



# St. Bernard Parish Council

8201 West Judge Perez Drive Chalmette, Louisiana, 70043  
(504) 278-4228 Fax (504) 278-4209  
[www.sbpgr.net](http://www.sbpgr.net)

#21

**Kerri Callais**  
*Councilmember  
at Large*

**Richard "Richie" Lewis**  
*Councilmember  
at Large*

**Gillis McCloskey**  
*Councilmember  
District A*

**Nathan Gorbaty**  
*Councilmember  
District B*

**Howard Luna**  
*Councilmember  
District C*

**Wanda Alcon**  
*Councilmember  
District D*

**Manuel "Monty" Montelongo III**  
*Councilmember  
District E*

**Roxanne Adams**  
*Clerk of Council*

EXTRACT OF THE OFFICIAL PROCEEDINGS OF THE COUNCIL OF THE PARISH OF ST. BERNARD, STATE OF LOUISIANA, TAKEN AT A REGULAR MEETING HELD IN THE COUNCIL CHAMBERS OF THE ST. BERNARD PARISH GOVERNMENT COMPLEX, 8201 WEST JUDGE PEREZ DRIVE, CHALMETTE, LOUISIANA ON TUESDAY, MAY 2, 2017 AT SEVEN O'CLOCK P.M.

On motion of Mr. Gorbaty, seconded by Mrs. Alcon, it was moved to adopt the following ordinance:

## ORDINANCE SBPC #1875-05-17

### Summary No. 3481

Introduced by: Administration on 4/18/17

Public hearing held 5/2/17

AN ORDINANCE TO AUTHORIZE THE RETENTION OF SHER GARNER CAHILL RICHTER, KLEIN & HILBERT, LLC TO PROVIDE LEGAL REPRESENTATION IN SHARON SHAEFFER V. DAVID PERALTA, NO.14-1270-C AND ANY RELATED MATTERS, AND TO PROVIDE LEGAL REPRESENTATION IN SHARON SHAEFFER V. DAVID PERALTA, INDIVIDUALLY AND OFFICIALLY ST. BERNARD PARISH, ST. BERNARD PARISH SHERIFF'S OFFICE, ST. BERNARD PARISH COUNCIL, SHARON WILLIAMS OFFICIALLY, BILLY MCGOEY OFFICIALLY, MELISSIA O'NEIL OFFICIALLY, DONALD BOURGEOIS OFFICIALLY, KIM OWENS OFFICIALLY, GUY MICINNIS OFFICIALLY, XYZ INSURANCE COMPANIES, USDC NO. 16-17784 AND ANY RELATED MATTERS.

ST. BERNARD PARISH COUNCIL DOES HEREBY ORDAIN:

**SECTION 1.** The St. Bernard Parish Council, the Governing Authority, does hereby approve and authorize the employment of Sher Garner Cahill Richter, Klein & Hilbert, LLC to provide legal representation in Sharon Shaeffer v. David Peralta, No.14-1270-C and any related matters, and to provide legal representation in Sharon Shaeffer v. David Peralta, individually and officially St. Bernard parish, St. Bernard Parish Sheriff's Office, St. Bernard Parish Council, Sharon Williams officially, Billy McGoey officially, Melissia O'Neil officially, Donald Bourgeois officially, Kim Owens officially, Guy McInnis officially, XYZ Insurance Companies, USDC No. 16-17784 and any related matters and any related matters, all pursuant to the contract attached as "Exhibit A".

**SECTION 2.** Compensation. The compensation shall be pursuant to the contract attached as "Exhibit A".



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Extract #21 continued  
May 2, 2017

**SECTION 3.** The Parish President is hereby authorized to enter into a contract for legal services as provided in the attached contract and in accordance with section 4-02 (b) of the Home Rule Charter. Said contract is attached hereto as "Exhibit A".

**SECTION 4.** Effective Date. This Ordinance shall become effective immediately upon authorizing signature by the Parish President. In the event of a presidential veto, this Ordinance shall become effective upon a two-thirds favorable vote of the total membership of the Council pursuant to Sections 2-11 and 2-13 of the St. Bernard Parish Home Rule Charter.

**SECTION 5.** Severability. If any section, clause, paragraph, provision or portion of this ordinance shall be held invalid or unconstitutional by any court of competent jurisdiction, such holding shall not affect any other section, clause, paragraph, provision or portion of this Ordinance, the St. Bernard Parish Council hereby expresses and declares that it would have adopted the remaining portion this Ordinance with the invalid portions omitted.

The above and foregoing having been submitted to a vote, the vote thereupon resulted as follows:

**YEAS:** McCloskey, Luna, Alcon, Callais

**NAYS:** None

**ABSENT:** None

**ABSTAINED:** Gorbaty, Montelongo

The Council Chair, Mr. Lewis, cast his vote as **ABSTAIN**.

And the motion was declared **adopted** on the 2<sup>nd</sup> day of May, 2017.

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at Large*

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*Clerk of Council*



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Extract #21 continued  
May 2, 2017

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District A

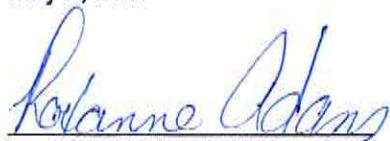
**Nathan Gorbaty**  
Councilmember  
District B

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Councilmember  
District C

**Wanda Alcon**  
Councilmember  
District D

**Manuel "Monty"  
Montelongo III**  
Councilmember  
District E

**Roxanne Adams**  
Clerk of Council

  
ROXANNE ADAMS  
CLERK OF COUNCIL

  
RICHARD LEWIS  
COUNCIL CHAIR

Delivered to the Parish President

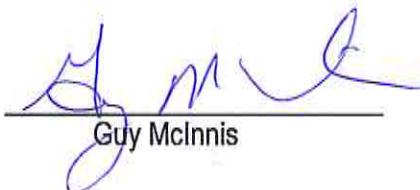
5/4/2017 1:00pm

Date and Time

Approved 

Vetoed \_\_\_\_\_

Parish President

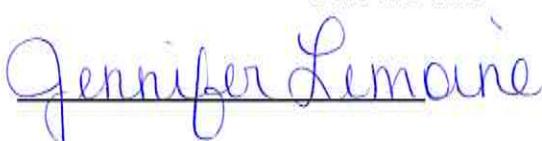
  
Guy McInnis

Returned to Clerk of the Council

5/4/2017 1:25pm

Date and Time

Received by

  
Jennifer Lemoine

LAW OFFICES OF  
**SHER GARNER CAHILL RICHTER  
KLEIN & HILBERT, L.L.C.**

TWENTY-EIGHTH FLOOR  
909 POYDRAS STREET  
NEW ORLEANS, LOUISIANA 70112-4046  
<http://www.shergarner.com>

LEOPOLD Z. SHER<sup>1</sup>  
JAMES M. GARNER<sup>2</sup>  
ELWOOD F. CAHILL, JR.  
RICHARD P. RICHTER  
STEVEN I. KLEIN<sup>1,6</sup>  
PETER L. HILBERT, JR.  
MARIE A. MOORE<sup>3</sup>  
DEBRA J. FISCHMAN  
DARNELL BLUDWORTH<sup>2</sup>  
MARTHA Y. CURTIS<sup>2</sup>  
NEAL J. KLING  
JOSHUA S. FORCE<sup>2,4</sup>  
DEBORAH J. MOENCH  
JOHN T. BALHOFF, II  
ALVIN C. MIESTER, III  
CHRISTOPHER T. CHOHELES  
RYAN D. ADAMS

THOMAS J. MADIGAN, II<sup>6</sup>  
CHAD P. MORROW  
KEVIN M. MCGLOONE  
JEFFREY D. KESSLER<sup>6</sup>  
RYAN O. LUMINAIS<sup>6</sup>  
KAREN T. HOLZENTHAL  
JONATHAN B. CERISE  
ASHLEY G. COKER  
AMANDA RUSSO SCHENCK  
MELISSA ROME HARRIS  
JACOB A. AIREY  
ERIC J. BLEVINS  
JOSHUA P. CLAYTON  
MEGAN TAYLOR JAYNES  
EMILY E. ROSS  
PETER J. SEGRIST  
TRAVIS A. BEATON

REBEKKA C. VEITH  
DAVID A. FREEDMAN  
STEPHANIE E. HOLDEN  
BRANDON W. KEAY  
MICHAEL R. DODSON<sup>7</sup>  
  
SPECIAL COUNSEL:  
MATTHEW M. COMAN  
  
OF COUNSEL:  
TIMOTHY B. FRANCIS  
DAVID A. MARCELLO  
THOMAS P. ANZELMO, JR.

<sup>1</sup> LAW CORPORATION  
<sup>2</sup> MEMBER OF LOUISIANA AND TEXAS BARS  
<sup>3</sup> MEMBER OF LOUISIANA AND ALABAMA BARS  
<sup>4</sup> MEMBER OF LOUISIANA AND CALIFORNIA BARS  
<sup>5</sup> MEMBER OF LOUISIANA AND MISSISSIPPI BARS  
<sup>6</sup> MEMBER OF LOUISIANA AND NEW YORK BARS  
<sup>7</sup> MEMBER OF ALABAMA BAR  
<sup>8</sup> BOARD CERTIFIED TAX ATTORNEY LOUISIANA  
BOARD OF LEGAL SPECIALIZATION

ALL OTHERS LOUISIANA BAR

[jgarner@shergarner.com](mailto:jgarner@shergarner.com)  
Direct Dial: (504) 299-2102  
Direct Fax: (504) 299-2302

(504) 299-2100  
FAX (504) 299-2300

April 12, 2017

President Guy McInnis  
St. Bernard Parish President  
Government Complex  
8201 W. Judge Perez Dr.  
Chalmette, LA 70043

Re: *Sharon Schaefer v. David Peralta, et al.*  
USDC No. 16-17784  
Our Ref: 22241.0005  
and  
*Sharon Schaefer v. David Peralta*  
34<sup>th</sup> JDC No. 14-1270  
Our Ref: 22241.0006

Dear President McInnis:

Thank you for allowing our firm the opportunity to provide counsel and legal representation of you, St. Bernard Parish, St. Bernard Parish Council, Sharon Williams, Billy McGoey, Melissa O'Neil, Donald Bourgeois, and Kim Owens ("ST. BERNARD PARISH" or "YOU") in the above referenced matters. By this letter, we wish to set out the scope of and the hourly rates for our representation of St. Bernard Parish.

► Sher Garner Law Firm

Sher Garner Cahill Richter Klein McAlister & Hilbert, LLC ("We" or "Sher Garner") began doing business on January 20, 1999, after leaving one of New Orleans' largest law firms. We currently have (42) attorneys, whose practices are almost equally divided between transactional work and litigation. We have extensive experience in giving advice on labor relations matters, products liability issues, insurance issues, contract interpretation and negotiation, and supply and construction contracts in connection with industrial projects. Sher Garner is committed to delivering to its clients the highest quality representation in a practical, efficient, economical and ethical manner.

► Scope of the Proposed Representation

You have engaged us to represent St. Bernard Parish.

1. St. Bernard Parish has agreed to pay all fees for professional services rendered by us and to reimburse all reasonable, documented, out-of-pocket costs we incur in handling this matter. As we have discussed, we will use our rates that the Attorney General of Louisiana has in place which vary by level of seniority of attorney and are set out as follows:

\$225.00	PER HOUR FOR ATTORNEYS HAVING EXPERIENCE OF TEN YEARS OR MORE IN THE PRACTICE OF LAW
\$175.00	PER HOUR FOR ATTORNEYS HAVING EXPERIENCE OF FIVE TO TEN YEARS IN THE PRACTICE OF LAW
\$150.00	PER HOUR FOR ATTORNEYS HAVING EXPERIENCE OF THREE TO FIVE YEARS IN THE PRACTICE OF LAW
\$125.00	PER HOUR FOR ATTORNEYS HAVING EXPERIENCE OF LESS THAN THREE YEARS IN THE PRACTICE OF LAW
\$60.00	PER HOUR FOR PARALEGAL SERVICES
\$40.00	PER HOUR FOR LAW CLERK SERVICES

Please note that in the event an insurer provides a defense, our rates will be the greater of the insurance rates or the AG rates.

2. Out-of-pocket costs may include, but will not necessarily be limited to, long distance telephone calls, computer research expenses, courier service, photocopying, all travel costs and related expenses, filing and recordation

fees, and costs of certificates. We are not required to advance or pay any costs, but generally do so when the expenditure is a small amount. Consequently, you may be called upon, on occasion, to pay for such costs directly.

3. At monthly intervals, we will provide you with a statement of our fees and reasonable costs incurred on behalf of our clients during the billing period described in each statement. Our invoices are payable in full not later than thirty (30) days from the receipt date of the statement. You will be required to remit full payment within that period. All invoices shall be directed to you for processing in accordance with the terms hereof.
4. Our fees for handling litigation and complex transaction matters generally vary depending upon the complexity of each such matter and the problems or lack of problems encountered in connection therewith. All of our lawyers and other billing personnel will keep close track of their time and a detailed record of the services rendered in the expenditure of that time. The statement you receive will identify the attorney performing services on your behalf and will also describe the service provided.
5. You have the right, at any time, to immediately terminate our services hereunder upon notice to us to that effect. Concomitantly, we shall have the right, consistent with our professional and ethical duties, to terminate our services hereunder upon notice to you to that effect. Termination by you or by us will not affect your obligation to pay for any legal services rendered and for any reimbursable costs incurred before the effective date of termination and not covered by the amount deposited.

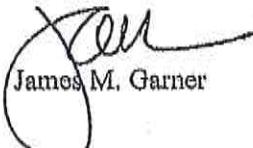
As you know, we are a medium size law firm and currently represent clients in a wide area of commerce and industry. A conflict could possibly arise, therefore, if your interest becomes adverse, commercially or in a litigation context, with another client of the firm, we will bring it to your attention and attempt to resolve it in an open and ethical matter. We screen each piece of legal work to determine whether an actual or potential conflict of interest exists. If any possible conflict of interest is detected, we will bring it to your attention and attempt to resolve it in an open and ethical matter. We occasionally have to refuse acceptance or continuation of a particular undertaking for a client due to conflict.

To avoid any errors in communication and our incurring any unauthorized expenses on behalf of the clients, we will accept instructions concerning this engagement or any additional work in connection with other matters only from you and from other persons identified by you in writing.

If the foregoing accurately reflects your understanding of our attorney/client relationship and is agreeable to you, please sign and date a copy of this letter where indicated, and return it to us as soon as possible.

We look forward to working with you. With kind regards, we remain

Very truly yours,

  
James M. Garner

JMG/jpc

cc: Billy McGahey, Esq.

ACKNOWLEDGED AND AGREED:

ST. BERNARD PARISH

By: \_\_\_\_\_  
GUY MCINNIS

Title: \_\_\_\_\_  
PARISH PRESIDENT

Date: \_\_\_\_\_, 2017.