Office of the Los Angeles City Attorney
Hydee Feldstein Soto

REPORT NO. R26-0511
SEP 09, 2026

REPORT RE:

REQUEST FOR WAIVER OF CONFLICT OF INTEREST FOR KOELLER, NEBEKER, CARLSON & HALUCK, LLP

The Honorable City Council
City of Los Angeles
Room 395, City Hall
200 North Spring Street
Los Angeles, California 90012

Re: Conflict Waiver – Los Angeles County Metropolitan Transportation Authority

Honorable Members:

In this report, we ask that the City Attorney be authorized to execute a conflict of interest waiver to allow the law firm of Koeller, Nebeker, Carlson & Haluck, LLP ("Firm"), whose client's insurance company have accepted tender, to serve as counsel to the City of Los Angeles in the litigation entitled *David B. Leichenger v. City of Los Angeles*. By letter dated August 28, 2026, the firm submitted its request for waiver of conflict pursuant to its duty under Rule 1.7 of the California Rules of Professional Conduct.

The Firm currently represents Los Angeles County Metropolitan Transportation Authority ("LACMTA") in the following litigation: *Sarah Jane Gage v. City of Los Angeles, et al.* (25STCV04057), where the City has a cross-complaint against LACMTA, and *Japanese American National Museum* v. City of Los Angeles (25STCV07867), where, again, it will be defending against a City of Los Angeles cross-complaint against LACMTA

The Existing Representation is unrelated to the *Leichenger* Litigation.

Although the matters are unrelated, because LACMTA is a current client of the Firm, Rule 1.7 of the California Rules of Professional Conduct provides that the Firm can represent the City in the *Leichenger* Litigation only after it obtains the City's informed written consent.

It is the conclusion of this office that the Firm can represent the City effectively and diligently because the *Leichenger* Litigation is unrelated to the *Gage* and *JANM* representation, and because the matters involve completely separate factual and legal issues.

For these reasons the City Attorney recommends that the waiver be approved and that the City Attorney be authorized to execute a waiver with the Firm.

If you have any questions regarding this matter, please contact the undersigned at dikran.sassounian@lacity.org. He or another member of this Office will be present when you consider this matter to answer any questions you may have.

Sincerely,

HYDEE FELDSTEIN SOTO, City Attorney

By:
DIKRAN H. SASSOUNIAN
Assistant Chief, Civil Litigation Branch