



EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL:		GENERAL MANAGER ACTION REQ'D:		
DocuSigned by: <i>Michael Jones</i> 47000790F2D7463...				
DATE: 12/23/2025		12/29/2025		
BOARD INITIATED ITEM: Yes				
Originator/Prepared by: Michaela Morales Dept: Office of the General Counsel	General Counsel	Chief Financial Officer	District Secretary	BARC
DocuSigned by: <i>Michaela Morales</i> A4280ED75FD24F8...	DocuSigned by: <i>Jana Belan</i> F8FD7B3A73E74E8...	Signed by: <i>Joseph Brach</i> 7D9A7C6E7348456...	DocuSigned by: <i>Robert Franklin</i> AFF4529E1F0D45C...	DocuSigned by: <i>Pamela Herlihy</i> 3BB24D65B8724F5...
Signature/Date: 12/23/2025	12/23/2025	12/23/2025	12/29/2025	12/26/2025
[]	[]	[]	[]	[]

Amendment to Agreement with Ogletree Deakins for Increase in Funding for Legal Services

PURPOSE:

To seek authorization to add \$235,000 of funding to a legal services agreement with Ogletree Deakins for representation in Scherer v. BART for a total not-to-exceed amount of \$334,000.

DISCUSSION:

The District's Office of the General Counsel entered into a legal services agreement in 2025 with the law firm Ogletree Deakins to represent the District in the case of Scherer v. BART for a not-to-exceed amount of \$99,000. The District's motion for summary judgment was recently denied by the trial court. The District has filed a petition for writ of mandate with the appellate court seeking review of the denial. If the appellate court does not grant the writ, the District will proceed to trial, which is currently set for March 16, 2026. The estimated additional cost to litigate this case through trial is \$235,000. Therefore, the Office of the General Counsel is seeking approval to increase the not-to-exceed amount for this Agreement by \$235,000 to \$334,000.

FISCAL IMPACT:

The additional funding requested is \$235,000 and will be paid out of the Office of the General Counsel's existing FY26 budget (Cost Center 0201121, Account 681352). There is

no anticipated impact on unprogrammed District reserves.

ALTERNATIVES:

Without an increase in funding, the General Counsel would need to terminate its agreement Ogletree Deakins and seek alternate representation for this matter, which would not be feasible at this stage of the litigation.

RECOMMENDATION:

Adopt the following motion.

MOTION:

The General Counsel or her designee is authorized to amend its agreement with Ogletree Deakins to increase the not-to-exceed amount to \$334,000 for representation in Scherer v. BART.