

# A Resolution

NO. \_\_\_\_\_

## TO INCREASE THE AMOUNT TO BE PAID TO THE LAW FIRM OF KELLY HART & HALLMAN, LLP, AS OUTSIDE COUNSEL FOR LEGAL SERVICES RELATED TO LAWSUITS CHALLENGING THE CITY'S GAME ROOM ORDINANCES

**WHEREAS**, on October 14, 2014, the City of Fort Worth adopted Ordinance Nos. 21499-10-2014 and 21500-10-2014 to regulate game rooms through licensing and zoning; and

**WHEREAS**, the City has been sued in three separate lawsuits, to date, challenging the City's Ordinance Nos. 21499-10-2014 and 21500-10-2014, in Cause No. 48-276440-15, *Apolonio Garcia, et ux. v. City of Fort Worth*, Cause No. 17-276483-15, *Jack Davis, et al. v. City of Fort Worth*, and Cause No. 352-276568-15, *AFAD Investments, Inc. v. City of Fort Worth*; and

**WHEREAS**, in 2017, the Court entered a judgment in the *Davis* litigation. Both parties filed an appeal and the Second Court of Appeals heard oral arguments in January; it issued its opinion in October and the City has filed a petition for review in the Texas Supreme Court; and

**WHEREAS**, the City, on August 18, 2015 hired the Law Firm of Kelly Hart & Hallman, LLP, as outside counsel to provide legal representation regarding any lawsuit filed challenging the City's game room ordinances; and

**WHEREAS**, to date, the cost of legal services by Kelly Hart & Hallman, LLP, as outside counsel to provide legal representation regarding any lawsuit filed challenging the City's game room ordinances, has been approximately \$405,331.30; and

**WHEREAS**, the subject litigation is still pending and it is estimated that an additional amount of approximately \$20,000.00 beyond the current authorized \$410,000.00 will be needed for the legal services necessary to bring these lawsuits to a successful conclusion.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FORT WORTH, TEXAS:**

That the compensation authorized to be paid to the Law Firm of Kelly Hart & Hallman, LLP, as outside counsel, to provide legal representation regarding any lawsuit filed challenging the City's game room ordinances, is hereby increased from \$410,000.00 to an amount not to exceed \$430,000.00.

Adopted this \_\_\_\_\_ day of \_\_\_\_\_ 2019.

ATTEST:

By: \_\_\_\_\_

Mary Kayser, City Secretary



FORT WORTH