

C. Jonathan Benner
202.585.6985 direct
jbenner@thompsoncoburn.com

18 January 2024

VIA ELECTRONIC MAIL

Anne Haley, Assistant City Attorney
City of Los Angeles
Office of the City Attorney
200 North Main Street 8th Floor, City Hall East
Los Angeles, CA 90012-4130

Re: Conflict Waiver and Consent Re: 22STCV32605 – Jovel v. City of Los Angeles

Dear Ms Haley:

I am writing to request a waiver of a conflict of interest.

L.A. Xpress, Inc. and its owner, Kenneth Mackenzie (collectively, “L.A. Xpress”), have asked Thompson Coburn LLP (“TC” or “the Firm”) to represent them with respect to their defense in a personal injury matter titled Victor Estuardo Jovel v. City of Los Angeles – 22STCV32605 (the “Proposed Matter”) in which Mr. Jovel brings premises liability claims against the City. It is our understanding that the City of Los Angeles (“City”) has filed a cross-complaint against L.A. Xpress, Inc.

We expect L.A. Xpress and the City will be aligned in their defense of the claims brought by Mr. Jovel, and L.A. Xpress intends to coordinate with the City in such respects. However, the Firm would be adverse to the City with respect to the cross-complaint and may be adverse to the City in other aspects of the litigation.

As you know, City, acting by and through its Board of Harbor Commissioners (“Harbor Board”) and the City Attorney, has entered into an Agreement for Professional Legal Services (“Harbor Agreement”) with TC concerning the Federal Clean Air Act Air Agency Regulation and Litigation (“Clean Air Work”). TC currently provides services to the Port of Los Angeles and City in relation to the Clean Air Work. At this time, the Clean Air Work is completely unrelated to the Proposed Matter and TC does not anticipate there being any direct conflict resulting from TC’s simultaneous representation of the City on the Clean Air Work and L.A. Xpress on the Proposed Matter.

However, under the rules of professional conduct, we may not represent a client in a matter adverse to another client without the informed consent of both. So we cannot represent L.A. Xpress in the Proposed Matter unless L.A. Xpress and City consent.

In deciding whether it will consent, City should consider how the Firm’s representation of L.A. Xpress in the Proposed Matter as described above could or might affect it. We cannot provide advice to City on whether it should consent and waive the conflict. City should obtain independent legal advice on the issue.

18 January 2024

Page 2

We can tell you that the Proposed Matter in which we would represent L.A. Xpress and the Clean Air Work in which we represent City are unrelated and will be handled by different attorneys in different practice groups within the Firm. City's confidential information will not be transmitted to L.A. Xpress or the Firm lawyers who are involved in the representation of L.A. Xpress.

If City decides to consent to the Firm's representation of L.A. Xpress in the Proposed Matter waiving the conflict of interest, please sign below confirming City's understanding of the circumstances and its consent and waiver.

Very truly yours,

THOMPSON COBURN LLP



1

By
C. Jonathan Benner

The City understands the issues described above, has independently evaluated them, and consents to the representation, hereby waiving any conflict of interest that may arise because of the Firm's representation of L.A. Xpress in the Proposed Matter.

City of Los Angeles

By: _____

Name: _____

Title: _____

CC: Steve Otera, Esquire
Joy Crose, Esquire
Port of Los Angeles

¹ Signature electronically applied