



RESOLUTION NO. _____

BOARD LETTER APPROVAL

A blue ink signature of Felix Lebron, written in a cursive style.

FELIX LEBRON
Assistant City Attorney
Assistant General Counsel

A blue ink signature of Janisse Quiñones, written in a cursive style.

JANISSE QUIÑONES
Chief Executive Officer and Chief Engineer

DATE: February 11, 2025

SUBJECT: Legal Services Agreement between the City of Los Angeles, acting by and through the Los Angeles Department of Water and Power and Wood Smith Henning & Berman, LLP, Agreement No. 47889.

SUMMARY

The Office of the City Attorney (City Attorney) requests approval of a resolution authorizing an agreement (Agreement) between the City of Los Angeles (City) acting by and through LADWP and Wood Smith Henning & Berman, LLP (Wood Smith Henning & Berman), Agreement No. 47889, to assist the City Attorney with legal advice and representation in the defense of asbestos related claims for damage and lawsuits. LADWP has been represented by Wood Smith Henning & Berman on certain asbestos related cases and the current agreement is set to expire early 2025. The need for legal assistance remains as proceedings in one of the lawsuits being handled by the firm will be proceeding to trial in 2025. In order to maintain continuity of representation on this wrongful death matter, authority is requested to enter into this Agreement. The initial allotment for the Agreement is not to exceed \$300,000 and the term will commence on April 1, 2025, and terminate on March 31, 2028.

City Council approval is not required.

RECOMMENDATION

It is recommended that the Board of Water and Power Commissioners (Board) adopt the attached Resolution authorizing execution of the Agreement with the law firm of Wood Smith Henning & Berman.

FINANCIAL INFORMATION

The proposed aggregate budget for the Agreement for the 2025-2028 period is not to exceed \$300,000. The rates for attorney time are \$350 for partners, \$325 for senior counsel, \$300 for associates and \$150 for paralegals.

BACKGROUND

The Water and Power Division has historically maintained contracts with a panel of outside law firms for asbestos related claims and lawsuits. In previous years, the Water and Power Division and outside counsel have successfully defended numerous lawsuits alleging asbestos related injuries such as mesothelioma, asbestosis and lung cancer. The majority of these matters have been disposed of on favorable terms or dismissals. Those successful results require specialized asbestos defense experience, including the retention and management of multiple experts.

The Department has been, and will continue to be, subject to asbestos premises liability allegations. Asbestos cases present the need for specialized legal advice and representation that the Water and Power Division is not able to provide. Asbestos defense also involves very significant time, resources and personnel commitments that the Water and Power Division is unable to provide. Wood Smith Henning & Berman have dedicated legal and staff personnel to provide the necessary assistance to staff the high volume of pre-trial, discovery and motion practice involved in asbestos defense cases. Depositions routinely last several days at locations which are often outside the Southern California area.

The coordination of these cases can involve dozens of attorneys, parties and witnesses. Settlement negotiations routinely involve protracted communication with adverse counsel, who is often part of a select group of attorneys that seek to profit from filing asbestos litigation against the LADWP. Asbestos related cases are assigned to complex litigation courtrooms with specialized rules. Wood Smith Henning and Berman has the expertise to accurately analyze the pertinent claim for damages or lawsuit, and execute the appropriate defense throughout all stages of the litigation.

Wood Smith Henning & Berman has been assigned to represent LADWP in the matter of *Suzanne Harden et al. v. Los Angeles Department of Water and Power et al.* Case No. 24CV066015, in which trial will be set in 2025. This matter is set in Northern California in the County of Alameda. Many of the upcoming appearances are required to be in person. The Water and Power Division does not have attorneys based in Northern California. The current litigation has eighteen Defendants and will soon be moving into the deposition phase. There will be dozens of depositions set which will require immediate coverage. This matter requires continued representation and attention. Given Wood Smith Henning & Berman's extensive knowledge of the factual and legal issues involved in the pending lawsuit, it is impractical to switch firms at this stage of litigation.

The City Attorney's Office has determined that for the reasons explained herein, it is in the best interests of the City to enter into a contract with Wood Smith Henning & Berman.

ENVIRONMENTAL DETERMINATION

Determine item is exempt pursuant to California Environmental Quality Act (CEQA) Guidelines Section 15061(b)(3). In accordance with this section, General Exemptions apply in situations where it can be seen with reasonable certainty that there is no possibility that the activity in question may have a significant effect on the environment. Therefore, approving this Agreement is not subject to CEQA.

CITY ATTORNEY

The Office of the City Attorney reviewed and approved the Agreement and Resolution as to form and legality

ATTACHMENTS

- Resolution
- Agreement