



Office of the Los Angeles City Attorney
Hydee Feldstein Soto

REPORT NO. R24-0032
January 25, 2024

REPORT RE:

**REQUEST FOR WAIVER OF CONFLICT OF INTEREST
FOR THOMPSON COBURN LLP
IN ITS REPRESENTATION OF L.A. XPRESS, INC.
IN THE MATTER *VICTOR ESTUARDO JOVEL V. CITY OF LOS ANGELES*,
CASE NO. 22-STCV32605**

The Honorable City Council
of the City of Los Angeles
Room 395, City Hall
200 North Spring Street
Los Angeles, CA 90012

Honorable Members:

In this Report we ask that the City Attorney be authorized to execute a conflict of interest waiver to allow the law firm Thompson Coburn LLP ("Thompson"), currently retained to represent the City of Los Angeles ("City") for the Harbor Department's Clean Air Action Plan (CAAP) and Federal Clean Air Act (FCAA) regulatory and litigation matters, to also represent L.A. Xpress, Inc. and its owner, Kenneth MacKenzie (collectively, "L.A. Xpress") in *Victor Estuardo Jovel v. City of Los Angeles*, Case No. 22-STCV32605. The firm submitted its request for waiver of the conflict pursuant to its duty under the Rules of Professional Responsibility.

L.A. Xpress has asked Thompson to represent them with respect to their defense in which Mr. Jovel brings premises liability claims against the City of Los Angeles (City). The City has filed a cross-complaint against L.A. Xpress.

Thompson anticipates L.A. Xpress and the City will be aligned as co-defendants in their defense of the claims brought by M. Jovel, and L.A. Xpress intends to coordinate

with the City in such respects. However, Thompson would be adverse to the City with respect to the cross-complaint and may be adverse to the City in other respects of the litigation.

Our Office has determined that Thompson's clean air work is unrelated to the defense of L.A. Xpress. The firm's conflicting representation should not pose an issue to the City's clean air work and, therefore, recommends waiver of the conflict so that Thompson may continue its role in the *L.A. Xpress* matter.

For your approval.

If you have any questions regarding this matter, please contact the undersigned at (213) 978-8100. She or another member of this Office will be present when you consider this matter to answer any questions you may have.

Very truly yours,

Hydee Feldstein Soto, City Attorney

By


ANNE HALEY
Managing Assistant City Attorney
Outside Counsel Oversight Division