



Metropolitan Cases

Cora Constructors, Inc. v. Metropolitan **(San Bernardino Superior Court)**

On October 15, 2014, Cora Constructors, Inc. (Cora) filed a cross-complaint against Metropolitan, alleging breach of contract and seeking \$1.8 million plus interest in damages. The cross-complaint involved work that Cora performed on Metropolitan's Copper Basin Reservoir Outlet Structure Rehabilitation Project, and was precipitated by a complaint against Cora by its electrical subcontractor, Davis Electric, Inc. Specifically, Cora alleged that it had incurred significant overhead costs due to Metropolitan-caused delays, was not paid for extra work, and was wrongfully assessed \$480,000 in liquidated damages. As a result of cross-complaints filed by Cora against several of its subcontractors, the case involved numerous parties. Following roughly one year and four months of discovery and prior to the scheduled June 27, 2016 trial date, the parties participated in a one-day mediation on March 11. Shortly after mediation, the parties reached a global settlement. Pursuant to the settlement, Metropolitan agreed to return \$300,000 of the liquidated damages it had withheld due to the delay in the project completion date. The settling parties agreed to release all claims, dismiss all claims with prejudice, and to each bear their own fees and costs.

AFSCME Local 1902 v. Metropolitan (MOU Hearing Officer Appeal)

On March 22, 2016, Hearing Officer Robert Bergeson issued his decision denying a September 23, 2013, grievance by AFSCME Local 1902. The grievance alleged that Human Resources violated the AFSCME MOU and internal policy by failing to promote an employee to the classification of senior resource specialist as a result of the employee's job audit request. After hearing three days of testimony and receiving the parties' post-hearing briefs, Hearing Officer Bergeson determined that Human Resources properly maintained the employee at the classification of environmental specialist. The

Legal Department represented Metropolitan in this matter.

AFSCME Local 1902 v. Metropolitan (MOU Hearing Officer Appeal)

On March 28, 2016, Hearing Officer Kenneth A. Perea issued his decision denying a July 26, 2013, grievance by AFSCME Local 1902. The grievance alleged that Human Resources violated the AFSCME MOU and internal policy by failing to promote an employee to the classification of senior engineer as a result of the employee's job audit request. After hearing three days of testimony and receiving the parties' post-hearing briefs, Hearing Officer Perea determined that Human Resources properly maintained the employee at the classification of engineer. The Legal Department represented Metropolitan in this matter.

Bradley Nutt v. Metropolitan, et al. **(Los Angeles County Superior Court)**

As previously reported, Plaintiff Bradley Wayne Nutt, a former employee, filed a complaint on July 9, 2014, in Los Angeles County Superior Court against Metropolitan, which he amended on September 8, 2014. The complaints allege religious discrimination and retaliation in violation of the Fair Employment and Housing Act. Metropolitan is the sole defendant. As a remedy, Plaintiff seeks economic damages for past and future loss of earnings and benefits, general damages for emotional distress, and unspecified costs and statutory attorney's fees. Originally, this lawsuit was set for a three-week jury trial commencing on January 20, 2016. However, due to the trial court's unavailability and thereafter due to the withdrawal of Plaintiff's counsel, the trial date was moved and then taken off calendar. A trial setting conference took place on April 1, 2016, at which time new counsel appeared for Plaintiff. In response, the court scheduled the jury trial to begin on May 9, 2016. Atkinson, Andelson, Loya, Ruud & Romo is representing Metropolitan. (See General Counsel's August 2014 and November 2015 Activity Reports.)



Matters Received by the Legal Department

<u>Category</u>	<u>Received</u>	<u>Description</u>	
Actions in which MWD is a party	1	Complaint for Personal Injury filed in <i>Francia Elsa Fate v. MWD</i> , in Los Angeles County Superior Court, relating to claims stemming from fall at Gene Camp	
Government Code Claims	1	Claims submitted by Enterprise LLC for automobile accident involving MWD vehicle	
Requests Pursuant to the Public Records Act	27	<u>Requestor</u>	<u>Documents Requested</u>
		Adams Broadwell Joseph & Cardozo	Documents relating to the Desert Quartzite Solar Project
		Better Bike	List of recipients who received turf removal rebates in the City of Beverly Hills
		BuzzFeed News	Turf removal rebate data
		California Department of Water Resources (DWR)	End of water year storage data for Diamond Valley Forebay
		California Pavement Services	Bonding information for the Weymouth Water Treatment Plant Oxidation Retrofit Program
		Lawrence Berkeley National Laboratory	Data on MWD's rebate program for weather-based irrigation controllers
		Los Angeles Times	Documents relating to Ethics Office reorganization budget proposal and hiring of staff, and Turf Terminators
		Main Graphics	Current contract for printing services
		Onvia	Information on MWD's contract for As-Needed Environmental Site Assessments
Pacific Advocates	Documents relating to MWD plans to purchase land from Delta Wetlands Properties		
Private Citizens (5 requests)	(1) Documents relating to compensation awarded to Director Friedman and inspection trips attended or sponsored by Director		



<u>Category</u>	<u>Received</u>	<u>Description</u>
		Friedman, (2) two requests for list of recipients who received turf removal rebate data, (3) data on water sales and rates at the city level, (4) map of MWD service area
	Professor, Dartmouth Thayer School of Engineering	Hydraulic model and SCADA data relating to water demand
	Rutan & Tucker	Data on outdoor water conservation rebates, including turf removal rebates
	Segment Returns	List of uncashed checks and unclaimed funds
	Shore McKinley & Conger	CEQA Notice of Exemption for Delta Wetlands
	Dental Hygiene Students (2 requests)	Information on MWD's fluoridation program
	Students, El Segundo High School (2 requests)	MWD's Annual Drinking Water Quality Report for 2015 data
	Student, New York University Environmental Studies	Data on how water is allocated
	Student at USC Spatial Studies Institute	Data on square feet of turf converted, year converted, and location
	Superior Concrete & Masonry Construction	Turf removal rebate data
	Wohlner Kaplon Cutler Halford & Rosenfeld	Certified payroll records, fringe benefit statements and other construction-related documents for the Weymouth Solar Power Facilities
Other Matters	2	Wage garnishments