Legislation Text

File #: 25-1284, **Version:** 1

Resolution to Approve the First Amendment to the Legal Services Agreement with Dykema Gossett, P.L.L.C. Relative to the *Jennifer Alexa, Jeff Malone, and Tim Rugg v. City of Ann Arbor* Litigation and Appropriate Funds ($350,000.00) **(8 Votes Required)**

The City is a defendant in pending litigation in the United States District Court for the Eastern District of Michigan, docketed as *Jennifer Alexa, Jeff Malone, and Tim Rugg v. City of Ann Arbor*, Case No. 22-13073 ("the Alexa et al. v. City of Ann Arbor Litigation"). The City Attorney's Office selected the law firm of Dykema Gossett, P.L.L.C. ("Dykema") to provide specialized litigation services in this case. This selection was based on the firm's expertise with the specialized legal issues and proven experience in defending similar cases.

Since the original Legal Services Agreement with Dykema was approved by City Council, via R-25-010, there has been significant litigation activity and associated legal services by Dykema, including discovery and motion practice, requiring an increase in the total amount of the fee authorized for this Legal Services Agreement.

The City Attorney's Office recommends and requests City Council approval of an increase to this Legal Services Agreement in the amount of $350,000.00 for a total "not to exceed" amount for the Agreement of $650,000.00 to allow the City to continue its defense of this litigation with the assistance of Dykema. Dykema complies with the City of Ann Arbor's Non-Discrimination and Living Wage Ordinances.

Budget/Fiscal Impact: It is being requested that funding be appropriated from the General Fund fund balance ($338,333.00) and the Construction Fund fund balance ($11,667.00) for the cost of this contract increase.

Prepared by: Jennifer Richards, Senior Assistant City Attorney
Reviewed by: Atleen Kaur, City Attorney
Approved by: Milton Dohoney Jr, City Administrator

Whereas, The City has retained Dykema Gossett, P.L.L.C. to assist the City in its defense of the *Alexa et al. v. City of Ann Arbor* litigation;

Whereas, Since the original Legal Services Agreement with Dykema Gossett, P.L.L.C. was approved, there has been significant litigation activity and associated legal services, including discovery and motion practice, requiring an increase in the total amount of the fee authorized for this Agreement;

Whereas, Dykema Gossett, P.L.L.C., is well qualified to provide legal services representing the City in the *Alexa et al. v City of Ann Arbor* litigation;

Whereas, The City and firm entered into an initial legal services agreement in the amount of $300,000.00;

Whereas, The City Attorney recommends a first amendment in the amount of $350,000.00 to continue these legal services for a total agreement amount of $650,000.00; and

Whereas, Dykema Gossett, P.L.L.C, complies with the City of Ann Arbor's Non-Discrimination and Living Wage Ordinances;

RESOLVED, That City Council approves a First Amendment to the Legal Services Agreement with Dykema Gossett, P.L.L.C., in the amount of $350,000.00 to provide continuing legal services relative to the *Alexa et al. v. City of Ann Arbor* litigation;

RESOLVED, That City Council appropriates $338,333.00 from the General Fund fund balance to the FY 2026 Clerk, Fire and Building Department General Fund expenditure budgets and appropriate $11,667.00 from the Construction Fund fund balance to the FY 2026 Building Department Construction Fund expenditure budget;

RESOLVED, That all amounts herein are without regard to fiscal year;

RESOLVED, That the Mayor and City Clerk be authorized to execute the First Amendment to the Legal Services Agreement with Dykema Gossett, P.L.L.C, subject to approval as to form by the City Attorney; and

RESOLVED, That the City Attorney and City Administrator be authorized to take the necessary administrative actions to implement this resolution.

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