



CITY OF FORT LAUDERDALE
City Commission Agenda Memo
REGULAR MEETING

#13-0416

TO: Honorable Mayor & Members of the
Fort Lauderdale City Commission

FROM: Harry A. Stewart, City Attorney

DATE: March 5, 2013

TITLE: Resolution appointing Robbins Geller Rudman & Dowd, LLP as Special Counsel to General Employee's Retirement System to pursue lead plaintiff status in federal securities fraud class action filed against VeriSign, Inc., et al in United States District Court, Eastern District of Virginia

Recommendation

It is recommended that the City Commission adopt a Resolution appointing Robbins Geller Rudman & Dowd, LLP ("Robbins Geller") as Special Counsel to the City's General Employees' Retirement System ("GERS") to pursue lead plaintiff status in a class action federal securities fraud litigation filed in U.S. District Court, Eastern District of Virginia against VeriSign, Inc.

Background

GERS has retained several firms to monitor the funds or portfolios for potential securities fraud. One of those firms, Robbins Geller, brought to the attention of GERS a pending class action securities fraud complaint filed in the U.S. District court, Eastern District of Virginia (Exhibit #1 – Executive Summary of Case; Exhibit #2 – Complaint) against VeriSign, Inc., et al. It is estimated that GERS' losses amount to approximately \$152,000 during the class period from June 25, 2012 to October 25, 2012 as a result of misleading statements about VeriSign's operations.

On February 7, 2013, GERS' Board of Trustees reviewed the Executive Summary (Exhibit #1) and Complaint (Exhibit #2) as well as presentation by attorneys for Robbins Geller. The Board voted unanimously in favor of retaining Robbins Geller to pursue lead Plaintiff status for GERS in the class action litigation. Pursuant to the GERS Plan, the City Attorney is the attorney for the purpose of, among other matters, representing GERS in all suits and actions to which GERS may be a party. City Code Sec. 20-113 (n). Accordingly, before Robbins Geller motion can be formally implemented, it is necessary for Robbins Geller to be appointed Special Counsel to the City Attorney for the purpose of pursuing GERS' status as lead Plaintiff in the class action and thereafter

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prosecuting the class action. City Charter Sec. 4.10 requires appointment of Special County to the City Attorney to be by way of adoption of a Resolution by the City Commission.

The deadline for filing a Motion to have GERS appointed lead Plaintiff ("Motion") status is March 17, 2013.

Attorneys' fees will be awarded by the Court out of the corpus of the gross class recovery, whether by Final Judgment or by settlement. GERS recovery would be net of costs, expenses and attorneys' fees.

Attachments

Exhibit 1 – Executive Summary

Exhibit 2 – Complaint

Exhibit 3 – Firm Resume

Exhibit 4 – Draft Motion for Appointment as Lead Plaintiff

Exhibit 5 – Memorandum of Law in Support of Motion

Exhibit 6 – Retainer Agreement

Exhibit 7 – Certification of Named Plaintiff Pursuant to Federal Securities law

Exhibit 8 – Proposed Resolution Appointing Robbins Geller as Special Counsel

Prepared by: Robert B. Dunckel, Assistant City Attorney

Office of City Attorney - Harry A. Stewart, City Attorney