OFFICE OF THE CITY MANAGER
LITTLE ROCK, ARKANSAS

BOARD OF DIRECTORS COMMUNICATION
AUGUST 4, 2026, AGENDA

Subject:	Action Required:	Approved By:
A Resolution to authorize the City Manager to enter into a contract with Grossman & Kelly, LLP, McIntyre Schnieders, LLP and their partners for legal representation of the City of Little Rock, Arkansas in Tobacco Product Waste Litigation Contract **Submitted By:** City Attorney's Office	Ordinance √ **Resolution**	Delphone Hubbard City Manager

SYNOPSIS	A resolution to authorize the City Manager to enter into a contract with Grossman & Kelly LLP, McIntyre Schnieders LLP and their partners, for legal representation of the City in Tobacco Product Waste Litigation with payment for services, fees, and costs based on potential recovery from Court awarded judgment and/or settlement of the related legal proceedings. Following a comprehensive review of the legal and factual basis for affirmative litigation, the Office of the City Attorney has determined that the City of Little Rock has a well-supported basis to seek cost recovery from the cigarette manufacturers and distributors responsible for creating this persistent public nuisance. This litigation would be brought in the Circuit Court of Pulaski County, Arkansas, asserting claims arising exclusively under Arkansas statutory law, Arkansas common law, and the Little Rock Code of Ordinances. The claims involve no federal causes of action. The City brings this action both in its proprietary capacity to recover for injury to, and invasion of, its publicly owned property and infrastructure and in its governmental capacity, to enforce its ordinances and abate a public nuisance affecting rights common to all Little Rock residents.
FISCAL IMPACT	This matter has no adverse impact on the City's current operating budget as there is no upfront financial obligation

to the City of Little Rock. All attorneys' fees, costs, and litigation expenses will be advanced by outside counsel and are recoverable only upon a successful judgment or settlement.

RECOMMENDATION

Adopt the Resolution.

BACKGROUND

Cigarette filters are the most commonly littered consumer product in the world. An estimated 4.5 trillion filters are discarded globally each year. Contrary to widespread public understanding, cigarette filters are not biodegradable. They are composed of cellulose acetate, a non-biodegradable plastic that persists in the environment for extended periods, fragmenting into microplastics and releasing toxic constituents into surrounding soil and waterways.

The accumulation of cigarette filter waste in Little Rock imposes a substantial and ongoing financial burden on the City. The City's solid waste management operations, street sweeping program, storm drain maintenance, and litter enforcement activities all require significant expenditure of public funds that is directly and materially attributable to cigarette filter litter deposited on municipal streets, rights-of-way, parks, and stormwater infrastructure.

The City's 2026 Operating Budget reflects the scale of these costs: the Department of Public Works Street Fund recorded expenditures of $33,247,239.00, and combined Street and Drain Maintenance operations including Storm Drain Maintenance, which has grown thirty-five percent (35%) from fiscal year 2024 actuals to the 2026 adopted budget reflect millions of additional dollars in ongoing and escalating expenditures. A material and substantial portion of these costs is directly attributable to cigarette filter waste abatement.

The City also operates a Municipal Separate Storm Sewer System (MS4) and is subject to state and federal stormwater permitting obligations, the cost and complexity of which are meaningfully increased by the ongoing accumulation of cigarette filter waste in the City's drainage infrastructure.
The Office of the City Attorney recommends retaining D'Angelo Law (Mario D'Angelo, Esq., Bayport, New York), with co-counsel David Grossman of the K&G Firm, to represent the City of Little Rock in this matter.

BACKGROUND CONT.

The proposed retainer agreement is on a CONTINGENCY FEE BASIS. The City of Little Rock will incur no attorneys' fees, litigation costs, or expenses unless and until a recovery is obtained. In the event of a recovery, outside counsel's compensation will be paid from the proceeds. The City retains the right to approve any settlement. Arkansas law governs the agreement.

The Office of the City Attorney has reviewed and negotiated the proposed retainer agreement and has directed that it be revised to designate Arkansas law as governing. The Office of the City Attorney will exercise supervisory oversight of this litigation at all stages.