

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Office of the Attorney General



BRIAN L. SCHWALB

ATTORNEY GENERAL

January 31, 2023

The Honorable Phil Mendelson, Chairman
Council of the District of Columbia
John A. Wilson Building
1350 Pennsylvania Avenue NW, Suite 504
Washington, DC 20004

Dear Chairman Mendelson:

Enclosed for consideration and approval by the Council of the District of Columbia is emergency legislation to approve a multi-year contract between the Office of Attorney General (OAG) and Edelson PC (Edelson), and to authorize payment for services received pursuant to that contract. Accompanying the proposed emergency legislation is the proposed contract (Contract No. DCCB-2023-F-0002), as well as an emergency resolution declaration.

As you know, from time to time, OAG requires outside legal counsel to assist with complex litigation matters that benefit the District of Columbia. This contract arranges assistance from Edelson for a consumer protection case against Google LLC (Google) for violating the District's Consumer Protection Procedures Act by tracking users' geolocations without their knowledge or consent. The contract is a definitive multiyear, contingency-fee contract with a not-to-exceed contract amount of \$55 million. The base period of performance is from the date of award through five years thereafter. This contract will definitize a letter contract awarded on October 6, 2022, under which Edelson began its work on this matter in order to meet the District's need for prompt assistance in litigating its claims against Google. Potential payment under the short-term letter contract was limited to \$999,000. OAG moved to definitize the contract at the Council's final legislative meeting in December 2022, but the contract, for technical reasons, was not placed on the agenda. OAG is now resubmitting this definitive contract to complete the Council approval process.

Since entering into the letter agreement, OAG, with Edelson's assistance, was able to negotiate a settlement with Google pursuant to which Google will pay the District a \$9.5 million penalty. Under the terms of this proposed definitive contract, when the District realizes the monetary recovery from Google, Edelson will be entitled to 20 percent of the net recovery along with reimbursable costs.

If you have any questions, please contact Deputy Attorney General Emily Gunston at (202) 805-7638 or emily.gunston@dc.gov.

Thank you for your attention to this matter.

Sincerely,

A handwritten signature in blue ink, appearing to read "Brian L. Schwalb", with a long horizontal flourish extending to the right.

Brian L. Schwalb
Attorney General

Enclosures