

City of Fort Worth, Texas

Mayor and Council Communication

DATE: 05/13/25 M&C FILE NUMBER: M&C 25-0410

LOG NAME: 60INCREASE FUNDING TO MARTEN LAW LLP AND LLOYD GOSSELINK

SUBJECT

(ALL) Adopt Resolution Increasing Compensation Paid to Marten Law LLP and Lloyd Gosselink Rochelle & Townsend, P.C., by \$1,000,000.00 for a Total Amount Not to Exceed \$1,875,000.00 for Legal Services Related to Litigation Against Manufacturers, Distributors, and/or Users of Aqueous Film-Forming Foam Products and/or Per-and Polyfluoroalkyl Substances Involving the Water Department

RECOMMENDATION:

It is recommended that the City Council adopt the attached resolution increasing the compensation paid to Marten Law LLP and Lloyd Gosselink Rochelle & Townsend, P.C., by \$1,000,000.00 for a total amount not to exceed \$1,875,000.00 for legal services for the Water Department involving litigation against the manufacturers, distributors, and/or users of aqueous film-forming foam products and/or per-and polyfluoroalkyl substances.

DISCUSSION:

On October 31, 2023, by Mayor and Council Communication (M&C) 23-0915 and Resolution No. 5834-10-2023, the City Council approved the Law Firm of Marten Law LLP, as legal counsel to provide representation regarding the City's status as a class member in federal multi-district class action litigation (MDL) in which E.I. DuPont de Nemours and Company and the 3M Company are defendants, the amount was \$125,000.00. On November 28, 2023, by Resolution No. 5850-11-2023, the City Council authorized the commencement of litigation in the MDL against 3M, DuPont, other Aqueous Film-Forming Foam (AFFF) manufacturers, and other necessary defendants including, but not limited to, the United States Department of Defense, after fulfilling Federal Tort Claims Act jurisdictional prerequisites.

On April 9, 2023, by Resolution 5930-04-2024, the City Council authorized the City to retain Marten Law LLP and Lloyd Gosselink Rochelle & Townsend, P.C. and increased the total compensation paid to Marten Law LLP and Lloyd Gosselink Rochelle & Townsend, P.C. by \$250,000.00, for a total amount of \$375,000.00. On June 11th, 2024, by Resolution 5961-06-2024, the City Council authorized an increase in the total compensation paid to Marten Law LLP and Lloyd Gosselink Rochelle & Townsend, P.C., by \$500,000.00, for a total amount of \$875,000.00.

The City filed suit against the 3M, DuPont, other AFFF manufacturers, and other necessary defendants, including, but not limited to, the United States Department of Defense, on March 10, 2025. Due to the complex nature of this litigation, future M&C's requesting increased funding may be necessary.

Adoption of this resolution will increase the amount of compensation to be paid to the Law Firms of Marten Law LLP and Lloyd Gosselink Rochelle & Townsend, P.C., by \$1,000,000.00, for a total amount of \$1,875,000.00.

Funding is budgeted in the Consultant & Other Prof Service account within the Water & Sewer Fund for the Water Strategic Operations Department.

FISCAL INFORMATION / CERTIFICATION:

The Director of Finance certifies that upon approval of the recommendation, funds are available in the current operating budget, as previously appropriated, in the Water and Sewer Fund. Prior to an expenditure being incurred, the Water Department has the responsibility to validate the availability of funds.

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Expedited