



- December 31, 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 October 1, 2009-December 31, 2009.
- ATTACHMENT B: Claims Against Metropolitan During the Period October 1, 2009-December 31, 2009.
- ATTACHMENT C: Costs Collected During the Period October 1, 2009-December 31, 2009.
- ATTACHMENT D: Property Damage Written Off as Uncollectible During the Period October 1, 2009-December 31, 2009.
- ATTACHMENT E: Accounts Receivable Written Off as Uncollectible During the Period October 1, 2009-December 31, 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:

AEI-CASC Engineering, Inc.

Metropolitan retained this consultant to provide research of groundwater, land use, environmental and other entitlement issues relating to the proposed water storage and transfer projects by Cadiz, Inc. and others.

Atkinson, Andelson, Loya, Ruud & Romo

Metropolitan retained this consultant to provide legal services for a California Code of Civil Procedures Section 1094.5 petition action, appealing the July 4, 2009 hearing officer decision in *AFSCME Local 1902 v. Metropolitan Water District*.

Bergman & Dacey, Inc.

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

Burke, Williams & Sorensen, LLP

Metropolitan retained this consultant to represent Metropolitan in connection with (1) a disputed claim for retiree health benefits pursuant to the Public Employees Medical and Hospital Care Act, (2) the arbitration of a claim for employment reinstatement pursuant to the Settlement Agreement re Cargill Second Cause of Action and Related Grievances, and (3) the challenge of claimants demanding enrollment into the CalPERS Retirement System pursuant to the Settlement Agreement re First Cause of Action in *Cargill v. Metropolitan*.

December 31, 2009 Quarterly Report

GeoPentech, Inc.

Metropolitan retained this consultant to provide expert testimony and litigation support relative to the bankruptcy proceeding *In re Tronox Incorporated*, and its associated cases, actions and claims.

Kinaga Porcaro, LLP

Metropolitan retained this consultant to investigate and provide recommendations on complaints lodged with Metropolitan's Equal Employment Opportunity Officer. The consulting services agreement was amended during this quarter.

Latham & Watkins LLP

Metropolitan retained this special counsel to provide legal representation, advice and consultation with respect to the bankruptcy proceeding *In re Tronox Incorporated*, and its associated cases, actions and claims; and for related matters pertaining to contamination of the Colorado River emanating from the property currently owned and operated by Tronox 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 consulting services agreement was amended during this quarter.

Shaw Environmental and Infrastructure, Inc.

Metropolitan retained this consultant to provide research, analysis, expert testimony and litigation support for (1) the litigation entitled *Orange County Water District v. Northrop Corporation, et al.* and its associated claims, as well as any other potential claims or actions arising out of any alleged liability of Metropolitan for contamination of water supplies relating to Metropolitan's conveyance and delivery of Colorado River water to local agencies; and (2) the bankruptcy proceeding *In re Tronox Incorporated* and its associated claims, as well as any other potential claims or actions arising out of any alleged contamination of Metropolitan's source waters caused by contamination emanating from the property currently owned and operated by Tronox.

Yasinski & Jones, LLP

Metropolitan retained this consultant to conduct neutral investigations into allegations of harassment, discrimination or retaliation raised in connection with pending litigation.

Claims

1. Between October 1, 2009 and December 31, 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.

December 31, 2009 Quarterly Report

- 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 the past quarter.

ATTACHMENT A
Workers' Compensation Matters Resolved During the Period
October 1, 2009-December 31, 2009

Classification	Control No.	Date of Injury	Amount of Settlement	Nature of Injury	Basis for Settlement
Administrative Analyst	2004-0212-0446	10/15/03 Continuous Trauma ("CT")	\$80,000.00	Psyche, hypertension, cardiovascular, headaches, tumor, skin, heart	Compromise and release, negotiated settlement.
Maintenance Mechanic II	2005-0830-0119	8/25/05	\$4,620.00	Left knee	Stipulated settlement based on Qualified Medical Evaluator's report.
Engineering Technician III	2008-0122-0256	1/22/08	\$10,637.50	Neck, trunk	Stipulated settlement based on Agreed Medical Evaluator's report.
Maintenance Mechanic I/O&M Technician IV	2005-0517-0551	4/29/05	\$11,110.00	Left shoulder	Stipulated settlement based on Qualified Medical Evaluator's report.

ATTACHMENT B
Claims Against Metropolitan During the Period
October 1, 2009-December 31, 2009

Claimant	Control No. CW No.	Amount of Settlement	Incident Description	Basis for Resolution
David Hall	2009-0423-0704 CW 1495543	\$5,784.73	On 4/22/09, a District driver rear ended a third party vehicle.	The third party property damage claim was settled based upon an evaluation of damages and the repair estimate.

ATTACHMENT C
Costs Collected During the Period
October 1, 2009-December 31, 2009

Third Party or Cause	Control No. CW No.	Damage Amount	Incident Description	Basis for Costs Collected
Jason Scott Sieroe	2009-0827-0142 CW 1503370	\$4,300.05	On 8/25/09, a third party vehicle struck and damaged a District vehicle.	The claim for property damage was paid in full by the third party's insurance carrier.
Joanna L. Stephens	2009-0522-0775 CW 1497525	\$4,607.17	On 5/20/09, a third party vehicle struck and damaged a District vehicle.	The claim for property damage was paid in full by the third party's insurance carrier.
Raymond McLendon	2009-0504-0732 CW 1496945	\$825.00	On 5/3/09, a third party vehicle struck and damaged District fence.	The claim for property damage was paid in full by the third party's insurance carrier.
Thomas Lloyd	2008-0908-0174 CW 1483309	\$1,650.00	On 9/8/08, a third party vehicle struck and damaged District fence.	The claim for property damage was paid in full by the third party's insurance carrier.

ATTACHMENT DProperty Damage Claims Written Off as Uncollectible During the Period
October 1, 2009-December 31, 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	2009-0416-0692 CW 1496695	761615	\$2,599.26	On 4/16/09, a District driver transporting an MWD loader noticed that the windows were broken.	The property damage costs were written off because the damage occurred during the course and scope of employment.	10/21/09
Damaged During Use	2009-0511-0752 CW 1501590	761628	\$1,134.01	On 5/11/09, a District driver backed into third party vehicle.	The property damage costs were written off because the damage occurred during the course and scope of employment.	10/21/09
Damaged During Use	2009-0421-0698 CW 1495336	761618	\$1,227.86	On 4/21/09, a District driver rear ended third party vehicle.	The property damage costs were written off because the damage occurred during the course and scope of employment.	10/21/09
Damaged During Use	2008-0730-0088 CW 1482496	761530	\$1,290.70	On 7/30/08, a District driver backed into parked MWD vehicle.	The property damage costs were written off because the damage occurred during the course and scope of employment.	10/21/09
Damaged During Use	2009-0707-0012 CW 1503534	761647	\$518.19	On 7/7/09, a District driver backed MWD vehicle into post.	The property damage costs were written off because the damage occurred during the course and scope of employment.	10/21/09
Damaged During Use	2009-0519-0768 CW 1496917	761632	\$1,533.21	On 5/19/09, a District driver rear ended third party vehicle.	The property damage costs were written off because the damage occurred during the course and scope of employment.	10/21/09

ATTACHMENT D
Property Damage Claims Written Off as Uncollectible During the Period
October 1, 2009-December 31, 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	2009-0127-0490 CW 1491027	761582	\$2,706.00	On 1/27/09, a District driver struck and damaged MWD exit card reader.	The property damage costs were written off because the damage occurred during the course and scope of employment.	10/21/09
Unidentified Third Party	2008-1021-0282 CW 1487144	761556	\$3,165.70	On 10/21/08, an unidentified third party damaged District fence.	The property damage costs were written off because the third party could not be identified.	10/21/09