

SIXTH AMENDMENT TO AGREEMENT NO. 28728 FOR LEGAL SERVICES

28728

THIS SIXTH AMENDMENT TO AGREEMENT NO. 28728 FOR LEGAL SERVICES is made and entered, in duplicate, as of November 15, 2005, pursuant to a minute order adopted by the City Council of the City of Long Beach on November 15, 2005, by and between THE LAW OFFICES OF M. BRIAN McMAHON, hereinafter referred to as "Special Counsel", and the CITY OF LONG BEACH, a municipal corporation, hereinafter referred to as "City" amending that certain agreement ("Agreement") between Special Counsel and City and identified by the City as Contract No. 28728.

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

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

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

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

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

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

WHEREAS, a Sixth Amendment to Agreement for Legal Services is required in connection with the litigation of Long Beach Oil Development Company vs. City of Long Beach, Case No. CV 03-6655;

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

Robert E. Shannon
City Attorney of Long Beach
333 West Ocean Boulevard
Long Beach, California 90802-4664
Telephone (562) 570-2200

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

"3. Fee. City shall pay to Special Counsel in due course of payments compensation at the hourly rates identified in the staffing profile and reimbursement of costs as further described in the 'Guidelines' also attached hereto, not to exceed One Million Six Hundred Hundred Fifty Thousand Dollars (\$1,650,000.00).

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

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

LAW OFFICE M. BRIAN McMAHON

Dated: 11/21/05

M. Brian McMahon
M. Brian McMahon

CITY OF LONG BEACH
a municipal corporation

Dated: 11-29-05

By Charles Parker
City Manager

The foregoing Sixth Amendment to Agreement No. 28728 for Legal Services approved as to form this 26 day of November 2005.

ROBERT E. SHANNON, City Attorney

By Charles Parker

RES:kdh

11/17/05

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ADDENDUM

<u>NAME</u>	<u>POSITION/TITLE</u>	<u>HOURLY RATE</u>
M. BRIAN McMAHON		\$350.00
RANDY R. MERRITT		\$290.00
DEBBIE McMAHON		\$ 35.00