

THE STATE OF TEXAS           §  
  §  
COUNTY OF FORT BEND       §

**ORDER AUTHORIZING LITIGATION AND SPECIAL COUNSEL AGREEMENT**

The Commissioners Court of Fort Bend County, Texas, met in regular session at its regular term at the Fort Bend County Courthouse in the City of Richmond, Texas, on October 6, 2015, with all members present except \_\_\_\_\_,

A quorum was present. Among other business, the following was transacted:

ORDER AUTHORIZING LITIGATION AND COUNTY ATTORNEY TO NEGOTIATE CONTINGENT FEE AGREEMENT WITH LAW FIRMS TO SERVE AS SPECIAL COUNSEL IN CONNECTION WITH A LAWSUIT AGAINST VOLKSWAGEN GROUP OF AMERICA, INC.; AUDI OF AMERICA, LLC; ET AL; AND AUTHORIZE COUNTY JUDGE TO EXECUTE SUCH CONTINGENT FEE AGREEMENT UPON NEGOTIATION BY COUNTY ATTORNEY.

Commissioner Meyers introduced an order and moved that Commissioners Court adopt the order.

Commissioner Prestage seconded the motion for adoption of the order. The motion, carrying with it the adoption of the order, prevailed by the following vote:

	Yes	No	Abstain
Judge Robert E. Hebert	✓		
Comm. Richard Morrison	✓		
Comm. Grady Prestage	✓		
Comm. Andy Meyers	✓		
Comm. James Patterson	✓		

The County Judge thereupon announced that the motion had duly and lawfully carried and that the order had been duly and lawfully adopted. The order adopted follows:

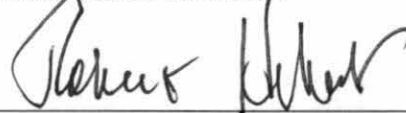
The Court finds that the County Attorney is hereby authorized to negotiate necessary terms to select counsel to serve as Special Counsel ("Special Counsel").

IT IS ORDERED that:

1. Commissioners Court grants an exemption from competitive bidding and proposal procedures in accordance with Texas Local Government Code Section 262.024(a)(4).

2. The Court authorizes the County Attorney to select Special Counsel and negotiate the terms and conditions of the employment of such counsel.
3. The Court authorizes the County Attorney and Special Counsel to file such claims and litigation as the County Attorney deems necessary against Volkswagen AG, Volkswagen Group of America, Inc., Audi AG, Audi of America, LLC, and their corporate affiliates, parents, and subsidiaries, and such other defendants as may be added to the litigation (collectively, "Defendants"). The lawsuit concerns the marketing, sale and operation of certain automobiles in Fort Bend County and Defendants' violations of Chapter 382 of the Texas Health and Safety Code, Chapter 7 of the Texas Water Code, the rules promulgated by the Texas Commission on Environmental Quality in Title 30 of the Texas Administrative Code, Deceptive Trade Practice Claims, Racketeer Influenced and Corrupt Organizations Act claims, and any other applicable common law or statutory causes of action, including but not limited to consumer and environmental statutes, rules and regulations, including those laws that preceded the current statutes associated with those certain automobiles. This resolution authorizes exercise of the power granted local governments in Chapter 7 of the Texas Water Code.
4. The Fort Bend County Judge or his designee is authorized to execute on behalf of Fort Bend County a contingent fee agreement with Special Counsel containing terms and provisions approved as to legal form by County Attorney, because there is a substantial need for the firm's legal services which cannot adequately be performed by attorneys and supporting personnel of Fort Bend County or another public agency, nor can the legal services reasonably be obtained from attorneys in private practice under a contract providing only for the payment of hourly fees, without regard to the outcome of the matter, because of the nature of the representation.
5. Other than \$2,500, all fees to be paid to SPECIAL COUNSEL are contingent upon the recovery of attorney's fees and damages as provided for in the Agreement and no additional money shall be due or paid from the General Fund or any special fund under this Agreement.
6. All Fort Bend County officials and employees are authorized to do any and all things necessary or convenient to accomplish the purposes of this order.

FORT BEND COUNTY



Robert E. Hebert, County Judge

ATTEST:



Laura Richard, County Clerk

