

THE ASSEMBLY
STATE OF NEW YORK
THE CAPITOL
ALBANY, NY 12248

CONTRACT NUMBER C111971

THIS AMENDMENT made the ____ day of November 2019, between

Orrick Herrington & Sutcliffe LLP
51 West 52nd Street
New York, New York 10019-6142

Hereinafter called the Contractor and the Assembly of the State of New York, hereinafter called the Assembly:

WITNESSETH:

WHEREAS; the parties entered into an agreement on or about December 15, 2018 which bears the New York State Comptroller's Contract Number C111971, whereby the Contractor agreed to represent the New York State Assembly and draft an amicus brief in the matter of Roxanne Delgado et al v. The State of New York et al. Index Number 907537-18; and

WHEREAS; the term of said agreement expires on the 14th day of December 2019, and the parties hereto mutually desire to renew said contract and extend the term thereof upon the terms and conditions herein stated, it is mutually agreed as follows:

NOW THEREFORE; in consideration of the mutual covenants contained herein and in accordance with the terms and conditions hereinafter stated, it is mutually agreed as follows:

1. Except as hereinafter provided, the parties hereby ratify, confirm and continue in all particulars the agreement entered into on December 15, 2018.
2. The term of said amendment is hereby extended and renewed for a period commencing on the 15th day of December 2019 and ending on the 14th day of December 2020.
3. The parties hereby agree, except as hereinafter provided, this amendment incorporates and extends all terms and conditions set forth in Contract Number C111971.

IN WITNESS WHEREOF, this instrument has been duly executed the day and year first above written.

Contract Number: C111971

Orrick Herrington & Sutcliffe LLP

New York State Assembly

Andrew Silverman
Signature
Andrew Silverman
Print Name
Partner
Title
12/5/2019
Date

David M. Jett
Signature
David M. Jett
Print Name
Administrative Council ✓
Title
12/16/19
Date

APPROVED AS TO FORM:

Attorney General's Signature

Comptroller's Signature

Dated _____

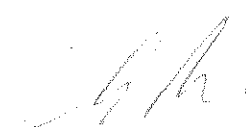
Dated _____

NOTE: Original copies of this signature page will only be attached to original copies of this contract.

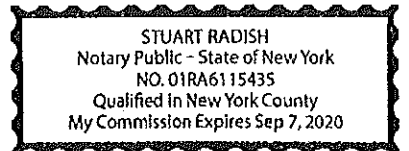
ACKNOWLEDGEMENT OF FIRM OR PARTNERSHIP

STATE OF NEW YORK)ss.:
COUNTY OF New York

On this 5th day of DECEMBER, 2019, before me personally appeared ANDREW SELFRAMAN, to me known and known to me to be a member of the firm Orrick Herrington & Sutcliffe LLP is the person described and who executed the foregoing instrument in the Firm name of Orrick Herrington & Sutcliffe LLP and s/he duly acknowledged to me that s/he executed the same and for the act and deed of said Firm.



Notary Public #
Qualified in:
Commission expires:





DAVID MUSHETT
Administrative Counsel

THE ASSEMBLY
STATE OF NEW YORK
ALBANY

1 Enterprise Drive
Albany, New York 12248
(518) 455-4197
FAX: (518) 455-4271
mushett@nyassembly.gov

December 16, 2019

Bruce Feldman, Esq.
Claims Bureau Chief
The Capitol
Albany, NY 12224

RE: Justification for the Renewal of the Contract between the New York State Assembly and Orrick, Herrington, & Sutcliffe LLP (C111971)

The Assembly wishes to renew contract C111971 with the law office of Orrick, Herrington, & Sutcliffe to continue the representation of the New York State Assembly in the Matter of Roxanne Delgado et al. v. The State of New York et al., Index Number 907537-18. The OAG declined to represent the Assembly in this matter as the Assembly appeared in this action as an *Amici*, friend of the court, and the OAG cited a conflict of interest. The lawsuit was initiated to challenge the decision of the pay commission to increase the salaries of New York Legislators over a three year period. The Assembly appeared as an *Amici* submitting an *Amicus Brief*. The trial court rendered a decision, which was appealed directly to the New York Court of Appeals. Currently, the Assembly is awaiting the Court of Appeals' determination as to whether the Court will accept the appeal. As a result, the Assembly wishes to renew the contract in the event that further representation is required. No increase in the contract amount is provided for at this time.

The Assembly has retained this firm once before to assist us in the Matter of Citizens Union of the City of New York, et al v. the Governor of the State of New York, et al 16 Civ 09592. This firm was highly recommended to the Assembly due to their vast litigation and government experience. One of the primary attorneys on the case is E. Joshua Rosenkranz. Mr. Rosenkranz heads the firm's Supreme Court and Appellate Litigation Practice. He was a former clerk to the U.S. Supreme Court Justices William J. Brennan and Antonin Scalia. Mr. Rosenkranz' s practice covers a wide range of topics and the Assembly is very fortunate that he is able to assist us in this challenging matter.

The fee schedule will continue to remain a blended rate of \$550.00 per hour for the work of Attorneys and a rate of \$250.00 per hour for the work of paralegals. The firm normally bills at a rate of more than double the rate offered to the Assembly. There is no change to the rate for travel which is not to exceed \$5,000.00. As stated previously, the Assembly had one other Contract with this firm in 2017 and 2018. This firm maintains professional liability coverage.

Please let me know if I can be of further assistance in this matter.

Very truly yours,

David Mushett

M E M O R A N D U M

TO: Deona Walker
Finance Department

FROM: Angilena Mauro
Contract Management (x5640)

SUBJECT: AG/OSC Approval – Orrick Herrington & Sutcliffe LLP

CONTRACT: C111971

DATE: January 8, 2020

For your files, please find attached the stamped OSC approval document regarding contract agreement C111971 with Orrick Herrington & Sutcliffe LLP. Please note; this contract did not receive approval from the AG, they previously recused themselves from approval due to a conflict of interest.

ASSEMBLY
RECEIVED
JAN 08 2020
ACCOUNTS
PAYABLE

IN WITNESS WHEREOF, this instrument has been duly executed the day and year first above written.

Contract Number: C111971

Orrick Herrington & Sutcliffe LLP

New York State Assembly

Andrew Silverman
Signature
Andrew Silverman
Print Name
Partner
Title
12/5/2019
Date

David Maslett
Signature
David Maslett
Print Name
Administrative Counsel
Title
12/16/19
Date

APPROVED AS TO FORM:

Attorney General's Signature

Comptroller's Signature

Dated _____

APPROVED
DEPT. OF AUDIT & CONTROL
JAN 03 2020
[Signature]
FOR THE STATE COMPTROLLER

NOTE: Original copies of this signature page will only be attached to original copies of this contract.