

**AMENDMENT NUMBER ONE  
TO PROFESSIONAL SERVICES AGREEMENT  
WITH  
LIEBERT CASSIDY WHITMORE**

This Amendment Number One ("Amendment") is made and entered into this 6th day of October, 2022 ("Effective Date"), by and between the CITY OF COSTA MESA, a municipal corporation ("City"), and LIEBERT CASSIDY WHITMORE, a Professional Corporation ("Consultant").

WHEREAS, City and Consultant entered into an agreement on June 16, 2020 for Consultant to provide legal services relating to labor relations and employment law (the "Agreement"); and

WHEREAS, City desires to amend the Consultant's hourly rates to increase Consultant's compensation accordingly to the hourly rates set forth in Exhibit A.

NOW, THEREFORE, for valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the parties agree as follows:

1. Section 2.1 of the Agreement shall be amended to reflect the new hourly rates and Consultant shall be paid according to the new hourly rates, as set forth in Exhibit A of this Amendment.
2. All terms not defined herein shall have the same meaning and use as set forth in the Agreement.
3. All other terms, conditions, and provisions of the Agreement not in conflict with this Amendment shall remain in full force and effect.
4. This Amendment may be executed in one or more counterparts, each of which shall be deemed an original. All counterparts shall be construed together and shall constitute one agreement.

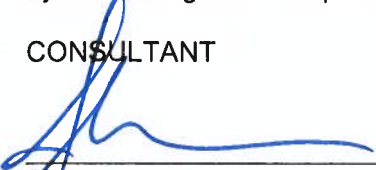
IN WITNESS WHEREOF, the parties hereto have caused this Amendment to be executed by and through their respective authorized officers, as of the date first written above.

CONSULTANT

Signature

Date:

Name and Title

  
\_\_\_\_\_  
J. Scott Tiedeman  
Partner

10. 11. 22  
\_\_\_\_\_

CITY OF COSTA MESA

*Lori Ann Farrell Harrison*

Date: 11/16/2022

Lori Ann Farrell Harrison  
City Manager

ATTEST:

*Brenda Green 11/28/2022*

Brenda Green  
City Clerk



APPROVED AS TO FORM:

*Kimberly Hall Barlow*

Kimberly Hall Barlow  
City Attorney

Date: 11/15/22

APPROVED AS TO INSURANCE:

*Ruth Wang*

Ruth Wang  
Risk Management

Date: 11/4/22

APPROVED AS TO CONTENT:

*Kasama Lee*

Kasama Lee  
Project Manager

Date: 11/4/22

APPROVED AS TO PURCHASING:

*Carol Molina*

Carol Molina  
Finance Director

Date: November 3, 2022

**EXHIBIT A  
FEE SCHEDULE**

***LIEBERT CASSIDY WHITMORE***

**FEE SCHEDULE**

Partners	\$405.00
Senior Counsel	\$340.00
Associates	\$230.00 - \$315.00
Labor Relations/Human Resources Consultant	\$250.00
Paralegals	\$145.00
E-Discovery Specialists	\$145.00
Law Clerks	\$145.00 - \$185.00

## SCHEDULE II

### LCW LITIGATION and E-DISCOVERY MANAGEMENT

LCW is committed to using state-of-the-art technology to efficiently manage and harness electronically-stored information (“ESI”) in compliance with Federal and State law requirements. LCW partners with an outside managed services provider to provide Relativity, the industry leading e-discovery software, for this purpose. The cost for each matter will depend on the volume and format of the data. For non-complex data up to 50 gigabytes, LCW charges a monthly fee of \$450 on all active litigation matters for data management, including data validation and security, ingestion, de-duplication, culling and streamlining, and creation of Relativity fields for expedited review. For data of 50 gigabytes and over and for complex data requiring specialized services (e.g., payroll data, spreadsheets with underlying formulas, video, advanced searches, etc.), additional charges are incurred and are passed through to the client. For such charges, we will provide an itemized bill from our managed services provider and obtain client approval prior to incurring the charges.

#### Litigation Case Staffing

LCW has organized its litigation practice to meet the challenges of today’s complex litigation cases. We employ a dedicated Litigation Manager – a non-billing attorney litigator – whose responsibility is to monitor all litigation cases to ensure quality, efficiency, and adherence to client and firm litigation guidelines. Each litigation case is staffed with a Partner, an Associate (or Associates, as required and as approved by the Client), a Paralegal and an E-Discovery Specialist. Our E-Discovery Specialists have extensive experience in the efficient management of electronic data through every stage of the e-discovery life cycle, and they strategize with attorneys and clients on effective ESI protocols. This makes the document review process more efficient and enables our attorneys to target the most relevant data to meet litigation objectives. Working with our e-discovery managed services provider, we are able to provide state-of-the-art data processing and hosting services at below-market rates.