

File ID: 2026-00788

4/28/2026

[Contract Supplement] Approval of Legal Services for Jonathan Burgess v. City of Sacramento, et al. Litigation

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Location: Citywide

Recommendation: Pass a **Motion** authorizing the City Attorney or designee to execute a supplemental contract with Liebert Cassidy Whitmore, for a new not-to-exceed amount of \$1,695,000, for litigation assistance in the lawsuit Jonathan Burgess v. City of Sacramento, et al.

Contact: Andrea Velasquez, Supervising City Attorney, (916) 808-5346, avelasquez@cityofsacramento.org, Office of the City Attorney

Presenter: None

Attachments:

1-Description/Analysis

2-Supplemental Contract 2024-0177-5

Description/Analysis

Issue Detail: Staff is seeking Council approval to supplement the current legal services agreement with Liebert Cassidy Whitmore, in an amount not to exceed \$1,695,000, for expenses associated with the litigation entitled *Jonathan Burgess v. City of Sacramento, et al.* This amendment is necessary because the City's defense in required significant additional legal services by Liebert Cassidy Whitmore. A multi-week trial concluded in November resulting in a full defense verdict.

The City Attorney's Office maintains a pre-approved list of qualified outside counsel available to assist with litigation matters. Liebert Cassidy Whitmore was selected as the most qualified firm to strongly represent and defend the City's interest in this lawsuit.

It is recommended that the Council authorize the City Attorney to amend the contract for legal services with Liebert Cassidy Whitmore, for a new amount not to exceed \$1,695,000. This amount will provide resources to pay all invoices through the conclusion of the matter, including post-trial motions which are now complete.

Policy Considerations: This funding is required to secure and pay for all representation and defense of the City in this litigation.

Economic Impacts: Not applicable.

Environmental Considerations: Contracting for outside legal services is an administrative activity that will not result in direct or indirect physical changes in the environment and is not a project subject to California Environmental Quality Act (CEQA) review. CEQA Guidelines section 15378 (b) (5).

Sustainability: Not applicable.

Commission/Committee Action: Not applicable.

Rationale for Recommendation: Battalion Chief Jonathan Burgess filed a lawsuit against the City alleging causes of action for racial discrimination and retaliation under the California Fair Employment and Housing Act. The City required the assistance of outside counsel in defense of the lawsuit. The lawsuit ended in a multi-week trial which resulted in a full defense verdict.

Financial Considerations: There will be no impact to the City's General Fund. The City's defense is being paid out of the Risk Fund.

Local Business Enterprise (LBE): Liebert Cassidy Whitmore is an LBE.

SUPPLEMENTAL AGREEMENT

Project Title and Job Number: Legal Services Agreement – Burgess, Jon v. City of Sacramento
Purchase Order #: n/a

Date: 3/16/2026
Supplemental Agreement No.: 2024-0177-05

The City of Sacramento ("City") and Liebert Cassidy Whitmore ("Contractor"), as parties to that certain Legal Services Agreement designated as Agreement Number 2024-0177-05, including any and all prior supplemental agreements modifying the agreement (the agreement and supplemental agreements are hereafter collectively referred to as the "Agreement"), hereby supplement and modify the Agreement as follows:

1. The scope of Services specified in Exhibit A of the Agreement is amended as follows:

The scope of work has not changed. The parties are increasing the not to exceed amount of the contract to reflect the amount of work necessary to bring the litigation to conclusion. The case has now concluded.

2. The term of this agreement is amended as follows:

There is no change in the term of the agreement.

3. In consideration of the additional and/or revised services described in section 1 and 2, above, the maximum not-to-exceed amount that is specified in Exhibit B of the Agreement for payment of Contractor's fees and expenses, is **increased** by \$150,000, and the Agreement's maximum not-to-exceed amount is amended as follows:

Agreement's original not-to-exceed amount:	<u>\$95,000.00</u>
Net change by previous supplemental agreements:	<u>\$1,450,000.00</u>
Not-to-exceed amount prior to this supplemental agreement:	<u>\$1,545,000.00</u>
Increase by this supplemental agreement:	<u>\$150,000.00</u>
New not-to exceed amount including all supplemental agreements:	<u>\$1,695,000.00</u>

4. Contractor agrees that the amount of increase or decrease in the not-to-exceed amount specified in section 2, above, shall constitute full compensation for the additional and/or revised services specified in section 1, above, and shall fully compensate Contractor for any and all direct and indirect costs that may be incurred by Contractor in connection with such additional and/or revised services, including costs associated with any changes and/or delays in work schedules or in the performance of other services or work by Contractor.

5. Contractor warrants and represents that the person or persons executing this supplemental agreement on behalf of Contractor has or have been duly authorized by Contractor to sign this supplemental agreement and bind Contractor to the terms hereof.

6. Except as specifically revised herein, all terms and conditions of the Agreement shall remain in full force and effect, and Contractor shall perform all of the services, duties, obligations, and conditions required under the Agreement, as supplemented and modified by this supplemental agreement.

Approval Recommended By:

Andrea Velasquez

City of Sacramento

Approved As To Form By:

DG

David Gibson (Mar 17, 2026 13:31:09 PDT)

City Attorney

Approved By:

Jesse Maddox

Jesse Maddox (Mar 17, 2026 13:25:07 PDT)

Jesse Maddox, Liebert Cassidy Whitmore

Attested To By:

Approved By:

City of Sacramento

City Clerk