



Metropolitan Water Reclamation District of Greater Chicago

100 East Erie Street
Chicago, IL 60611

Legislation Details (With Text)

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Title: Issue a purchase order and enter into an agreement with the law firm of Schuyler, Roche & Crisham, P.C. to represent the District in the matter of Sandra Hernandez, as the Special Administrator of the Estate of Gustavo Briceno, deceased v. City of Chicago and Metropolitan Water Reclamation District of Greater Chicago, Case No. 14 L 008944, in an amount not to exceed \$75,000.00, Account 101-30000-601170, Requisition 1388446

Sponsors:

Indexes:

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Attachments:

Date	Ver.	Action By	Action	Result
11/20/2014	1	Board of Commissioners	Approved	Pass
11/20/2014	1	Committee of the Whole	Recommended	Pass

TRANSMITTAL LETTER FOR BOARD MEETING OF NOVEMBER 20, 2014

COMMITTEE ON PROCUREMENT

Mr. David St. Pierre, Executive Director

Issue a purchase order and enter into an agreement with the law firm of Schuyler, Roche & Crisham, P.C. to represent the District in the matter of Sandra Hernandez, as the Special Administrator of the Estate of Gustavo Briceno, deceased v. City of Chicago and Metropolitan Water Reclamation District of Greater Chicago, Case No. 14 L 008944, in an amount not to exceed \$75,000.00, Account 101-30000-601170, Requisition 1388446

Dear Sir:

Authorization is requested to issue a purchase order and enter into an agreement with the law firm of Schuyler, Roche & Crisham, P.C. to represent the Metropolitan Water Reclamation District of Greater Chicago ("District") in a wrongful death suit arising out of the performance of Kenny Construction Company's contract with the City of Chicago for the lining of City sewers appurtenant to the District's collection system. Plaintiff's complaint alleges that on or before September 18, 2013, her husband, Gustavo Briceno, was employed by Kenny Construction Company on a City sewer lining project in the vicinity of 3032 North Rockwell Avenue when water unexpectedly filled the area where he was working, ultimately causing his death. The complaint further alleges that the District was guilty of numerous acts of willful and wanton conduct relating to failure to supervise the sewer lining program and coordinate with the City as well as failure to ensure that the District's TARP structures were working properly.

Time is of the essence in securing experienced counsel to defend the District in the wrongful death suit. Gerald T. Rohrer, Jr. and the law firm of Schuyler, Roche & Crisham, P.C. have extensive experience in this type of matter and are highly qualified to represent the District's interests. Mr. Rohrer has an outstanding familiarity with the District's infrastructure and operations based upon his extensive representation of the

District under insurance company referrals arising out of personal injury and wrongful death lawsuits. In particular, Mr. Rohrer has enjoyed considerable success on behalf of the District in the Circuit Court of Cook County and the Illinois Appellate and Supreme Courts in similar matters, including wrongful death cases. The District's Law Department will actively assist Mr. Rohrer in the investigation of the underlying incident and provide litigation and technical support in defending against the wrongful death lawsuit.

As the law firm of Schuyler, Roche & Crisham, P.C. possesses a high degree of professional experience and skill, such action may be taken without competitive bidding in accordance with Section 11.4 of the MWRD Purchasing Act.

Therefore, it is requested that the Board of Commissioners authorize the retention of the law firm of Schuyler, Roche & Crisham, P.C. at the rate of \$250.00 per hour for partners, \$185.00 per hour for associates and \$90.00 per hour for paralegals, to represent the District in the matter of Sandra Hernandez, as the Special Administrator of the Estate of Gustavo Briceno, deceased v. City of Chicago and Metropolitan Water Reclamation District of Greater Chicago, Case No. 14 L 008944 in an amount not to exceed \$75,000.00.

Funds are available in Account 101-30000-601170.

Requested, Ronald M. Hill, General Counsel, RMH:LLD:JJZ:EMA:TN:crb

Recommended, Darlene A. LoCascio, Director of Procurement and Materials Management

Respectfully Submitted, Barbara J. McGowan, Chairman Committee on Procurement

Disposition of this agenda item will be documented in the official Regular Board Meeting Minutes of the Board of Commissioners for November 20, 2014