

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 and Plaintiffs filed petitions for review in the Texas Supreme Court and the Supreme Court heard oral arugment on January 28, 2020; 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 \$454,170.09; and

WHEREAS, the subject litigation is still pending and it is estimated that an additional amount of approximately \$40,000.00 beyond the current authorized \$430,000.00 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 \$430,000.00 to an amount not to exceed \$470,000.00.

Adopted this _____ day of _____ 2020.

ATTEST:

By: _____

Mary Kayser, City Secretary

