



MICHAEL N. FEUER
CITY ATTORNEY

REPORT NO. **R21-0201**
JUNE 15, 2021

REPORT RE:

**REQUEST FOR TERM EXTENSIONS
FOR OUTSIDE COUNSEL**

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 requests authority to amend four existing outside counsel contracts, for the sole purpose of extending each of their contract terms, so that the firms may continue assisting the Office of the City Attorney with respective litigation and other matters.

1. Fahmie, et al. v. City of Los Angeles
Law Offices of Christopher Wong (C132070)
 - Term Extension Request: To May 9, 2023

Plaintiffs' lawsuits sought injunctive and other relief against the City related to alleged violations of the Americans with Disabilities Act, primarily related to the inaccessible public rights-of-way (i.e. curb ramps and sidewalks). The City reached a class action settlement with plaintiffs and the Superior Court granted approval of that settlement. With the assistance of Christopher Wong, who represented the City in the original litigation, our Office continues to work with plaintiff counsel on matters concerning the City's compliance with the terms of settlement, including any disputes that may arise under the settlement agreement and related court orders.

2. General Employment Litigation

Liebert Cassidy & Whitmore (C109883)

- Term Extension Request: To May 31, 2023

After years of advising and representing the City in matters of labor and employment, under this contract the firm is made available to answer the occasional question for which the City does not have in-house expertise.

3. LA Convention Center Expansion Project

Nossaman LLP (C132995)

- Term Extension Request: To August 7, 2023

The firm was retained to assist the City with legal work involved in the expansion of the Los Angeles Convention Center, including implementation of the Public-Private Partnership/Design-Build-Finance-Operate-Maintain project delivery methodology. The work on that project continues.

4. Labowitz v. City of Los Angeles

Orbach Huff Suarez & Henderson (C128735)

- Term Extension Request: To August 31, 2023

The Labowitz Plaintiffs filed a class-action lawsuit which claims that the City is violating the ADA and related disability statutes by allowing scooters to be left in the public right-of-way. Our Motion to Dismiss argued that the City's approval of a permit for the electric scooter's operations did not transform the scooter operations into a "program or service" of the City, and that the City cannot be held vicariously liable for the actions of private parties. Finally, we asserted that Plaintiffs' claims of inaccessible rights-of-way are precluded by the *Willits* class-action settlement, which provides a comprehensive plan to assure accessibility over the City's rights-of-way over the 30-year implementation period. Although the Court agreed with our arguments in the first Motion to Dismiss, it reversed its position in a recent ruling, apparently based upon the rulings reached in two related cases by other judges that are pending in different jurisdictions as against different public entities. Written discovery has begun and the litigation continues.

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II. RECOMMENDATIONS

1. Authorize the City Attorney to amend the following contracts to extend the term of each by two years:

C132070	Law Office of Christopher Wong to May 9, 2023
C109883	Liebert Cassidy Whitmore to May 21, 2023
C132995	Nossaman to August 7, 2023
C128735	Orbach Huff Suarez & Henderson to August 31, 2023

2. 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) 978-8100. 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*
ANNE HALEY
Assistant City Attorney