

**RESOLUTION 25-02**

**AUTHORIZING THE EXECUTIVE DIRECTOR TO EXECUTE A CONTRACT AMENDMENT WITH GOLDFARB & LIPMAN, LLP IN AN AMOUNT NOT TO EXCEED \$325,000**

**BE IT RESOLVED** by the Rent Stabilization Board of the City of Berkeley (the “Board”) as follows:

**WHEREAS**, Measure MM, which was placed on the general election ballot by the Berkeley City Council on July 30, 2020, and subsequently passed by the voters on November 3, 2020, requires the Board to register certain partially covered rental units, including: rented single-family homes, condominiums, and newly-constructed units; and

**WHEREAS**, on December 17, 2020, by Resolution 20-17, the Board approved the initial implementation of registration for partially exempt units due to the amendments to the Rent Stabilization Ordinance mandated by Measure MM; and

**WHEREAS**, on October 12, 2023, Alan Wofsy & Associates, a California corporation (dba Hearst Commons), on behalf of itself and all other similarly situated, filed a Class Action Complaint against the Board challenging the constitutionality of Measure MM; and

**WHEREAS**, class litigation lawsuits are particularly complex and time-consuming to defend; and

**WHEREAS**, the Board’s legal unit recommended the hiring of outside counsel to assist the Board to defend *Alan Wofsy & Associates, on behalf of itself and all others similarly situated, v. Berkeley Rent Stabilization Board*, a class action, Alameda County Superior Court Case No. 23CV043503; and

**WHEREAS**, the Board’s legal unit has worked successfully with the lawyers at Goldfarb & Lipman, LLP in past litigation; and

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**WHEREAS**, Goldfarb & Lipman, LLP have particular expertise in litigating matters related to private claims against government agencies; and

**WHEREAS**, the Board adopted Resolution 24-16 on June 20, 2024, which resolution authorized the Board to pay \$75,000 to Goldfarb & Lipman, LLP to litigate this case; and

**WHEREAS**, Plaintiff has litigated this case with far more discovery and time-consuming procedural matters than previously anticipated; and

**WHEREAS**, the Board will need to authorize further spending authority to retain Goldfarb & Lipman, LLP as outside counsel on this case;

**NOW, THEREFORE, BE IT RESOLVED**, that the City of Berkeley Rent Stabilization Board hereby authorizes the Executive Director to execute a contract amendment with Goldfarb & Lipman, LLP to pay for work performed in the matter of *Alan Wofsy & Associates, on behalf of itself and all others similarly situated, v. Berkeley Rent Stabilization Board*, a class action, Alameda County Superior Court Case No. 23CV043503 in an amount not to exceed \$325,000; and

**BE IT FURTHER RESOLVED** that the Board will reconsider these matters should more funds be necessary to provide further assistance with matters related to this litigation.

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Dated: February 20, 2025

Adopted by the Rent Stabilization Board of the City of Berkeley by the following vote:

YES:

NO:

ABSTAIN:

ABSENT:

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Soli Alpert, Chairperson  
Rent Stabilization Board

Attest: \_\_\_\_\_  
DéSeana Williams, Executive Director  
Rent Stabilization Board