



APPROVAL OF A PROFESSIONAL
SERVICES AGREEMENT FOR LEGAL
REPRESENTATION IN LITIGATION
AGAINST PG&E ARISING FROM THE
KINCADE FIRE OF OCTOBER 2019

City Council Meeting
February 25, 2020

Sue Gallagher, City Attorney

Background

- ❖ The City suffered significant property and economic as a result of the Kincade fire of October 2019.
- ❖ Evidence indicates that equipment and infrastructure owned and/or operated by Pacific Gas & Electric Co. and the PG&E Corporation (jointly, “PG&E”) was the cause and origin of the fire.
- ❖ Several local agencies affected by the Kincade fire are preparing to file suit against PG&E to recover damages incurred.
- ❖ The City Attorney recommends that the City join in that litigation.

Analysis

- ❖ The law firms of Baron & Budd, P.C. and Dixon Diab & Chambers, LLP have offered to provide legal representation for public entities and individuals in connection with the 2019 Kincadee fire.
- ❖ Baron & Budd, P.C. and Dixon Diab & Chambers, have and continue to represent the City in litigation arising out of the October 2017 wildfires.
- ❖ Both firms have extensive experience in representing public entities in large scale tort litigation.

Analysis

- ❖ The Professional Services Agreement provides for compensation on a contingency fee basis at the negotiated rate of eighteen percent (18%) of the net recovery obtained for the City in the action.
- ❖ The law firms will front all litigation costs, including expert witness fees. Those costs will be recouped by the law firms only if a successful recovery is obtained. If no recovery is obtained, no costs or fees will be owed.
- ❖ The City Attorney's Office will oversee the litigation and will retain complete control of all decisions in the action.

Recommendation

It is recommended that the Council, by resolution, approve a Professional Services Agreement with Baron & Budd, P.C. and Dixon Diab & Chambers, LLP, for legal representation on behalf of the City of Santa Rosa in litigation against PG&E arising from the Kincade Fire of October 2019.

QUESTIONS?