs – disabled children and teachers at the school – sued the City, the Director of Planning and the developer alleging the planning process violated their civil rights and their rights under the Americans with Disabilities Act (ADA). Plaintiffs' lawsuit seeks unspecified damages and injunctive relief.

All land use entitlement approvals granted by the City include a condition requiring the project applicant to defend and indemnify the City in the event of Real Party litigation. The developer, in this instance, has agreed to that condition and will assume the costs of outside counsel, anticipated at approximately \$135,000.

The City Attorney maintains a panel of law firms for this purpose, as approved by this Council, but none with the immediate ability to take on this issue involving the ADA. The City Attorney, therefore, recommends the engagement of Kevin Gilbert, of Orbach Huff Suarez & Henderson LLP, who has represented the City on previous ADA cases and possesses the requisite expertise to handle this matter on an immediate and cost efficient basis.

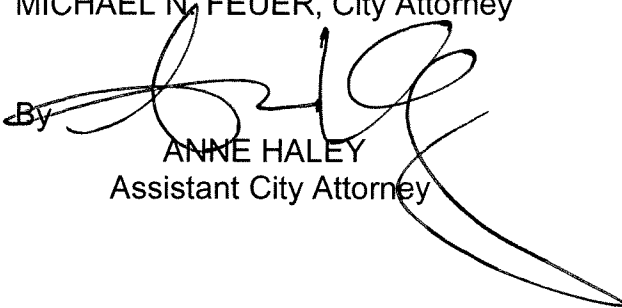
RECOMMENDATIONS:

1. Authorize the City Attorney to enter into a contract with Orbach Huff Suarez & Henderson LLP funded by the project applicant in an amount up to \$135,000.
2. Authorize the City Attorney to execute a reimbursement contract with the project applicant pursuant to which applicant agrees to pay the reasonable costs and fees of outside counsel in this matter.
3. Authorize the City Attorney or designee to prepare Controller instructions for any necessary technical adjustments, subject to the approval of the CAO, and authorize the Controller to implement the instructions.

If you have any questions regarding this matter, please contact the undersigned at (213) 978-7009. She, or another member of this Office, will be present when you consider this matter to answer any questions you may have.

Very truly yours,

MICHAEL N. FEUER, City Attorney

By  ANNE HALEY
Assistant City Attorney