RETAINER AGREEMENT
SUPPLEMENTAL NO. 3

THIS SUPPLEMENTAL NO. 3 AGREEMENT, made and entered into this 7th day of April 2009, between CLARK COUNTY, NEVADA, a political subdivision of the State of Nevada, hereinafter referred to as “COUNTY” and the law firm of KOLESAR & LEATHAM, CHTD., hereinafter referred to as “ATTORNEY.”

WITNESSETH

WHEREAS, on September 4, 2007, the COUNTY and the ATTORNEY entered into an agreement for services for construction claims received by the COUNTY related to the construction of the Sloan Channel between Charleston Boulevard and the Las Vegas Wash, Bid No. 5524-04, hereinafter referred to as “PROJECT;” and

WHEREAS, on June 17, 2008, and October 7, 2008, the COUNTY and the ATTORNEY entered into Supplemental Nos. 1 and 2 Agreements to increase the maximum amount payable to the ATTORNEY due to the complexity of the claim, the amount of motion work and discovery, the number of depositions needed, the amount of legal research required, bifurcated arbitration hearings, and reconsideration of rulings; and

WHEREAS, the amount of services required has been greater than anticipated due to no fault of the ATTORNEY; and

NOW, THEREFORE, for and in consideration of the premises and mutual covenants herein contained, the parties mutually agree to supplement the Retainer Agreement dated September 4, 2007, and the Supplemental Agreements dated June 17, 2008, and October 7, 2008, as follows:

ARTICLE II
ATTORNEYS’ FEES

Section shall be changed to read as follows:

The total sum of money the COUNTY shall pay ATTORNEY shall not exceed Six Hundred Fifty-Three Thousand Eighty-Six and 42/100 Dollars ($653,086.42) unless such sum is increased by the Clark County Board of Commissioners, but only to the extent such total sum is increased.

The remainder of the Agreement dated September 4, 2007, remains unchanged.

IN WITNESS WHEREOF, the parties have executed this Agreement as of the date herein above set forth.

CLARK COUNTY, NEVADA

KOLESAR & LEATHAM, CHTD.

VIRGINIA VALENTINE
County Manager

ROBERT J. KOLESAR, ESQ.

ALAN J. LEFEBVRE, ESQ.

ATTEST:

SHIRLEY B. PARRAGUIRRE
County Clerk

LAURA C. REHFELDT
Deputy District Attorney

Supp No 3 to Retainer Agreement with Kolesar & Leatham, Child LRH:LR:AVM:GMS 040709 BCC