

ACTION



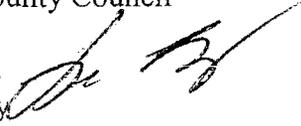
Isiah Leggett
County Executive

Leon Rodriguez
County Attorney

OFFICE OF THE COUNTY ATTORNEY

MEMORANDUM

TO: Phil Andrews, President
Montgomery County Council

FROM: Leon Rodriguez
County Attorney 

DATE: October 30, 2009

RE: Request for Approval of Special Legal Counsel
Andy Martin v. Washington Post Company, et al.
Circuit Court for the Seventh Judicial Circuit of Illinois, Springfield, Illinois
Case No. 2009CH737

Pursuant to the provisions of Section 213 of the Montgomery County Charter, this memorandum serves to request your approval to engage Thomas W. Kelty, Esquire, of Kelty Law Offices, P.C., as special legal counsel to represent Montgomery County in the above-referenced action. This lawsuit is pending in the Circuit Court for the Seventh Judicial Circuit of Illinois. The claim against Montgomery County is that it failed to protect Plaintiff's rights when Plaintiff filed a consumer protection complaint with the County's Office of Consumer Protection. Plaintiff's Complaint fails to allege a sufficient basis for the state court in Illinois to exercise personal jurisdiction over the County. (It does not appear to properly state a claim against the County, as well.) My office has prepared a draft motion to dismiss the complaint against the County; however, we are unable to file it with the Court in Illinois because no one in our office is admitted to practice law in the State of Illinois. If the County fails to contest personal jurisdiction, there is a possibility that a default judgment will be entered against it. Given the potential for a default judgment, it is my recommendation that outside counsel in Illinois be retained for to represent Montgomery County.

Mr. Kelty's fees will be funded by the Montgomery County Self-Insurance Fund. Mr. Kelty has agreed to provide representation for Montgomery County at an hourly rate of \$225.00.

Based on our information, Mr. Kelty enjoys an excellent reputation in the legal community and maintains offices in Springfield, Illinois. I have determined that this attorney is

Phil Andrews
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qualified for the proper defense of this case.

I will be happy to answer any questions that the Council may have with respect to this request. Thank you for your earliest possible consideration of this matter.

PPV/bcb
L09-00573 – Memo to Phil Andrews
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