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C-3

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January 6, 2009

HONORABLE MAYOR AND CITY COUNCIL
City of Long Beach
California

RECOMMENDATION:

Recommendation to authorize the City Manager to execute a 9th amendment to the agreement with the firm of Ezra, Brutzkus, Gubner, LLP, in the matter entitled Queens Seaport Development, Inc., Case No. LA 05-1575VZ.

DISCUSSION

The City Council is requested to authorize the City Manager to execute a 9th amendment to the agreement with the firm of Ezra, Brutzkus, Gubner, LLP for an additional \$100,000, for a total of \$1,950,000, in order that they may continue to represent the City's interest in the above-entitled case.

There is no fiscal impact to the General Fund as Tidelands Funds are being used in this matter. In November of 2007, the City received approximately \$8,647,000 as a part of the settlement agreement with the bankruptcy estate. A portion of this settlement amount reimbursed the City for its attorney fees incurred in this matter. In addition, the City and the trustee have recently executed a stipulation resolving the City's claim for reimbursement of costs expended by the City to recover additional assets belonging to the estate. This stipulation is subject to the approval of the Bankruptcy Court and is scheduled to be heard in late January of 2009.

SUGGESTED ACTION:

Approve recommendation.

Very truly yours,

ROBERT E. SHANNON, City Attorney

By:

J. Charles Parkin
Principal Deputy City Attorney