

HARBOR DIVISION

425 S. PALOS VERDES ST.

P.O. BOX 151

SAN PEDRO, CA 90733-0151

FACSIMILE

(310) 831-9778

(310) 732-3750



**OFFICE OF THE CITY ATTORNEY**  
HYDEE FELDSTEIN SOTO  
CITY ATTORNEY

STEVEN Y. OTERA  
GENERAL COUNSEL

ESTELLE M. BRAAF  
CARL CHEA

DEBORAH DORNY

JOHN T. DRISCOLL

JUSTIN HOUTERMAN

JANET KARKANEN

HEATHER M. MCCLOSKEY

JENNIFER L. MEEKER

MINAH PARK

SONYA SHAO

HELEN J. SOK

**DATE: JUNE 15, 2026**

**FROM: OFFICE OF THE CITY ATTORNEY**

**SUBJECT: RESOLUTION NO. \_\_\_\_\_ APPROVAL OF A CONFLICT WAIVER TO WAIVE ANY POTENTIAL CONFLICT RELATED TO WILSON ELSER MOSKOWITZ EDELMAN AND DICKER LLP'S REPRESENTATION OF HEXAGON AND AGILITY FUEL SOLUTIONS**

**SUMMARY:**

The Office of the City Attorney requests approval of a proposed written conflict waiver (Conflict Waiver) related to a potential conflict-of-interest with the law firm Wilson Elser Moskowitz Edelman and Dicker LLP (Wilson Elser), which will allow Wilson Elser to continue representing the City of Los Angeles Harbor Department (Harbor Department) in the lawsuit entitled, *City of Los Angeles adv. LA Terminals, et al.*, Case No. NC061591, now pending in the California Superior Court, County of Los Angeles, and proposed representation of Hexagon and Agility Fuel Solutions (Hexagon/Agility) in the lawsuit entitled *City of Los Angeles v. Hexagon, et al.* Approval of the proposed waiver is not anticipated to have a financial impact on the Harbor Department.

DATE: JUNE 15, 2026

PAGE 2 OF 5

SUBJECT: APPROVAL OF A CONFLICT WAIVER TO WAIVE ANY POTENTIAL CONFLICT RELATED TO WILSON ELSER LLP'S REPRESENTATION OF HEXAGON AND AGILITY FUEL SOLUTIONS

**RECOMMENDATION:**

It is recommended that the Board of Harbor Commissioners (Board):

1. Find that the Director of Environmental Management has determined that the proposed action is administratively exempt from the requirements of the California Environmental Quality Act (CEQA) under Article II, Section 2(f) of the Los Angeles City CEQA Guidelines;
2. Approve a Conflict Waiver to formally waive any potential conflicts that might arise from Wilson Elser's representation of the Harbor Department in *City of Los Angeles adv. LA Terminals, et al.*, Case No. NC061591, California Superior Court, County of Los Angeles, and representation of Hexagon/Agility in connection with the lawsuit entitled *City of Los Angeles v. Hexagon, et al.*, and multiple other suits related to an explosion on February 15, 2024;
3. Authorize the Executive Director to execute the Conflict Waiver; and
4. Adopt this Resolution No. \_\_\_\_\_.

**DISCUSSION:**

Wilson Elser Representation of the Harbor Department – Wilson Elser represents the Harbor Department in the litigation entitled *City of Los Angeles adv. LA Terminals, et al.*, Case No. NC061591, which is currently pending in the California Superior Court, County of Los Angeles. The LA Terminals lawsuit has been pending since 2018 and arises out of contamination of certain property owned by the Harbor Department.

Wilson Elser's Proposed Representation of Hexagon/Agility – Wilson Elser has been asked to represent Hexagon/Agility in a lawsuit entitled *City of Los Angeles v. Hexagon, et al.*, which was filed by the City of Los Angeles seeking subrogated recovery for workers compensation payments to Los Angeles Fire Department employees and economic loss arising from an explosion on February 15, 2024. The firm also represents Hexagon/Agility in multiple other suits related to the 2024 explosion.

Wilson Elser's proposed representation of Hexagon/Agility is unrelated to the LA Terminals matter, and Wilson Elser has determined that its representation of Hexagon/Agility will not affect its ability to continue to provide competent and diligent representation of the Harbor Department in the unrelated LA Terminals matter.

DATE: JUNE 15, 2026

PAGE 3 OF 5

**SUBJECT: APPROVAL OF A CONFLICT WAIVER TO WAIVE ANY POTENTIAL CONFLICT RELATED TO WILSON ELSEER LLP'S REPRESENTATION OF HEXAGON AND AGILITY FUEL SOLUTIONS**

Request for Waiver of Potential Conflict – Wilson Elser requests the Board approve a written conflict waiver of the potential conflict of interest arising from Wilson Elser's proposed concurrent representation of Hexagon/Agility in *City of Los Angeles v. Hexagon, et al.*, and related matters arising from the February 2024 explosion, on the one hand, and continued representation of the Harbor Department in the lawsuit entitled *City of Los Angeles adv. LA Terminals, et al.*, Case No. NC061591, California Superior Court, County of Los Angeles, on the other, under the following conditions:

1. Wilson Elser will establish an ethical wall whereby Wilson Elser attorneys representing the Harbor Department would be walled off from the Hexagon/Agility team, files, and information; and Wilson Elser attorneys representing Hexagon/Agility would be walled off from the Harbor Department's LA Terminals matter, including its team, files, and information.

The Office of the City Attorney has reviewed the requested Conflict Waiver (Transmittal 1) and recommends its approval by the Board. The LA Terminals matter, in which Wilson Elser represents the Harbor Department, and Wilson Elser's representation of Hexagon/Agility in connection with the lawsuit entitled *City of Los Angeles v. Hexagon, et al.* are unrelated and will be handled by different attorneys within the firm. In addition, the Harbor Department's confidential information will be protected from and not transmitted to Hexagon/Agility or the firm's lawyers who are involved in the representation of Hexagon/Agility.

**ENVIRONMENTAL ASSESSMENT:**

The proposed action is the approval of a proposed Conflict Waiver to waive any potential conflict that might arise from Wilson Elser's concurrent representation of the Harbor Department in the LA Terminals matter, on the one hand, and of Hexagon/Agility in connection with the lawsuit entitled *City of Los Angeles v. Hexagon, et al.*, and multiple other suits related to an explosion on February 15, 2024, on the other hand, which is an administrative activity. Therefore, the Director of Environmental Management has determined that the proposed action is administratively exempt from the requirements of CEQA in accordance with Article II, Section 2(f) of the Los Angeles City CEQA Guidelines.

**DATE: JUNE 15, 2026**

**PAGE 4 OF 5**

**SUBJECT: APPROVAL OF A CONFLICT WAIVER TO WAIVE ANY POTENTIAL CONFLICT RELATED TO WILSON ELSER LLP'S REPRESENTATION OF HEXAGON AND AGILITY FUEL SOLUTIONS**

**FINANCIAL IMPACT:**

The proposed action is for the approval of a Conflict Waiver to waive any conflict that might arise from Wilson Elser's continued representation of the Harbor Department in the lawsuit entitled, *City of Los Angeles adv. LA Terminals, et al.*, Case No. NC061591, now pending in the California Superior Court, County of Los Angeles, and proposed representation of Hexagon/Agility in the lawsuit entitled, *City of Los Angeles v. Hexagon, et al.*, and multiple other lawsuits arising out of an explosion on February 15, 2024. Approval of the proposed resolution will not have a financial impact on the Harbor Department.

DATE: JUNE 15, 2026

PAGE 5 OF 5

SUBJECT: APPROVAL OF A CONFLICT WAIVER TO WAIVE ANY POTENTIAL CONFLICT RELATED TO WILSON ELSER LLP'S REPRESENTATION OF HEXAGON AND AGILITY FUEL SOLUTIONS

CITY ATTORNEY:

The Office of the City Attorney has reviewed the Conflict Waiver and approved it as to form and legality.

TRANSMITTAL:

1. Conflict Waiver

FIS Approval: JS  
CA Approval: [Signature]



JENNIFER MEEKER  
Deputy City Attorney

APPROVED: [Signature]  
By STEVEN OTERA  
General Counsel, Harbor Department

APPROVED:  
By Erica M. Calhoun for  
EUGENE D. SEROKA  
Executive Director