



MICHAEL N. FEUER
CITY ATTORNEY

REPORT NO. **R 22 - 0 2 7 6**
AUG 2 4 2022

REPORT RE:

**REQUEST FOR WAIVER OF CONFLICT OF INTEREST
FOR QUARLES & BRADY, LLP
IN ITS REPRESENTATION OF HERC RENTALS**

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

Honorable Members:

The law firm of Quarles & Brady sits on the bench of counsel that defends against certain lawsuits involving Bird Rides' scooters and so, by virtue of the City's agreement with Bird Rides, the firm is in the position of defending the City in several lawsuits involving Bird Rides' scooters.

Quarles & Brady has been asked by Herc Rentals ("Herc") to represent Herc in the investigation of a motor vehicle accident that involved an LA DOT bus and a vehicle owned by Herc which occurred on or about June 27, 2022, and related lawsuits and disputes. No lawsuit has been filed involving the accident but, pursuant to the California Rules of Professional Conduct, the firm recognized a potentially adverse representation and requested a waiver to allow the firm to represent Herc. If lawsuits are filed by persons related to the accident, the City, LA DOT, and Herc would presumably be named as defendants. If that happens, the City, LA DOT, and Herc may assert cross claims against each other. Further, if a plaintiff files a lawsuit but does not name all of the presumed defendants in a case, the defendant(s) that is named may seek to join the unnamed presumed defendants to the case and assert claims against the unnamed defendants. For example, if Herc is named as a defendant in a case but the City is not,

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Herc may seek to join the City to the case and assert claims against the City. The firm has agreed to wall off the attorneys that defend the City in all other unrelated matters from those who will work on the investigation of the accident involving the LA DOT bus, and related lawsuits and disputes. The firm has also agreed that it would not represent Herc in a lawsuit that Herc files and in which Herc is the "original" plaintiff (as opposed to Herc being a defendant in a case).


The City Attorney recommends that the waiver be approved and that the City Attorney be authorized to execute a waiver with Quarles & Brady.

If you have any questions regarding this matter, please contact the undersigned at (213) 247-7894. 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,

MICHAEL N. FEUER, City Attorney

By



ANNE HALEY
Assistant City Attorney