

- June 30, 2008 Quarterly Report

## Summary

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This is the quarterly report to the Legal & Human Resources Committee on the exercise of powers delegated to the General Manager and the General Counsel by Administrative Code Sections 6431, 6433 and 6434. In addition, the General Counsel reports to the Executive Committee on the exercise of power delegated to her by Section 6431.

## Attachments

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ATTACHMENT A - Workers' Compensation Matters Resolved During the Period of April 1, 2008 – June 30, 2008

ATTACHMENT B - Claims Against Metropolitan During the Period of April 1, 2008 – June 30, 2008

ATTACHMENT C - Costs Collected During the Period of April 1, 2008 – June 30, 2008

ATTACHMENT D - Property Damage Written Off as Uncollectible During the Period of April 1, 2008 – June 30, 2008

ATTACHMENT E – None

## Detailed Report

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### Contracts

Within the past quarter, the General Counsel entered into the following contracts pursuant to her authority under Administrative Code Section 6431:

#### DocuTech Services, LLC

This consultant was retained to provide document management and litigation support services in connection with the litigation of *Hills for Everyone v. Metropolitan Water District of Southern California*.

#### Manatt, Phelps & Phillips, LLP

Metropolitan retained this consultant to provide legal representation and consultation with respect to the litigation of *Orange County Water District v. Northrop Corporation, et al.* and associated cases.

#### O'Melveny & Myers, LLP

This consultant was retained to provide legal advice in connection with restructuring of Metropolitan's interest rate swap portfolio to mitigate interest rate risk exposure and counterparty credit risk.

#### Public Interest Investigations, Inc.

Metropolitan retained this consultant to conduct administrative investigations pertaining to allegations of employee misconduct. The service agreement was amended during this quarter.

#### Remy, Thomas, Moose and Manley, LLP

This consultant was retained to provide legal advice and services pertaining to the litigation of *Hills for Everyone v. Metropolitan Water District of Southern California*.

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### Ryan & Associates

Metropolitan retained this consultant to provide legal services in the field of commercial real estate, particularly in the area of commercial leasing. The service agreement was amended during this quarter.

### Trussell Technologies, Inc.

This consultant was retained to provide technical expert services in wastewater treatment processes in connection with the Sacramento Regional County Sanitation District's wastewater discharges that degrade Delta water quality.

## Claims

1. Between April 1, 2008 and June 30, 2008, Metropolitan initiated, compromised, settled, or otherwise disposed of the following claims:
  - a. Litigated Claims By and Against Third Parties  
During the past quarter, Metropolitan did not initiate compromise, settle, or otherwise dispose of any litigated claim by and against third parties.
  - b. Workers' Compensation Matters  
The workers' compensation claims settled by the General Manager and the General Counsel within the past quarter are reported in Attachment A.
  - c. Other Claims By and Against Third Parties  
Non-litigated third party claims settled by the General Manager and the General Counsel within the past quarter are reported in Attachment B.
  - d. SB 90 Claims  
During the past quarter, Metropolitan did not submit any SB 90 claims for reimbursement for state-mandated costs.
  - e. Separation Agreements  
Metropolitan did not execute any separation agreement during this period.
2. Costs collected for claims during the past quarter are reported in Attachment C.
3. Property Damage Claims declared uncollectible by the General Manager within the past quarter are reported in Attachment D.
4. During the quarter, no Accounts Receivable were written off as uncollectible.

BLA # 6233

**ATTACHMENT A**  
Workers' Compensation Matters Resolved During the Period of  
April 1, 2008 – June 30, 2008

<b>Classification</b>	<b>Control No.</b>	<b>Date of Injury</b>	<b>Amount of Settlement</b>	<b>Nature of Injury</b>	<b>Basis for Settlement</b>
Maintenance Mechanic	2005-0411-0490 2006-0620-0668 2007-0228-0461	4/6/05 6/15/06 CT** 2/27/07	\$60,000.00	Left ear, bilateral hearing loss, right shoulder	Compromise and release, negotiated settlement of all claims, all issues.
Administrative Secretary	2001-0306-0520 2001-1127-0255	3/6/01 11/27/01	\$21,802.50	Lower back	Stipulated settlement of claim for “new & further” disability based on agreed medical evaluator’s report (\$35,700 previously awarded and paid).
Maintenance Mechanic	2006-0612-0649	6/12/06	\$16,215.00	Right shoulder	Stipulated settlement based on treating physician’s report.
Senior Administrative Analyst	2006-0602-0634	5/31/06	\$14,305.18	Lumbar spine and psyche	Stipulated settlement based on agreed medical evaluators’ reports.
Maintenance Mechanic	2007-0626-0758	6/26/07	\$4,692.00	Lower back area (lumbar and lumbosacral spine)	Stipulated settlement based on treating physician’s report.
Maintenance Worker	2006-0228-0440	2/28/02	\$6,210.00	Right shoulder	Stipulated settlement based on Qualified Medical Evaluator’s report.
Maintenance Mechanic	2006-0111-0356	1/10/06	\$1,380.00	Left knee	Stipulated settlement based on Qualified Medical Evaluator’s report.

CT\*\* = Continuing Trauma

**ATTACHMENT B**  
Claims Against Metropolitan During the Period of  
April 1, 2008 – June 30, 2008

<b>Claimant</b>	<b>Control No. CW No.</b>	<b>Amount of Settlement</b>	<b>Incident Description</b>	<b>Basis for Resolution</b>
Nida Supab	2006-0830-0137 CW 1436529	\$1,417.77	On 8/28/06, a District driver rear-ended a third party vehicle.	The third party property damage claim was settled based on evaluation of damages and the repair estimate.
Frank Zizzo	2007-1120-0333 CW1467179	\$500.00	On 11/20/07, equipment that fell off District vehicle struck and damaged a third party vehicle.	The third party property damage was previously settled with the insurance company for \$736.93. This settlement was reimbursement for third party's insurance deductible in the amount of \$500.00.
Southern California Edison	2007-0925-0207 CW 1464577	\$7,947.87	On 9/25/07, while District employees were moving a crane they struck and damaged Southern California Edison power lines.	The third party property damage claim was settled based on evaluation of damages and the repair estimate.
Louise St. Juste	2006-0110-0351 CW 1399445	\$15,000.00	On 1/10/06, a District driver rear ended a third party vehicle.	The third party property damage and bodily injury claim was settled based on evaluation of the cause, impact, damages, injury, medical treatment type, and duration.

**ATTACHMENT C**  
 Costs Collected During the Period of  
 April 1, 2008 –June 30, 2008

<b>Third Party or Cause</b>	<b>Control No. CW No.</b>	<b>Damage Amount</b>	<b>Incident Description</b>	<b>Basis for Costs Collected</b>
Austin Middleton	2007-0319-0511 CW1448541	\$2,945.15	On 3/17/07, a third party driver struck and damaged a section of District fence.	MWD negotiated with the third party and recovered \$2,011.64, and wrote off the uncollected balance of \$933.51.
Rita Navarre	2007-1210-0365 CW 1469088	\$775.00	On 12/1/07, a third party driver struck and damaged District fence.	The claim for property damage was paid in full by the third party.

**ATTACHMENT D**Property Damage Costs Written Off as Uncollectible During the Period of  
April 1, 2008 – June 30, 2008

<b>Third Party or Cause</b>	<b>Control No. CW No.</b>	<b>Project No.</b>	<b>Damage Amount</b>	<b>Incident Description</b>	<b>Basis for Write-Off</b>	<b>Date Written Off</b>
Keerwan Rattanpan	2006-0106-0349 CW 1399444	761091	\$2,621.09	On 1/6/08, a third party driver struck and damaged District vehicle.	The property damaged costs were written-off because it was no longer cost effective to continue collection efforts.	6/4/08
Damage During Use	2007-0319-0513 CW 1449397	761292	\$7,193.81	On 3/16/07, District and third party vehicles collided while merging into the same lane.	The property damage costs were written off because the damage occurred during the course and scope of employment.	6/4/08
Damage During Use	2007-0510-0647 CW 1453688	761316	\$730.50	On 5/10/07, District driver struck a post, causing damage to District vehicle.	The property damage costs were written off because the damage occurred during the course and scope of employment.	6/4/08
Unidentified Third Party	2007-0522-0677 CW 1454268	761330	\$1,090.90	On 2/1/07, an unidentified third party damaged a District electric cart.	The property damage costs were written off because the third party could not be identified.	6/4/08
Damage During Use	2007-0628-0763 CW1465443	761334	\$1,513.58	On 6/28/07, District driver struck a post while attempting to park District vehicle.	The property damage costs were written off because the damage occurred during the course and scope of employment.	6/4/08
Damage During Use	2007-0801-0073 CW 1462317	761351	\$320.50	On 7/31/07, District driver struck a wall and damaged District electric cart.	The property damage costs were written off because the damage occurred during the course and scope of employment.	6/4/08
Damage During Use	2007-0816-0105 CW1476990	761354	\$227.98	On 8/14/07, road debris struck and damaged the front windshield of District vehicle.	The property damage costs were written off because the damage occurred during the course and scope of employment.	6/4/08
Wear and Tear of Equipment	2007-0830-0147 CW1461135	761364	\$550.00	On 8/22/07, bathroom plumbing in a District house leaked water and damaged the carpet and padding.	The property damage costs were written off because the damage occurred due to wear and tear of equipment.	6/4/08

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Unidentified Third Party	2007-0910-0167 CW 1461317	761371	\$380.01	On 9/10/07, an unidentified third party driver struck the side mirror of District vehicle.	The property damage costs were written off because the third party could not be identified.	6/4/08
Unidentified Third Party	2007-0910-0169 CW 1461271	761374	\$1,140.00	On 8/24/07, an unknown third party driver struck and damaged a section of District fence.	The property damage costs were written off because the third party could not be identified.	6/4/08
Damage During Use	2007-0927-0211 CW1463757	761378	\$308.51	On 9/25/07, District driver struck a third party vehicle and damaged the side mirror on the District vehicle	The property damage costs were written off because the damage occurred during the course and scope of employment.	6/4/08
Act of Nature	2007-1022-0267 CW 1464779	761386	\$1,523.17	On 10/20/07, high winds caused damage to District vehicle door and hinges.	The property damage costs were written-off because the damage was due to an act of nature.	6/4/08
Damage During Use	2007-1206-0355 CW 1468306	761408	\$561.51	On 11/29/07, a District driver struck road debris and caused damage to District vehicle.	The property damage costs were written off because the damage occurred during the course and scope of employment.	6/4/08
Unidentified Third Party	2008-0128-0467 CW 1471917	761436	\$1,236.61	On 1/25/08, an unknown third party driver struck and damaged District vent stack.	The property damage costs were written off because the third party could not be identified.	6/4/08
Unidentified Third Party	2008-0228-0539 CW 1471923	761451	\$258.55	On 2/28/08, an unknown third party broke District vehicle window and stole a District laptop computer.	The property damage costs were written off because the third party could not be identified.	6/4/08

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Damaged During Use	2007-0925-0207 CW 1464577	761377	\$10,384.76	On 9/25/07, District crane operator struck Southern California Edison power lines and damaged crane.	The property damage costs were written off because the damage occurred during the course and scope of employment. SCE's property damage claim was also settled as reported in Attachment B.	6/4/08
Unidentified Third Party	2008-0130-0474 CW 1470632	761439	\$975.76	On 1/27/08, an unknown third party hit and damaged District air release pipe.	The property damage costs were written off because the third party could not be identified.	6/23/08
Unidentified Third Party	2008-0205-0484 CW 1470631	761441	\$720.00	On 2/4/08, an unknown third party damaged District fence.	The property damage costs were written off because the third party could not be identified.	6/23/08
Unidentified Third Party	2007-1105-0300 CW 1478497	761397	\$950.00	On 11/5/07, an unknown suspect cut and removed MWD fence.	The property damage costs were written off because the third party could not be identified.	6/23/08
Damage During Use	2007-1212-0370 CW 1469084	761415	\$351.32	On 12/11/07, a District driver hit parking post causing damage to District vehicle.	The property damage costs were written off because the damage occurred during the course and scope of employment.	6/23/08
Damage During Use	2007-1024-0274 CW 1464957	761393	\$472.63	On 10/22/07, a District driver backed into District warehouse garage door causing damage.	The property damage costs were written off because the damage occurred during the course and scope of employment.	6/23/08
Damage During Use	2008-0304-0552 CW 1473215	761456	\$1,424.03	On 3/4/08, a District driver backed tractor into District vehicle.	The property damage costs were written off because the damage occurred during the course and scope of employment.	06/23/08



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Damage During Use	2008-0117-0454 CW 1470546	761429	\$4,223.15	On 1/17/08, pipeline was struck and damaged while maintenance on District pipeline was being performed.	The property damage costs were written off because the damage occurred during the course and scope of employment.	6/23/08
Act of Nature	2007-1010-0242 CW 1463788	761380	\$1,140.50	On 10/4/07, high winds damaged District vehicle door.	The property damage costs were written-off because the damage was due to an act of nature.	6/23/08
Unidentified Third Party	2008-0305-0562 CW 1473219	761462	\$7,500.00	On 3/5/08, an unknown suspect removed District fence.	The property damage costs were written off because the third party could not be identified.	6/23/08
Unidentified Third party	2008-0327-0618 CW 1473552	761479	\$788.87	On 3/26/08, an unknown third party struck and damaged District vent stack.	The property damage costs were written off because the third party could not be identified.	6/23/08
Unidentified Third party	2008-0221-0534 CW 1471682	761450	\$825.42	On 2/20/08, an unknown third party damaged District basin discharge pipe.	The property damage costs were written off because the third party could not be identified.	6/23/08
Damage During Use	2008-0313-0584 CW 1474268	761467	\$775.79	On 3/12/08, a District driver backed into a post.	The property damage costs were written off because the damage occurred during the course and scope of employment.	6/23/08
Damage During Use	2007-1227-0406 CW 1468680	761422	\$3,752.72	On 12/27/07, a District driver backed into a post.	The property damage costs were written off because the damage occurred during the course and scope of employment.	6/23/08

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Unidentified Third party	2007-0905-0160 CW 1460902	761368	\$9,972.49	On 9/4/07, an unknown third party stole copper wire and damaged window.	The property damage costs were written off because the third party could not be identified.	6/25/08