



City of Arts & Innovation

City Council Memorandum

TO: HONORABLE MAYOR AND CITY COUNCIL DATE: AUGUST 2, 2022

FROM: CITY ATTORNEY'S OFFICE WARDS: ALL

SUBJECT: REQUEST TO APPROVE EXPENDITURE OF \$341,100.00 TO RETAIN OUTSIDE COUNSEL WILLIAM PRICE

ISSUE:

Requesting approval of a \$341,100 budget (which is comprised of \$210,400 in attorney's fees, \$116,000 in expert costs, and \$14,700 in anticipated litigation costs) for the City Attorney's Office to retain William Price to serve as lead counsel in the case of *Walter Linke et al v. Angel Ramirez et al*, Riverside Superior Court Case No. CVRI2100730 and to authorize the City Attorney to execute the Outside Counsel Engagement Letter.

RECOMMENDATION:

1. That the City Council approve the budget in an amount not to exceed \$341,100 to retain the legal services of William Price, who is already on the City's panel of approved outside counsel; and
2. Authorize the City Attorney to execute the Outside Counsel Engagement Letter

DISCUSSION:

The City Attorney's Office has developed an in-house litigation team to handle third party litigation and other matters. There are times when it may be necessary to engage outside counsel to provide legal services, if for example, there is a conflict of interest or there are inadequate office resources due to unforeseen circumstances.

As you may recall, the case of *Walter Linke et al v. Angel Ramirez et al* ("*Linke*") involves an auto verses golf cart collision wherein Angel Ramirez drove his car into a golf cart operated by Walter Linke while Mr. Linke was crossing at Canyon Crest Drive. Plaintiff alleges that the golf cart crossing was a dangerous condition of public property. Plaintiff claims significant orthopedic injuries as well as a traumatic brain injury. The City filed a Motion for Summary Judgment that will be heard on August 29, 2022, arguing the City should be entitled to design immunity pursuant to Government Code sect. 830.6.

Plaintiff filed a motion for preferential trial to have the trial set as soon as possible. Due to Plaintiff's age and declining health, the Court recently granted Plaintiff's motion and set trial for **October 7, 2022**. Our in-house assigned trial attorney will be retiring and unavailable to serve as lead counsel in this case. All other experienced in-house litigation attorneys will be engaged

in other trials in October. The City Attorney's Office ran a forty-five (45) day recruitment for an experienced trial attorney to fill the vacancy that will occur due to the incumbent's retirement. Unfortunately we did not receive any applications. Due to the incumbents impending retirement, the tight labor market, and the unavailability of any other in-house experienced attorney to serve as lead counsel during trial, the City Attorney's Office needs to retain outside counsel for this case.

The only available litigation Deputy City Attorney available to try this case in October is the City Attorney's newest attorney who recently passed the bar in November 2021. However, due to the complexity of this case and the high exposure, this is not a viable option. However, our in house attorney will be paired with Mr. Price to serve as co-counsel which will provide our in house attorney with a valuable training opportunity in the event the City's Motion for Summary Judgment is denied. If the City's Motion is granted and plaintiff's counsel does not appeal, it will obviate the need to retain outside counsel in this case.

William Price is already on the City's pre-approved panel of outside counsel. He has over 25 years of first-chair trial success with an undefeated record as a defense attorney. Additionally, he has successfully litigated multiple dangerous condition of public property cases for the State of California and various municipalities. In addition, he also has significant experience in handling appeals. Mr. Price assisted the City Attorney's Office with the recent case, *Seriafi v. City of Riverside*, in which the City prevailed.

Mr. Price has submitted a total proposed budget of \$341,100, which includes attorney's fees to handle the case through trial and appeal if the City's Motion for Summary Judgment is denied. This total budget includes \$210,400 in attorney's fees, \$116,000 in expert costs, and \$14,700 in anticipated litigation costs. Due to the significant alleged injuries, we anticipate needing to retain at least six experts: orthopedic surgeon, neurologist, life care planner, economist, accident reconstructionist, and traffic engineer.

FISCAL IMPACT:

It will cost the City up to \$341,100 to retain Will Price to work with in-house Deputy City Attorney Cecilia Rojas through trial and, in the event the City's Motion for Summary Judgment is denied, to handle an appeal in this case. The funds to cover all costs are currently budgeted in the Liability Trust Fund.

Prepared by:	Cecilia Rojas, Deputy City Attorney
Certified as to availability of funds:	Edward Enriquez, Assistant City Manager/Chief Financial Officer
Approved by:	Michael Moore, Acting City Manager
Approved as to form:	Phaedra A. Norton, City Attorney

Attachment:

1. Will Price's Proposed Budget for *Walter Linke et al v. Angel Ramirez et al*, Riverside Superior Court Case No. CVRI2100730

