



# City of Columbus

Office of City Clerk  
90 West Broad Street  
Columbus OH 43215-9015  
columbuscitycouncil.org

## Legislation Text

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**File #:** 2633-2020, **Version:** 1

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**BACKGROUND:** The case of *DaSilva v. Columbus, et al*, 2:19-cv-05282, pending in the United States District Court for the Southern District of Ohio, Eastern Division, was filed on November 27, 2019 naming as defendants the City of Columbus as well as employees of the City Attorney's Office. The City filed a motion to dismiss resulting in the dismissal from the lawsuit of the individual City employees but allowing the claims against the City itself to proceed. It is now anticipated that employees of the City Attorney's Office will be called as fact witnesses in this case. Therefore, in accordance with the Ohio Rules of Professional Conduct, outside counsel must be retained to represent the City.

**FISCAL IMPACT:** This contract will be funded by the City Attorney's Office. The amount of this contract is not to exceed \$40,000.00.

**COMPANY:** Isaac Wiles Burkholder & Teetor LLC, Vendor No.: 008625, FID: 46-2505333  
2 Miranova Pl., Ste 700, Columbus, OH 43215

To authorize the City Attorney to enter into a contract for special legal counsel with Isaac Wiles Burkholder & Teetor LLC, for the case of *DaSilva v. Columbus, et al*, 2:19-cv-05282, pending in the United States District Court for the Southern District of Ohio; to authorize a transfer of appropriation within, and an expenditure, of \$40,000.00 from the General Fund; and to declare an emergency. (\$40,000.00)

**WHEREAS**, the case of *DaSilva v. Columbus, et al*, 2:19-cv-05282, pending in the United States District Court for the Southern District of Ohio, Eastern Division, was filed on November 27, 2019 naming as defendants the City of Columbus as well as employees of the City Attorney's Office; and

**WHEREAS**, the City filed a motion to dismiss resulting in the dismissal from the lawsuit of the individual City employees but allowing the claims against the City itself to proceed; and

**WHEREAS**, it is now anticipated that employees of the City Attorney's Office will be called as fact witnesses in this case; and

**WHEREAS**, the Ohio Rules of Professional Conduct require that outside counsel be retained where it is anticipated that employees of the City Attorney's Office would be called as fact witnesses in a case where the City would otherwise be represented by the City Attorney's Office; and

**WHEREAS**, Isaac Wiles Burkholder & Teetor LLC has the necessary experience and expertise to provide said service,

**WHEREAS**, an emergency exists in the usual daily operation of the City Attorney's Office in that it is necessary to authorize the City Attorney to enter into a contract with Isaac Wiles Burkholder & Teetor LLC immediately in order to meet existing filing deadlines; **NOW, THEREFORE**,

**BE IT ORDAINED BY THE COUNCIL OF THE CITY OF COLUMBUS:**

**SECTION 1.** That the City Attorney is hereby authorized to enter into a contract with Isaac Wiles Burkholder & Teetor, LLC for special legal counsel services to represent the City of Columbus in the case of *DaSilva v. Columbus, et al*, 2:19-cv-05282, pending in the United States District Court for the Southern District of Ohio.

**SECTION 2.** That for the purposes stated in Section 1, the amount of \$40,000.00, or so much thereof as may be necessary, be and is hereby authorized to be transferred within and expended from the General Fund 1000, per the accounting codes in the attachment to this ordinance.

**SECTION 3.** That for the reasons stated in the preamble hereto which are hereby made a part hereof, this ordinance is hereby declared to be an emergency measure and shall take effect and be in force from and immediately after its passage and signature by the Mayor, or within 10 days thereafter if the Mayor neither signs nor vetoes the same.