Legislation Text

File #: 26-0054, **Version:** 1

Resolution to Approve a Retainer Agreement with Weitz & Luxenberg, P.C. and The Sam Bernstein Law Firm for Legal Services to Support the City's Participation as a Named Plaintiff in a Class Action Anti-Trust Litigation Regarding Fire Truck Pricing, *City of Ann Arbor v Oshkosh Corporation et al.*, Case No. 25-cv-1973

Attached for your review and approval is a resolution to approve a Retainer Agreement with Weitz & Luxenberg, P.C. and The Sam Bernstein Law Firm, PLLC for legal services to support the City's participation as a named Plaintiff in a class action anti-trust lawsuit in the United States District Court for the Eastern District of Wisconsin against manufacturers of fire trucks and their trade association alleging that they have conspired to artificially suppress supply and raise the price of fire trucks throughout the United States.

The City's lawsuit is one of a series of other anti-trust class action lawsuits filed by municipalities and other entities against fire truck manufacturers. The City's complaint alleges that this anti-competitive behavior by fire truck manufacturers and their trade association has caused the City and other municipalities to pay inflated prices for replacement fire trucks. The City seeks not only monetary damages on behalf of itself and the proposed class of purchasers, but also injunctive relief to stop these anti-competitive practices.

To aid the City in its participation in the class action anti-trust lawsuit as a named Plaintiff, the City Attorney's Office has selected a legal team comprised of Weitz & Luxenberg, P.C. and The Sam Bernstein Law Firm, PLLC to provide specialized legal services because of their familiarity and extensive experience in litigation anti-trust cases. Anti-trust cases are highly complex and require specialized expertise. Weitz & Luxenberg, P.C. and The Sam Bernstein Law Firm will not charge the City any fees to pursue this litigation and will instead rely upon the Court to award attorneys' fees and costs, if any to be paid by the Defendants or from a fund created through settlement, or a judgment for the class.

To protect and prosecute the City's interests, the City Attorney's Office recommends and requests approval of the attached Retainer Agreement with Weitz & Luxenberg, P.C. and The Sam Bernstein Law Firm, PLLC for legal services to support the City's class action anti-trust complaint against fire truck manufacturers.

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

Whereas, The City is pursuing a federal class action anti-trust lawsuit against fire truck manufacturers and their trade association entitled *City of Ann Arbor v. Oshkosh Corporation, et al.*, Case No. 25-cv-1973;

Whereas, The City's class action complaint alleges that Defendants have conspired to artificially suppress supply and raise the price of fire trucks throughout the United States, causing the City and other municipalities to pay inflated prices for replacement fire trucks;

Whereas, The City Council has been advised on this matter in an attorney-client privileged and confidential legal advice memorandum regarding this class action anti-trust lawsuit;

Whereas, It is in the City's best interest to pursue this class action anti-trust lawsuit as a named Plaintiff on behalf of the City and other municipalities;

Whereas, To pursue this class action anti-trust lawsuit, the City must draw on outside specialized legal expertise to support and maximize its claims asserted in the class action anti-trust lawsuit;

Whereas, Weitz & Luxenberg, P.C. and The Sam Bernstein Law Firm, PLLC are well-qualified to provide these specialized legal services;

Whereas, Weitz & Luxenberg, P.C. and The Sam Bernstein Law Firm, PLLC comply with the City of Ann Arbor's Non-Discrimination and Living Wage Ordinances;

RESOLVED, That City Council approve the Retainer Agreement with Weitz & Luxenberg, P.C. and The Sam Bernstein Law Firm, PLLC for legal services to support the City's class action anti-trust lawsuit against fire truck manufacturers, *City of Ann Arbor v. Oshkosh Corporation, et al.*, Case No. 25-cv-1973;

RESOLVED, That the Mayor and City Clerk be authorized to execute the Retainer Agreement after approval as to substance by the City Administrator and approval as to form by the City Attorney;

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