



City of Arts & Innovation

# City Council Memorandum

**TO: HONORABLE MAYOR AND CITY COUNCIL      DATE: JANUARY 10, 2023**

**FROM: CITY ATTORNEY'S OFFICE      WARDS: ALL**

**SUBJECT: REQUEST TO APPROVE EXPENDITURE OF \$50,000 TO RETAIN OUTSIDE COUNSEL WILLIAM PRICE**

## **ISSUE:**

Requesting approval of a \$50,000 budget for the City Attorney's Office to retain William Price to serve as associated counsel to handle the case of *Tony Platt v City of Riverside*, Riverside Superior Court Case No. RIC1822011 and to authorize the City Attorney to execute the Outside Counsel Engagement Letter.

## **RECOMMENDATION:**

1. That the City Council: approve the \$50,000 budget to retain 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 legal services team. However, there are times when it is necessary to employ a panel firm to provide legal services, if for example, there is a conflict of interest or there are inadequate office resources due to unforeseen circumstances.

The case of *Tony Platt v City of Riverside* concerns two competing breach of contract actions between Plaintiff and the City. On February 27, 2015 Plaintiff Tony Platt ("Platt") and the City executed a month-to-month lease of City-owned hangars at the Riverside Airport. Per the provisions of the lease, the lease's term was month-to-month certain conditions were satisfied by Platt. Upon satisfaction of the specified condition, the lease was to be amended as a long-term lease subject to approval of City Council. Platt satisfied the conditions by January 1, 2017 and the Airport Manager began negotiations with Platt for a long-term lease amendment subject to City Council approval. After two years of negotiations, the parties have been unable to reach an agreement on the terms of a long-term hangar lease. During negotiations, the City permitted the month-to-month lease to remain in effect. However, during the negotiations the Airport Manager learned that Plaintiff was breaching the lease with unauthorized subtenants. After refusing to cure the breaches, the City filed an unlawful detainer to remove Platt from the leasehold.

Since its inception, Deputy City Attorney Ruthann Salera was assigned to assist with the lease terms negotiations including its proposed amendments. She also won the unlawful detainer and

subsequent appeals by Platt. Since the onset of the civil litigation in 2018, Senior Deputy City Attorney Debra Cook has been the handling attorney for this complex civil matter. In July 2022, Plaintiff associated Rod Pacheco as a new trial lawyer. Mr. Pacheco is the fourth lawyer Plaintiff has associated into this matter. To provide Debra with additional trial and appellate support, Deputy City Attorneys Cecilia Rojas and Judith Gallardo have been assigned.

After extensive law and motion in this case and a battle to protect the City's litigation privileges, the City has filed a motion to disqualify Plaintiff's counsels due to inappropriate communications with City clients. This motion will be heard January 9, 2023, the same day as the first day of trial. In response to this motion, Plaintiff now seeks sanctions against Debra Cook and has named her as a witness in their case. Due to the risks of disqualification of either counsel, the City must be prepared to try the case on January 9. Because of the high profile nature of this case, Mr. Price's past trial success, the approaching trial date, and the current workload of all assigned attorneys, outside counsel assistance is required to prepare for trial in the event of Debra Cook's disqualification or withdrawal.

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 trial record as a defense attorney. He has also significant experience with handling appeals. Mr. Price assisted the City Attorney's Office with the recent case, *Seirafi v. City of Riverside*, in which the City prevailed.

Mr. Price has submitted a total proposed budget of \$50,000 for attorneys' fees and legal costs.

**FISCAL IMPACT:**

It will cost the City up to \$50,000 to retain Will Price to work with in-house Senior Deputy City Attorney Debra Cook and Deputy City Attorneys Cecilia Rojas and Judith Gallardo through this Trial. The funds to cover legal fees in the amount of \$49,000 are currently budgeted in the Liability Trust Fund account 1310000-421100 and the funds to cover legal costs in the amount of \$1,000 are budgeted in the Liability Trust Fund account 1300000-428200.

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

Attachment:

1. Will Price's Proposed Budget for *Tony Platt v City of Riverside*, Riverside Superior Court Case No. RIC1822011
2. Outside Counsel Engagement Letter