

FILE NO. 010202

RESOLUTION NO.

190-01

1 [Contingent fee agreement in lead paint litigation.]

2 **Resolution approving contingency fee agreement in County of Santa Clara, et al. v.**
3 **Atlantic Richfield Company, et al. ; requiring report from the City Attorney.** m]
27]

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5 WHEREAS, The City Attorney has instituted litigation on behalf of the City and County
6 of San Francisco, the San Francisco Unified School District, the San Francisco Housing
7 Authority, and the People of the State of California against the lead paint industry for
8 monetary damages incurred by the City and County of San Francisco for public services
9 related to the lead problem including services for children that have been poisoned by lead
10 and to abate and remediate buildings that contain lead; and

11 WHEREAS, The litigation may require expenditure of considerable time and money
12 and would benefit from the efficiency of having the assistance of outside counsel who are
13 experienced in similar litigation relating to this and other products; and,

14 WHEREAS, The other municipal entities who have instituted similar litigation against
15 the lead paint industry have retained outside counsel to assist them, generally on a contingent
16 fee basis, in order to conserve scarce monetary and legal staff resources; and

17 WHEREAS, The law firms of Thornton & Naumes, LLP, Ness, Motley, Loadholdt,
18 Richardson & Poole, and Wartnick, Chaber, Harowitz, Smith & Tigerman have considerable
19 experience in this type of litigation, having previously been retained or consulted with various
20 public entities, including the Attorney General of Rhode Island and various individual lead
21 lawsuits including representation of a class of poisoned children in Ohio, to represent those
22 entities in their lead paint litigation; and

23 WHEREAS, The above-mentioned law firms are also being retained to represent other
24 California public entities in the lead paint litigation, including the San Francisco Unified School
25 District and the San Francisco Housing Authority, with which the City and County of San

1 Francisco will be jointly prosecuting County of Santa Clara, et al. v. Atlantic Richfield
2 Company et al., Santa Clara County Superior Court No. CV 788-657; and

3 WHEREAS, the City Attorney has approved the retainer of each of the above-
4 mentioned firms as special counsel to co-counsel the lead paint litigation with the City
5 Attorney on a contingent fee basis, whereby the law firms will advance all expenses and costs
6 in the litigation, with the sole contingency upon which the above-mentioned law firms will
7 receive compensation for their services and reimbursement of expenses being recovery and
8 collection of moneys in the litigation by way of settlement or judgment, with the City Attorney
9 retaining the right to add additional firms under the retainer agreement; and

10 WHEREAS, The contingent percentage set forth in the retainer agreement is the same
11 as the typical contingent fee agreed to by other cities, counties and states which are actively
12 involved in the lead paint litigation; and

13 WHEREAS, Approval by the Board of Supervisors of the contingent fee agreement is
14 desirable; now, therefore, be it

15 RESOLVED, That the Board of Supervisors of the City and County of San Francisco
16 hereby approves the Engagement and Contingency Agreement in County of Santa Clara, et
17 al. v. Atlantic Richfield Company, et al., as contained in this Board file no. 010202; and, be it

18 FURTHER RESOLVED, That the City Attorney is required to provide periodic
19 reports on the status of this litigation to the Board of Supervisors.

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City and County of San Francisco

City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

Tails Resolution

File Number: 010202

Date Passed:

Resolution approving contingency fee agreement in County of Santa Clara, et al. v. Atlantic Richfield Company, et al.; requiring report from the City Attorney.

February 20, 2001 Board of Supervisors — CONTINUED

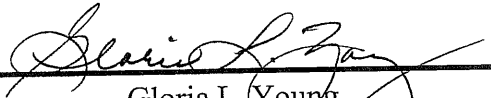
Ayes: 11 - Ammiano, Daly, Gonzalez, Hall, Maxwell, McGoldrick, Leno, Newsom, Peskin, Sandoval, Yee

March 5, 2001 Board of Supervisors — ADOPTED

Ayes: 8 - Daly, Hall, Leno, Maxwell, McGoldrick, Newsom, Peskin, Yee
Noes: 3 - Ammiano, Gonzalez, Sandoval

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I hereby certify that the foregoing Resolution was ADOPTED on March 5, 2001 by the Board of Supervisors of the City and County of San Francisco.



Gloria L. Young
Clerk of the Board

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MAR 16 2001 MAR 17 2001

Date Approved



Mayor Willie L. Brown Jr.