

# A Resolution

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

## **AUTHORIZING THE CITY ATTORNEY 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, *Rylie, 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 *Rylie* litigation. Both parties filed an appeal and the Second Court of Appeals issued its opinion and the City and Plaintiffs filed petitions for review in the Texas Supreme Court. The Texas Supreme Court issued an opinion favorable to the City and remanded to the Court of Appeals; the Court of Appeals issued a favorable opinion to the City. The plaintiffs have sought review in the Texas Supreme Court where the case is now pending. Because of the complex nature of the litigation and the importance to the City, the City hired the Law Firm of Kelly Hart & Hallman, LLP, to represent the City in any litigation related to the game room ordinances; 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 \$540,000.00; and

**WHEREAS**, the subject litigation is still pending and it is estimated that an additional amount of approximately \$50,000.00 beyond the current authorized \$540,000.00 will be needed for the legal services necessary to complete initial briefing at the Texas Supreme Court.

**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 \$540,000.00 to an amount not to exceed \$590,000.00. Adopted this \_\_\_\_\_ day of \_\_\_\_\_ 2023.

Adopted this \_\_\_\_\_ day of \_\_\_\_\_, 2023.

ATTEST:

By: \_\_\_\_\_  
Jannette S. Goodall, City Secretary