



## • March 31, 2013 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.

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### Attachments

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|---------------|---|
| ATTACHMENT A: | Workers' Compensation Matters Resolved During the Period<br>January 1, 2013 – March 31, 2013.                 |
| ATTACHMENT B: | Claims Against Metropolitan During the Period<br>January 1, 2013 - March 31, 2013.                            |
| ATTACHMENT C: | Costs Collected During the Period<br>January 1, 2013 - March 31, 2013. None.                                  |
| ATTACHMENT D: | Property Damage Written Off as Uncollectible During the Period<br>January 1, 2013 - March 31, 2013.           |
| ATTACHMENT E: | Accounts Receivable Written Off as Uncollectible During the Period<br>January 1, 2013 - March 31, 2013. None. |

### Detailed Report

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#### Contracts

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

#### Atkinson, Andelson, Loya, Ruud & Romo

Metropolitan retained Special Counsel to provide legal representation, advise and consultation in the litigation entitled, *Steve Stephenson, Sr., Steve Stephenson, Jr., Nobel Stephenson, a minor, through his Guardian Ad Litem, Steve Stephenson, Sr. and Mario Calderon v. Metropolitan Water District of Southern California, A Government Entity, Albert Wilkins, and Does 1-50, Inclusive*, Los Angeles Superior Court Case No. BC479741.

#### Ellison, Schneider & Harris LLP

This agreement was amended this quarter to reflect contract language updates regarding Fee Schedule modifications, Subconsultants, Equal Employment Opportunity, Affirmative Action and Notification of Employee Rights under NLRA.

#### GeoPentech, Inc.

This agreement was amended to reflect a change in the agreement administrator and contract language updates regarding Subconsultants, Equal Employment Opportunity, Affirmative Action and Notification of Employee Rights under NLRA.

#### GeoPentech, Inc.

Metropolitan retained Consultant to provide a ground water management plan for the Domenigoni-Barton Family's land in Domenigoni Valley.

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### Hunt Ortmann Palffy Nieves Lubka Darling & Mah, Inc.

This agreement was amended to reflect a change in the agreement administrator and contract language updates regarding Subconsultants, Equal Employment Opportunity, Affirmative Action and Notification of Employee Rights under NLRA.

### Joyce C. Sparks

This agreement was amended this quarter to reflect an increase in the maximum amount payable.

### Squire Sanders LLP.

This agreement was amended this quarter to reflect an increase in the maximum amount payable.

### Susan Woolley

Metropolitan retained this Consultant to investigate and provide recommendations on a complaint lodged by a Metropolitan employee with the Metropolitan Equal Employment Opportunity Unit.

### Todd Engineers

Metropolitan retained this Consultant to review and evaluate the Remedial Investigation/Feasibility Study Work Plan for the Tronox/Nevada Environmental Response Trust Site in Henderson, Nevada.

### Trussell Technologies, Inc.

Metropolitan retained this Consultant to review and evaluate the Remedial Investigation/Feasibility Study Work Plan for the Tronox/Nevada Environmental Response Trust Site in Henderson, Nevada.

## Claims

1. Between January 1, 2013 - March 31, 2013, Metropolitan initiated, compromised, settled, or otherwise disposed of the following claims:
  - a. Litigated Claims By and Against Third Parties  
Metropolitan did not enter into any settlement agreements within this past quarter.
  - b. Workers' Compensation Matters  
Workers' compensation claims settled by the General Manager and the Interim 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  
No SB 90 claims for reimbursement for state-mandated costs were reported within this past quarter.
  - e. Separation Agreements  
Metropolitan did not enter into any separation agreements within this past quarter.
2. No costs were collected for claims within this past quarter.
3. Property Damage Claims declared as 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.

**ATTACHMENT A**  
 Workers' Compensation Matters Resolved During the Period  
January 1, 2013 - March 31, 2013

| <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>  |
|-------------------------------|--------------------|-----------------------|-----------------------------|--|--|
| Hydroelectric Supervisor      | 2002-0123-0351     | 1/9/02 CT             | \$30,000.00                 | Circulatory system, stress, chest, psychiatric | Compromise and release, negotiated settlement  |
| O&M Technician IV             | 2010-0802-00066    | 7/28/10               | \$33,350.00                 | Right shoulder and back                        | Stipulated settlement based on treating physician's report   |
| Communications Technician III | 2011-0919-0158     | 8/31/11 CT            | \$10,000.00                 | Bilateral hearing loss                         | Compromise and release, negotiated settlement  |
| Hydroelectric Specialist I    | 2012-0517-0570     | 5/17/12               | \$0                         | Left shoulder, elbow, wrist & hand             | Stipulated settlement (providing future medical treatment only) based on treating physician's report |
| O&M Technician IV             | 2012-0430-0528     | 4/26/12 CT            | \$0                         | Bilateral hearing loss                         | Stipulated settlement (providing future medical treatment only) based on treating physician's report |

**ATTACHMENT B**  
 Non-Litigated Third Party Claims Against Metropolitan Resolved During the Period  
January 1, 2013 - March 31, 2013

| <b>Claimant</b> | <b>Control No.<br/>CW No.</b> | <b>Amount of<br/>Settlement</b> | <b>Incident Description</b>   | <b>Basis for Resolution</b>   |
|-----------------|-------------------------------|---------------------------------|---|---|
| Mona Javdan     | 2012-0828-0108<br>CW 17640125 | \$4,315.81                      | On 8/23/12, a District vehicle backed into a third party vehicle    | The third party property damage claim was settled based upon an evaluation of damages and the repair estimate |
| Jose Magana     | 2013-0123-0322<br>CW 1848721  | \$498.53                        | On 1/23/13, a District driver hit and damaged a third party vehicle | The third party property damage claim was settled based upon an evaluation of damages and the repair estimate |
| L&N Fertilizer  | 2013-0124-0324<br>CW 1846778  | \$1,097.58                      | On 1/23/13, a District vehicle 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 D**  
 Property Damage Claims Written Off as Uncollectible During the Period  
January 1, 2013 - March 31, 2013

| <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    | 2011-1107-0234<br>CW 1601972 | 761732             | \$340.00             | On 11/7/11, an unidentified third party damaged a District fence     | The property damage costs were written off because the third party could not be identified                        | 3/21/2013               |
| Unidentified Third Party    | 2011-0509-0574<br>CW 1564375 | 761725             | \$1,703.90           | On 5/9/11, an unidentified third party rear-ended a District vehicle | The property damage costs were written off because the third party could not be identified                        | 3/21/2013               |
| Ivan Chong                  | 2011-0818-0088<br>CW 1614490 | 761729             | \$675.00             | On 8/18/11, a third party driver struck and damaged a District fence | The property damage costs were written off because it was no longer cost effective to continue collection efforts | 3/21/2013               |