



- September 30, 2009 Quarterly Report

Summary

This is the quarterly report to the Legal and Claims 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 Legal and Claims Committee on the exercise of power delegated to her by Section 6431.

Attachments

- ATTACHMENT A: Workers' Compensation Matters Resolved During the Period July 1, 2009-September 30, 2009.
- ATTACHMENT B: Claims Against Metropolitan During the Period July 1, 2009-September 30, 2009.
- ATTACHMENT C: Costs Collected During the Period July 1, 2009-September 30, 2009.
- ATTACHMENT D: Property Damage Written Off as Uncollectible During the Period July 1, 2009-September 30, 2009.
- ATTACHMENT E: Accounts Receivable Written Off as Uncollectible During the Period July 1, 2009-September 30, 2009 - None.

Detailed Report

Contracts

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

Burke, Williams & Sorensen, LLP

Metropolitan retained this consultant to provide legal advice with respect to the Brown Act, including Brown Act training for Metropolitan's Board of Directors.

Richard B. Deriso, Ph.D.

Metropolitan retained Dr. Deriso to provide expert consultant services in connection with the litigation entitled *Metropolitan Water District v. U.S. Fish & Wildlife Service, et al.*, and other litigation relating to regulations involving endangered species imposed on California's Central Valley and State Water Project operations.

Manatt, Phelps & Phillips, LLP

Metropolitan retained this consultant to provide professional legal representation and consultation with respect to the bankruptcy proceedings *In re Tronox Incorporated*, and other related cases, actions and claims pertaining to the protection of the Colorado River from perchlorate and other contaminants emanating from the Tronox facility in Henderson, Nevada.

Musick, Peeler & Garrett LLP

Metropolitan retained this consultant to investigate and provide recommendations on complaints lodged with Metropolitan's Equal Employment Opportunity Officer.

The Sohagi Law Group

Metropolitan retained this consultant to provide legal advice and services on (1) various issues and claims asserted in the Quantification Settlement Agreement (QSA) Cases, and (2) various issues with respect to Metropolitan's levy of property taxes, rates and charges, including, without limitation, applicability of Articles XIII C and D of the California Constitution.

SubTerra, Inc.

Metropolitan retained this consultant to provide claims evaluation and analysis, expert opinion, and support relating to the construction of Metropolitan's Perris Valley Pipeline North Project. The consulting services agreement was amended during this quarter.

Claims

1. Between July 1, 2009 and September 30, 2009, Metropolitan initiated, compromised, settled, or otherwise disposed of the following claims:
 - a. Litigated Claims By and Against Third Parties
Metropolitan did not initiate, compromise, settle, or otherwise dispose of any litigated claims by and against any third parties within this past quarter.
 - b. Workers' Compensation Matters
The workers' compensation claims settled by the General Manager and the General Counsel within this 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 this past quarter are reported in Attachment B.
 - d. SB 90 Claims
Metropolitan did not submit any SB 90 claims for reimbursement for state-mandated costs within this past quarter.
 - e. Separation Agreements
Metropolitan did not execute any separation agreements within this past quarter.
2. Costs collected for claims within this past quarter are reported in Attachment C.
3. Property Damage Claims declared uncollectible by the General Manager within this past quarter are reported in Attachment D.
4. No accounts receivable were written off as uncollectible by the General Manager within this past quarter.

BLA #6884

ATTACHMENT A
Workers' Compensation Matters Resolved During the Period
July 1, 2009-September 30, 2009

Classification	Control No.	Date of Injury	Amount of Settlement	Nature of Injury	Basis for Settlement
Powerline Mechanic	2007-0503-0625	4/27/07	\$15,065.00	Right shoulder	Stipulated settlement based on Panel Qualified Medical Evaluator's report.
Engineering Aide	2005-1213-0310	12/8/05	\$660.00	Right knee	Stipulated settlement based on treating physician's report.
Maintenance Mechanic	2007-0806-0079	7/6/07	\$6,120.00	Left knee	Stipulated settlement based on treating physician's report.
Maintenance Worker	2006-0403-0512	3/20/06	\$39,385.41	Back	Stipulated settlement based on treating physician's report.
Chief of Party	2006-1204-0295	11/30/06	\$7,877.50	Right shoulder	Stipulated settlement based on Panel Qualified Medical Evaluator's report.
O&M Technician	2008-0916-0200	9/15/08	\$2,070.00	Left knee	Stipulated settlement based on treating physician's report.

ATTACHMENT B
Claims Against Metropolitan During the Period
July 1, 2009-September 30, 2009

Claimant	Control No. CW No.	Amount of Settlement	Incident Description	Basis for Resolution
City of San Dimas	2008-0325-0611 CW 1473440	\$8,211.28	On 1/29/08, a sink hole developed as a result of construction activity.	The third party property damage claim was settled based upon an evaluation of damages and the cost of repair.
Eduardo Martinez	2008-1229-0428 CW 1489695	\$444.00	On 12/23/08, the third party's tires were damaged on District property.	The third party property damage claim was settled based upon an evaluation of damages and the cost of replacement.

ATTACHMENT C
Costs Collected During the Period
July 1, 2009-September 30, 2009

Third Party or Cause	Control No. CW No.	Damage Amount	Incident Description	Basis for Costs Collected
James Bellheimer	2006-0726-0060 CW 1478494	\$965.00	On 7/21/06, a third party hit and damaged the District's fence.	The claim for property damage was paid in full by the third party's insurance carrier.

ATTACHMENT D
 Invoices Written Off as Uncollectible During the Period
July 1, 2009-September 30, 2009

Third Party or Cause	Control No. CW No.	Project No.	Damage Amount	Incident Description	Basis for Write-Off	Date Written Off
Damaged During Use	2009-0130-0506 CW 1492161	761587	\$517.20	On 1/30/09, a District driver struck a tree and caused damage to Metropolitan vehicle.	The property damage costs were written off because the damage occurred during the course and scope of employment.	8/19/09
Damaged During Use	2009-0210-0526 CW 1492162	761589	\$4,945.39	On 2/10/09, a District driver drove over black ice, lost control, and caused damage to Metropolitan vehicle.	The property damage costs were written off because the damage occurred during the course and scope of employment.	8/19/09
Damaged During Use	2009-0513-0758 CW 1497204	761629	\$481.94	On 5/5/09, a District driver struck a pillar and caused damage to Metropolitan vehicle.	The property damage costs were written off because the damage occurred during the course and scope of employment.	08/19/09
Damaged During Use	2009-0129-0498 CW 1492160	761584	\$1,130.54	On 1/29/09, a District driver struck a boulder and caused damage to Metropolitan vehicle.	The property damage costs were written off because the damage occurred during the course and scope of employment.	8/19/09
Damaged During Use	2009-0428-0718 CW 1496943	761622	\$654.80	On 3/27/09, a District driver struck a parking barrier and caused damage to Metropolitan vehicle.	The property damage costs were written off because the damage occurred during the course and scope of employment.	8/19/09
Wear and Tear	2009-0325-0638 CW 1499385	761609	\$1,430.91	On 3/19/09, a District vehicle was damaged when a tire blew out.	The property damage costs were written off because the damage occurred due to wear and tear of equipment.	8/19/09