

Robert E. Shannon  
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1 **SEVENTH AMENDMENT TO AGREEMENT NO. 28728 FOR LEGAL SERVICES**

2 **28728**

3 THIS SEVENTH AMENDMENT TO AGREEMENT NO. 28728 FOR  
4 LEGAL SERVICES is made and entered, in duplicate, as of June 20, 2006, pursuant to  
5 a minute order adopted by the City Council of the City of Long Beach on June 20, 2006,  
6 by and between THE LAW OFFICES OF M. BRIAN McMAHON, hereinafter referred to  
7 as "Special Counsel", and the CITY OF LONG BEACH, a municipal corporation,  
8 hereinafter referred to as "City" amending that certain agreement ("Agreement")  
9 between Special Counsel and City and identified by the City as Contract No. 28728.

10 WHEREAS, an Agreement for Legal Services with the Law Firm of M.  
11 Brian McMahon was entered into, for reference purposes only, on March 1, 2004, in the  
12 amount of \$200,000.00; and

13 WHEREAS, a First Amendment to Agreement for Legal Services was  
14 entered on July 6, 2004, adding \$100,000.00; and

15 WHEREAS, a Second Amendment to Agreement for Legal Services was  
16 entered on September 9, 2004, adding \$300,000.00; and

17 WHEREAS, a Third Amendment to Agreement for Legal Services was  
18 entered on February 8, 2005, adding \$300,000.00; and

19 WHEREAS, a Fourth Amendment to Agreement for Legal Services was  
20 entered on June 30, 2005, adding \$100,000.00; and

21 WHEREAS, a Fifth Amendment to Agreement for Legal Services was  
22 entered on June 15, 2005, adding \$350,000.00; and

23 WHEREAS, a Sixth Amendment to Agreement for Legal Services was  
24 entered on November 15, 2005, adding \$300,000.00; and

25 WHEREAS, a Seventh Amendment to Agreement No. 28728 for Legal  
26 Services is required to increase the amount by \$100,000.00 in connection with the  
27 litigation of Long Beach Oil Development Company vs. City of Long Beach, Case No.  
28 CV 03-6655;

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1 NOW, THEREFORE, IT IS MUTUALLY AGREED by and between the  
2 parties hereto as follows:

3 Section 3 of said Contract No. 28728 is hereby amended in its entirety to  
4 read:

5 "3. Fee. City shall pay to Special Counsel in due  
6 course of payments compensation at the hourly rates  
7 identified in the staffing profile and reimbursement of costs  
8 as further described in the 'Guidelines' also attached hereto,  
9 not to exceed One Million Seven Hundred Fifty Thousand  
10 Dollars (\$1,750,000.00).

11 Sec. 2. Except as provided herein Agreement No. 28728, shall remain  
12 unchanged and in full force and effect.

13 IN WITNESS WHEREOF, the parties hereto have caused these presents  
14 to be duly executed with all the formalities required by law on the respective dates set  
15 forth opposite their signatures.

16 LAW OFFICE M. BRIAN McMAHON

17  
18 Dated: June 22, 2006

19 M. Brian McMahon  
20 M. Brian McMahon

21 CITY OF LONG BEACH  
22 a municipal corporation

23 Dated: 6/28/06

24 By Christine J. Shipper ASSISTANT  
25 City Manager

26 EXECUTED PURSUANT  
27 TO SECTION 301 OF  
28 THE CITY CHARTER.

25 The foregoing Seventh Amendment to Agreement No. 28728 for Legal  
26 Services approved as to form this 27<sup>th</sup> day of June 2006

27 ROBERT E. SHANNON, City Attorney

28 By Robert E. Shannon

RES:kdh

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