

FILE NO. 010201

RESOLUTION NO.

189-01

1 [Contingent fee agreement in litigation against electricity generators.]

2 **Resolution approving contingency fee agreement in People of the State of California by**
3 **and through San Francisco City Attorney Louise H. Renne v. Dynegy Power Marketing,**
4 **Inc., et al. ; requiring reports from the City Attorney.**

5
6 WHEREAS, The City Attorney has instituted litigation on behalf of the People of the
7 State of California, entitled People of the State of California by and through San Francisco
8 City Attorney Louise H. Renne v. Dynegy Power Marketing, Inc., et al., San Francisco
9 Superior Court No. 318189, against the major generators of electricity for injunctive and
10 monetary relief to redress injuries suffered as a result of California's on-going electricity crisis;
11 and

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

15 WHEREAS, Other municipal entities who have instituted or may institute similar
16 litigation have retained outside counsel to assist them, generally on a contingent fee basis, in
17 order to conserve scarce monetary and legal staff resources; and

18 WHEREAS, The law firm of Milberg, Weiss, Bershad, Hynes & Lerach, LLP, has
19 considerable experience in this type of litigation, having previously represented various public
20 entities, including the City and County of San Francisco, in successful litigation against the
21 tobacco industry and having previously filed suit against the major electricity generators on
22 behalf of private parties; and

23 WHEREAS, Milberg, Weiss, Bershad, Hynes & Lerach, LLP may also be retained to
24 represent other California public entities in litigation relating to the electricity crisis; and

25 WHEREAS, The City Attorney has approved the retainer of Milberg, Weiss, Bershad,

1 Hynes & Lerach, LLP as special counsel to co-counsel the litigation against the electricity
2 generators with the City Attorney on a contingent fee basis, whereby Milberg, Weiss, Bershad,
3 Hynes & Lerach, LLP will advance all expenses and costs in the litigation, with the sole
4 contingency upon which Milberg, Weiss, Bershad, Hynes & Lerach, LLP will receive
5 compensation for its services and reimbursement of expenses being recovery and collection
6 of moneys in the litigation by way of settlement or judgment, with the City Attorney retaining
7 the right to add additional firms under the retainer agreement; and

8 WHEREAS, The contingent percentage set forth in the retainer agreement is the same
9 as or less than the typical contingent fee agreed to by other cities, counties and states
10 involved in similar legislation; and

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

13 RESOLVED, That the Board of Supervisors of the City and County of San Francisco
14 hereby approves the Engagement and Contingency Agreement in People of the State of
15 California by and through San Francisco City Attorney Louise H. Renne v. Dynegy Power
16 Marketing, Inc., et al., as contained in this Board file no. 010201; and, be it

17 FURTHER RESOLVED, That the City Attorney is required to provide periodic
mlr reports on the status of this litigation to the Board of Supervisors; and, be it
2/1318

19 FURTHER RESOLVED, That the City Attorney is required to provide a quarterly
accounting of all revenues and expenditures in the Affirmative Litigation Fund to
20 the Board of Supervisors.



City and County of San Francisco

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

Tails Resolution

File Number: 010201

Date Passed:

Resolution approving contingency fee agreement in People of the State of California by and through San Francisco City Attorney Louise H. Renne v. Dynege Power Marketing, Inc., et al.; requiring reports from the City Attorney.

February 20, 2001 Board of Supervisors — CONTINUED

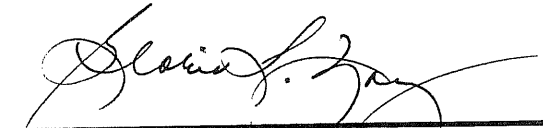
Ayes: 11 - Ammiano, Daly, Gonzalez, Hall, Maxwell, McGoldrick, Leno, Newsom, Peskin, Sandoval, Yee

March 5, 2001 Board of Supervisors — ADOPTED

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

File No. 010201

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

MAR 16 2001

cc
MAR 16 2001

Date Approved



Mayor Willie L. Brown Jr.