



- March 31, 2010 Quarterly Report

## Summary

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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

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- ATTACHMENT A: Workers' Compensation Matters Resolved During the Period January 1, 2010-March 31, 2010.
- ATTACHMENT B: Claims Against Metropolitan During the Period January 1, 2010-March 31, 2010.
- ATTACHMENT C: Costs Collected During the Period January 1, 2010-March 31, 2010.
- ATTACHMENT D: Property Damage Written Off as Uncollectible During the Period January 1, 2010-March 31, 2010.
- ATTACHMENT E: Accounts Receivable Written Off as Uncollectible During the Period January 1, 2010-March 31, 2010 – None.

## Detailed Report

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### Contracts

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

#### Kenneth P. Burnham

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

#### G & W Consulting Electrical Engineers

Metropolitan retained this consultant to review and analyze electrical engineering design drawings and related documents for the Diemer Plant Vehicle Maintenance Centers to determine whether the work met applicable standards of care.

#### Horvitz & Levy, LLP

Metropolitan retained this special counsel to provide legal advice and services in connection with the prosecution of any potential writ, appeal and/or cross-appeal or any related issue in litigation relating to *In re: QSA Cases* and coordinated cases.

#### Kinaga Olivarez, LLP

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

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### Public Interest Investigations, Inc.

Metropolitan retained this consultant to investigate and provide recommendations on complaints lodged with the Metropolitan Equal Employment Opportunity Manager.

### Shaw Environmental and Infrastructure, Inc.

Metropolitan retained this consultant to provide research, analysis, expert testimony and litigation support for 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. The consulting services agreement was amended during this quarter.

### Daniel E. Schindler

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

### Statistical Consulting Service of Simon Fraser University

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

### Theodora Oringher Miller & Richman PC

Metropolitan retained this special counsel to provide legal representation and consultation in connection with claims, litigation and ancillary matters relating to Metropolitan's Contract No. 1651 for the construction of the Perris Valley Pipeline – North Reach.

## Claims

1. Between January 1, 2010 and March 31, 2010, 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.

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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  
January 1, 2010-March 31, 2010

<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 I	2009-0414-0677	2/2/09 CT <sup>1</sup>	\$2,070.00	Ear, bilateral hearing loss	Stipulated settlement based on treating physician's report.
O&M Technician IV	2008-0818-0127	8/11/08	\$2,070.00	Right knee	Stipulated settlement based on treating orthopedist's report.
Administrative Assistant I	2009-0302-0561	2/27/09	\$2,760.00	Left shoulder and hand	Stipulated settlement based on treating orthopedist's report.
Maintenance Mechanic I/ O&M Technician IV	2006-1017-0207	10/13/06	\$5,520.00	Left knee	Stipulated settlement based on Qualified Medical Evaluator's report.
Maintenance Mechanic I/ O&M Technician IV	2008-0421-0686	4/21/08	\$1,380.00	Left knee	Stipulated settlement based on treating orthopedist's report.
Electronic Technician II	2006-1204-0296 2009-0512-0753	12/4/06 3/11/07 CT	\$6,000.00	Neck, back, circulatory system, body system and other	Compromise and release, negotiated settlement.
Administrative Analyst	2001-0103-0393	1/2/01	\$0	Left knee	Findings and Order of Workers' Compensation Judge - Take nothing.
Administrative Analyst	2001-1011-0188	9/17/01	\$9,982.00	Left knee	Findings and Order of Workers' Compensation Judge.
Maintenance Mechanic I	2007-0312-0482 2007-0312-0483 2005-0202-0348 2006-0615-0660	5/30/01 5/30/01 CT 1/10/05 6/6/06	\$100,000.00	Both hands, wrists, and feet; right knee	Compromise and release, negotiated settlement.

<sup>1</sup> CT = Continuous Trauma

**ATTACHMENT A**  
 Workers' Compensation Matters Resolved During the Period  
January 1, 2010-March 31, 2010

<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>
Administrative Secretary II	2005-0613-0615	6/13/05	\$21,010.00	Both wrists, hands and forearms	Stipulated settlement based on treating orthopedist's report.
O&M Technician IV	2009-0120-0473	1/20/09 CT	\$3,450.00	Bilateral hearing loss	Stipulated settlement based on treating otolaryngologist's report.

**ATTACHMENT B**  
**Claims Against Metropolitan During the Period**  
January 1, 2010-March 31, 2010

<b>Claimant</b>	<b>Control No. CW No.</b>	<b>Amount of Settlement</b>	<b>Incident Description</b>	<b>Basis for Resolution</b>
Deborah Weathersby	2009-0108-0446 CW 1490425	\$1,349.10	On 1/8/09, a District driver backed into a third party vehicle.	The third party property damage claim was settled based upon an evaluation of damages and the repair estimate.
Sandra Barsley	2009-0505-0737 CW 1496938	\$601.32	On 5/5/09, a District driver backed into a third party vehicle.	The third party property damage claim was settled based upon an evaluation of damages and the repair estimate.
Benoni Bratt	2009-0730-0067 CW 1500979	\$35,000.00	On 7/29/09, approximately 500 gallons of sewage and water was released from a septic tank and spilled into District house #149 causing damage.	The third party property damage claim was settled upon an evaluation of damages and the estimated total loss.
Zia Atabay	2007-0323-0533 CW 1448994	\$10,000.00	On 3/27/07, a District driver was involved in a multiple car accident and rear ended a third party vehicle.	The third party bodily injury claim was settled and negotiated with the third party's attorney.
Attoulah Orooji-Hervai	2007-0323-0533 CW 1448994	\$10,000.00	On 3/27/07, a District driver was involved in a multiple car accident and rear ended a third party vehicle.	The third party bodily injury claim was settled and negotiated with the third party's attorney.
Jeff Ruffner	2008-0730-0085 CW 1482498	\$2,612.34	On 7/29/08, a District driver backed into 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  
January 1, 2010-March 31, 2010

<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>
William W. Miller	2009-0105-0432 CW 1489351	\$823.26	On 1/5/09, a third party driver struck and damaged a District vehicle.	The claim for property damage was paid in full by the third party's insurance carrier.
Vilma Portillo	2009-0602-0787 CW 1498155	\$1,341.34	On 6/2/09, a third party driver struck and damaged a District vehicle.	The claim for property damage and the cost of a rental vehicle were paid in full by the third party's insurance carrier.
Staci Valko	2009-0821-0123 CW 1502704	\$450.00	On 7/4/09, a third party driver struck and damaged a section of District fence.	The claim for property damage was paid in full by the third party's insurance carrier.
Steven Mayemura	2009-0904-0168 CW 1503689	\$1,546.96	On 9/3/09, a third party driver struck and damaged a District vehicle.	The claim for property damage was paid in full by the third party.
Shirley Richardson	2009-0316-0609 CW 1493240	\$21,828.37	On 3/16/09, a third party driver struck and damaged a District vehicle.	The claim for property damage was paid in full by the third party's insurance carrier.
Greg Bui	2009-0928-0215 CW 1504520	\$1,383.04	On 9/25/09, a third party driver struck and damaged a District vehicle	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  
January 1, 2010-March 31, 2010

<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>
Unidentified Third Party	2009-0420-0696 CW 1495244	761616	\$1,485.00	On 4/18/09, an unidentified third party damaged MWD fence.	The property damage costs were written off because the third party could not be identified.	3/1/10
Damaged During Use	2009-0605-0794 CW 1516935	761637	\$2,078.67	On 6/5/09, a District driver ran over road debris and damaged MWD vehicle.	The property damage costs were written off because the damage occurred during the course and scope of employment.	3/1/10
Unidentified Third Party	2009-1001-0230 CW 1516934	761677	\$992.64	On 10/1/09, an unidentified third party shot out MWD overhead light.	The property damage costs were written off because the third party could not be identified.	3/1/10
Unidentified Third Party	2009-1119-0312 CW 1513861	761684	\$778.75	On 11/18/09, an unidentified third party damaged MWD fence and electrical boxes.	The property damage costs were written off because the third party could not be identified.	3/1/10
Unidentified Third Party	2009-0928-0220 CW 1506577	761676	\$428.00	On 9/18/09, an unidentified third party damaged MWD fence.	The property damage costs were written off because the third party could not be identified.	3/1/10
Unidentified Third Party	2009-0121-0476 CW 1490710	761580	\$8,039.00	On 10/11/08, an unidentified third party damaged MWD card reader.	The property damage costs were written off because the third party could not be identified.	3/1/10
Damaged During Use	2009-0521-0772 CW 1499336	761649	\$437.50	On 5/19/2009, a District driver misjudged turn, rolled vehicle over and caused damage to MWD vehicle.	The property damage costs were written off because the damage occurred during the course and scope of employment.	3/10/10
Unidentified Third Party	2009-0309-0586 CW 1493718	761601	\$5,270.80	On 3/9/09, an unidentified third party stole and damaged MWD vehicle.	The property damage costs were written off because the third party could not be identified.	3/10/10



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<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>
Damaged During Use	2009-0224-0550 CW 1492158	761597	\$3,893.36	On 2/24/09, a District driver hit manhole cover and damaged MWD vehicle.	The property damage costs were written off because the damage occurred during the course and scope of employment.	3/10/10
Unidentified Third Party	2009-0723-0054 CW 1516932	761653	\$770.00	On 7/23/09, an unidentified third party damaged MWD fence.	The property damage costs were written off because the third party could not be identified.	3/10/10
Damaged During Use	2009-0928-0218 CW 1506574	761675	\$910.75	On 9/24/09, a District driver backed MWD tractor into freeway bridge causing damage to tractor.	The property damage costs were written off because the damage occurred during the course and scope of employment.	3/10/10
Unidentified Third Party	2008-0814-0122 CW 1516937	761538	\$19,114.42	On 8/14/08, an unidentified third party hit and damaged MWD air release structure.	The property damage costs were written off because the third party could not be identified.	3/10/10
Damaged During Use	2009-1116-0299 CW 1517816	761683	\$1,769.99	On 11/13/09, a District trailer unhitched from the MWD truck and damaged the rear bumper.	The property damage costs were written off because the damage occurred during the course and scope of employment.	3/16/10
Act of Nature	2009-1016-0257 CW 1516773	761680	\$1,169.36	On 10/12/09, a District employee opened the car door and the wind blew the door open causing damage to the hinges.	The property damage costs were written off because the damage occurred due to an act of nature.	3/16/10
Damaged During Use	2009-0928-0217 CW 1506576	761674	\$2,121.57	On 9/28/09, a District driver backed MWD vehicle into a parked and unoccupied MWD vehicle causing damage.	The property damage costs were written off because the damage occurred during the course and scope of employment.	3/16/10

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<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>
Damaged During Use	2009-0904-0167 CW 1516769	761664	\$804.63	On 8/28/09, a District driver struck a rock wall causing damage to MWD vehicle.	The property damage costs were written off because the damage occurred during the course and scope of employment.	3/16/10
Wear and Tear of Equipment	2009-0813-0103 CW 1516771	761659	\$2,600.00	On 6/24/09, an air conditioner condensation line leaked in the attic and caused water damage to a District house.	The property damage costs were written off because the damage occurred due to wear and tear of equipment.	3/16/10
Unidentified Third Party	2009-0813-0099 CW 1503537	761658	\$1,200.00	On 8/13/09, an unidentified third party struck and damaged a section of the District fence.	The property damage costs were written off because the third party could not be identified.	3/16/10
Damaged During Use	2009-0806-0083 CW1502572	761656	\$1,163.57	On 7/28/09, a District driver backed an MWD vehicle into a valve structure and caused damage to MWD vehicle.	The property damage costs were written off because the damage occurred during the course and scope of employment.	3/16/10
Damaged During Use	2009-0803-0071 CW 1500980	761655	\$6,030.79	On 8/3/09, a District driver was involved in an intersection accident.	The property damage costs were written off because the damage occurred during the course and scope of employment.	3/16/10
Unidentified Third Party	2009-0722-0047 CW 1516766	761652	\$445.00	On 7/21/09, an unidentified third party struck and damaged a section of the District fence.	The property damage costs were written off because the third party could not be identified.	3/16/10
Unidentified Third Party	2009-0701-0001 CW 1516803	761645	\$750.00	On 6/30/09, an unidentified third party struck and damaged a section of the District fence.	The property damage costs were written off because the third party could not be identified.	3/16/10

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<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>
Unidentified Third Party	2009-0617-0829 CW 1516772	761644	\$800.00	On 6/17/09, an unidentified third party struck and damaged a section of the District fence.	The property damage costs were written off because the third party could not be identified.	3/16/10
Damaged During Use	2009-0518-0763 CW 1497524	761631	\$2,757.05	On 5/15/09, a District driver struck a fence and damaged MWD vehicle.	The property damage costs were written off because the damage occurred during the course and scope of employment.	3/16/10
Damaged During Use	2009-0514-0759 CW 1497203	761630	\$1,321.66	On 5/13/09, a District driver ran over road debris and damaged MWD vehicle.	The property damage costs were written off because the damage occurred during the course and scope of employment.	3/16/10
Wear and Tear of Equipment	2009-0417-0693 CW 1521652	761633	\$5,706.82	On 4/16/09, the step gave way, as an employee was boarding the District plane.	The property damage costs were written off because the damage occurred due to wear and tear of equipment.	3/16/10
Damaged During Use	2009-0312-0603 CW 1495550	761605	\$900.22	On 3/10/09, a District underwater video camera sustained damage because the cap was not properly secured.	The property damage costs were written off because the damage occurred during the course and scope of employment.	3/16/10
Unidentified Third Party	2009-0305-0577 CW 1496693	761598	\$635.00	On 2/28/09, an unidentified third party struck and damaged a section of the District fence.	The property damage costs were written off because the third party could not be identified.	3/16/10
Damaged During Use	2009-0223-0547 CW 1494408	761595	\$1,755.29	On 2/23/09, a District driver backed an MWD vehicle into another parked and unoccupied District vehicle.	The property damage costs were written off because the damage occurred during the course and scope of employment.	3/16/10

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<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>
Damaged During Use	2009-0212-0531 CW 1491521	761590	\$1,297.85	On 2/6/09, a District crane operator lowered the boom on top of an MWD vehicle causing damage.	The property damage costs were written off because the damage occurred during the course and scope of employment.	3/16/10
Damaged During Use	2009-0127-0491 CW 1494567	761583	\$487.25	On 1/22/09, a District driver ran over road debris and damaged MWD vehicle.	The property damage costs were written off because the damage occurred during the course and scope of employment.	3/16/10
Unidentified Third Party	2008-1229-0429 CW 1488965	761574	\$749.90	On 12/29/08, an unidentified third party struck and damaged a parked and unoccupied District vehicle.	The property damage costs were written off because the third party could not be identified.	3/16/10
Unidentified Third Party	2008-1104-0311 CW 1516775	761652	\$4,579.01	On 10/29/08, an unidentified third party driver struck and damaged a District vehicle.	The property damage costs were written off because the third party could not be identified.	3/16/10
Clayton Andrews	2006-1023-0219 CW 1440701	761228	\$11,630.00	On 10/21/06, a third party removed a District fence and began grading MWD property for personal use. The District incurred costs investigating impact of the grading.	The investigative and other expenses were written off after determining that there was no substantive damage to MWD property.	3/16/10
Unidentified Third Party	2005-0427-0515 CW 1516764	760974	\$1,072.73	On 4/21/05, an unidentified third party stole a toolbox from a District vehicle.	The property damage costs were written off because the third party could not be identified.	3/16/10
Damaged During Use	2009-1123-0315 CW 1513862	761685	\$865.03	On 11/23/09, a District driver struck an MWD gate causing damage.	The property damage costs were written off because the damage occurred during the course and scope of employment.	3/16/10