

THE STATE OF TEXAS §

COUNTY OF FORT BEND §

ORDER AUTHORIZING LITIGATION

On this 25th day of September, 2018, the Commissioners Court of Fort Bend County, Texas, being convened at a regular meeting of the Court, sitting as the governing body of Fort Bend County, upon motion of Commissioner Patterson, seconded by Commissioner Meyers, duly put and carried, IT IS HEREBY ORDERED that:

The County Attorney is hereby authorized to negotiate necessary terms to select counsel to serve as Special Counsel ("Special Counsel") in any litigation made the subject of this Order. Commissioners Court grants an exemption from competitive bidding and proposal procedures for this purpose, in accordance with Texas Local Government Code Section 262.024(a)(4). The Fort Bend County Judge or his designee is authorized to execute on behalf of Fort Bend County an agreement with Special Counsel containing terms and provisions recommended for approval by the County Attorney.

The Fort Bend County Attorney's Office and Special Counsel are hereby authorized to file a lawsuit for and on behalf of Fort Bend County, Texas against TRAPEZE SOFTWARE GROUP, INC., and all other necessary or proper parties, for any and all legal or equitable relief as allowed by law, by reason of the County's claims for breach of contract, breach of warranty, fraud, misrepresentation, deceptive trade practices, breach of fiduciary duty, breach of the duties of good faith and fair dealing, and any other claims relating to the County's purchase of an automated fare collection system to be used by its Public Transportation Department; and the

County Attorney's Office and Special Counsel are hereby authorized to seek the full measure of monetary damages and all recoverable elements thereof, as well as any and all other appropriate legal and equitable relief, including but not limited to actual damages, consequential damages, additional damages, statutory damages and penalties, exemplary and/or punitive damages, attorney's fees, litigation expenses, pre-judgment interest, court costs, interest on the judgment, collection costs, temporary and permanent injunctive, declaratory, or other equitable relief, and all other relief to which the County may be entitled.

The Commissioners Court of Fort Bend County, Texas hereby approves their exemption from any bonds to take out any and all extraordinary writs in relation to the subject lawsuit to be brought in behalf of Fort Bend County, as authorized by Texas Civil Practice & Remedies Code § 6.001.

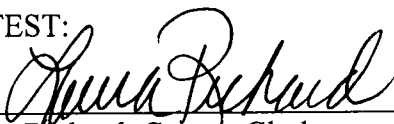
Commissioners Court hereby authorizes transferring funds in the amount of \$ 50,000. ¹¹² from Non-Departmental Fees (10409100-63000) to County Attorney Fees (100475100-63000).

FORT BEND COUNTY



Robert E. Hebert, County Judge

ATTEST:



Laura Richard, County Clerk