



# Agenda Item

## Orange City Council

Item #: 3.8.

4/28/2026

File #: 26-0176

**TO: Honorable Mayor and Members of the City Council**

**THRU: Jarad Hildenbrand, City Manager**

**FROM: Nathalie Adourian, City Attorney**

### 1. SUBJECT

Third Amendment to Attorney Services Agreement with Bordin Semmer, LLP to provide legal services relating to litigation defense in the matter of *Brandon Jacob Hull v. City of Orange, et al.*

### 2. SUMMARY

The City currently has an Attorney Services Agreement with Bordin Semmer, LLP to provide litigation services for the City's defense in the matter of *Brandon Jacob Hull v. City of Orange, et al.*, with a Second Amendment to the Attorney Services Agreement for an amount not to exceed \$310,000, which will soon be expended. \$304,445.46 has been spent to date.

The proposed Third Amendment to the Attorney Services Agreement will increase the not to exceed amount by \$300,000 for a total amount not to exceed \$610,000. The increase will allow counsel to prepare for the trial of this matter that is set to commence on August 17, 2026.

The City has self-insured retention in the amount of \$350,000, including costs, attorney fees, and damages associated with the litigation and has an insurance policy with the California Insurance Pool Authority for any expenses exceeding the retention amount. The City is responsible for payment of all expenses and damages upfront and is reimbursed by the California Insurance Pool Authority after the case has been concluded.

### 3. RECOMMENDED ACTION

1. Approve a Third Amendment to Attorney Services Agreement with Bordin Semmer, LLP in the amount of \$300,000; and authorize the Mayor and City Clerk to execute on behalf of the City.
2. Authorize the following budget transfers from the General Fund (100) to the General Liability Fund (731):
  - a) 100-0000-90731 Transfer to General Liability \$300,000
  - b) 731-0000-49100 Transfer from General Fund \$300,000
3. Authorize additional appropriation in the General Liability Fund (731):

731-1301-55102	Legal Services	\$300,000
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4. Authorize budget reduction in the General Fund (100):

a) 100-1401-55102	Legal Services	\$200,000
b) 100-1301-55102	Legal Services	\$100,000

#### **4. FISCAL IMPACT**

The expense for the Third Amendment to Attorney Services Agreement is \$300,000 and will be funded through General Liability (731).

#### **5. STRATEGIC PLAN GOALS**

Goal 2: Enhance Economic Development and Achieve Fiscal Sustainability.

#### **6. DISCUSSION AND BACKGROUND**

Plaintiff Brandon Jacob Hull alleges that on May 12, 2023, he was riding his 2021 Harley westbound on Meats Ave. when Defendant Surisaday Sanchez Vazquez, driving a Mercedes owned by Defendant Edgar Cervantes Arroyo, made a left turn from Harwood St. onto eastbound Meats Ave. directly in Plaintiff's path of travel. Plaintiff alleges that the City owned, managed, controlled, designed, and maintained the intersection. Plaintiff alleges he suffered significant injuries, including a traumatic brain injury and multiple fractures with his medical expenses exceeding \$800,000. Plaintiff further alleges he continues to seek treatment and he has not been able to work since the accident.

While the City Attorney's Office handles most litigation matters in-house, the City does contract with outside counsel when the complexity of a case or a significant burden to staff time requires additional staffing expertise. Due to the extensive nature of damages claimed in this case, the City contracted the defense to Bordin Semmer, LLP.

The Third Amendment of the agreement, to increase the contract by \$300,000, will raise the total not to exceed amount to \$610,000, and is necessary to carry out further defense of the City in this case and allow counsel to prepare for the trial of this matter that is set to commence on August 17, 2026.

#### **7. ATTACHMENTS**

- Third Amendment to Attorney Services Agreement with Bordin Semmer, LLP