



EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: DocuSigned by: <i>Michael Jones</i> 47000700F2D7463... DATE: 7/31/2025		GENERAL MANAGER ACTION REQ'D: Forward to Board of Directors DocuSigned by: <i>Robert M. Powers</i> BAA357BD7E1A4FF...	
Originator/Prepared by: Steven Shatz Dept: Insurance Signature/Date: DocuSigned by: <i>Steven Shatz</i> A203A86E1A6F4FA...		General Counsel DocuSigned by: <i>Amelia Sandoval-Smith</i> 2528C067C44147D... []	Chief Financial Officer Signed by: <i>Joseph Beach</i> 7D9A7C6E7348456... []
		District Secretary DocuSigned by: <i>Robert Franklin</i> AFF4529E1F0D45C... []	BARC DocuSigned by: <i>Pamela Herhold</i> 3BB24D65B8724F5... []

Request Authorization for retention of Special Counsel

Purpose:

To seek authorization for legal services with Jackson Lewis P.C. for their representation of the District in cases involving the COVID vaccine mandate that has resulted in several lawsuits. Funding for this in the amount of \$3,000,000 is requested.

Discussion:

The Risk & Insurance Management has been made aware of several litigated cases that have been brought against the District arising from the District's COVID vaccine mandate.

As these cases were served on BART, they were tendered to our Employment Practices Liability insurance carrier, Ironshore. Jackson Lewis is a preferred firm with Ironshore and to avail ourselves to the insurance coverage, they are a firm that we must use for this specific type of employment case. At the present time, the Jackson Lewis firm is representing the District on six such cases. There are three more known cases where a lawsuit has been filed or is anticipated. Any such lawsuit resulting from the vaccine mandate will be tendered to Ironshore and referred to Jackson Lewis for handling.

Fiscal Impact:

The above referenced request will be paid out of the Risk & Insurance Management Department's FY26 budget (Cost Center 034331, Account 681352).

Alternative:

Without funding for outside legal services, the Office of the General Counsel would have to defend the District in these vaccine mandate cases and we would be unable to use the available insurance that could save the District in indemnity and legal expense. This coverage applies to two policy periods thus far and is expected to apply to a third period if any claims are made after March 1, 2026.

Recommendation:

It is recommended that the Board adopt the following motion.

Motion:

The General Manager or his designee is authorized to expend a not-to-exceed amount of \$3,000,000 for representation by Jackson Lewis P.C. in cases resulting from the District's COVID vaccine mandate.