



- September 30, 2010 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, 2010-September 30, 2010.
ATTACHMENT B:	Claims Against Metropolitan During the Period July 1, 2010-September 30, 2010.
ATTACHMENT C:	Costs Collected During the Period July 1, 2010-September 30, 2010.
ATTACHMENT D:	Property Damage Written Off as Uncollectible During the Period July 1, 2010-September 30, 2010.
ATTACHMENT E:	Accounts Receivable Written Off as Uncollectible During the Period July 1, 2010-September 30, 2010 – 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:

Capstone Advisory Group, LLC

Metropolitan retained this consultant to provide financial analysis concerning proposed settlement consideration and settlement options relating to the bankruptcy proceeding entitled *In re Tronox Incorporated, et al.*, United States Bankruptcy Court, Southern District of New York, Chapter 11, Case No. 09-10156 (ALG), and its associated cases, actions and claims.

Cleath-Harris Geologists, Inc.

Metropolitan retained this consultant to assess the value and commercial viability of (1) the property right granted to the Holmes family in the 1937 court-approved stipulation between Holmes and Metropolitan, and (2) Metropolitan's property interests in the Eagle Valley area; as well as to provide mediation and other litigation support related to these property valuations.

DTDE, Inc., doing business as Discovery Document Reproduction Services

Metropolitan retained this consultant to provide litigation support, including copying, scanning and related services as needed in connection with the case entitled *Minor v. Metropolitan*.

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. The consulting services agreement was amended during this quarter.

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Latham & Watkins LLP

Metropolitan retained this consultant to provide legal representation, advice, and consultation for administrative and regulatory proceedings and potential actions, claims, and related matters pertaining to Publically Owned Treatment Works (POTWs) that discharge to the San Joaquin-Sacramento River Delta.

Public Interest Investigations, Inc.

Metropolitan retained this consultant to (1) investigate and provide recommendations on complaints lodged with the Metropolitan Equal Employment Opportunity Manager, and (2) investigate employee complaints alleging retaliation in violation of law and Metropolitan's administrative policies.

Musick, Peeler & Garrett LLP

Metropolitan retained this consultant to investigate and provide recommendations on charges of discrimination filed with the Equal Employment Opportunity Commission.

Raftelis Financial Consultants, Inc.

Metropolitan retained this consultant to (1) provide research, analysis and expert testimony in connection with a dispute with the San Luis Rey Band of Mission Indians, and (2) assist in litigation entitled *San Diego County Water Authority v. Metropolitan*, Los Angeles County Superior Court Case No. BS126888, involving Metropolitan's rates and charges.

Claims

1. Between July 1, 2010 and September 30, 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.
2. Costs collected for claims within this past quarter are reported in Attachment C.

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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.

ATTACHMENT A
Workers' Compensation Matters Resolved During the Period
July 1, 2010-September 30, 2010

Classification	Control No.	Date of Injury	Amount of Settlement	Nature of Injury	Basis for Settlement
Maintenance Mechanic I	2007-0627-0758	6/26/07	\$17,365.00	Low back	Stipulated settlement based on treating physician's report.
Administrative Assistant	85-0722-16 90-0612-0267 96-0916-0108 2002-1022-0262	7/22/85 5/30/90 9/16/96 CT ¹ 10/18/02 CT	\$17,500.00	Both shoulders, both wrists, internal, neck, psyche, rheumatology, diabetes	Compromise and release, negotiated settlement.
Operations & Maintenance Supervisor	2010-0226-0495	2/18/10 CT	\$0	Ear, bilateral hearing loss	Stipulated settlement (providing future medical treatment only) based on treating physician's report.
O&M Technician IV	2009-1008-0236	9/28/09	\$1,380.00	Left knee	Stipulated settlement based on treating physician's report.

¹ CT = Continuous Trauma

ATTACHMENT B
Claims Against Metropolitan During the Period
July 1, 2010-September 30, 2010

Claimant	Control No. CW No.	Amount of Settlement	Incident Description	Basis for Resolution
John Taylor	2009-1211-0363 CW 1515955	\$701.47	On 12/19/09, a District gate closed and damaged a third party vehicle.	The third party property damage claim was settled based upon an evaluation of damages and the repair estimate.
Randall Bevington	2010-0512-0656 CW 1524833	\$1,820.43	On 5/11/10, a District driver struck and damaged a third party vehicle.	The third party property damage claim was settled based upon an evaluation of damages and the repair estimate.
Jeff Ruffner	2008-0730-0085 CW 1482498	\$160.00	On 7/29/08, a District driver backed into a third party vehicle.	The third party property damage claim was initially settled for \$2,612.34 based upon an evaluation of damages and the repair estimate, as reported in the March 2010 quarterly report. Additional expenses totaling \$160 were reviewed by Property Damage Appraisers on behalf of MWD, which increased the settlement valued to \$2,772.34.

ATTACHMENT C
Costs Collected During the Period
July 1, 2010-September 30, 2010

Third Party or Cause	Control No. CW No.	Damage Amount	Incident Description	Basis for Costs Collected
Perrin Bernard Supowitz, Inc.	2010-0330-0575 CW 1522103	\$1,290.61	On 3/30/10, a third party driver backed up and struck a parked and unoccupied District vehicle.	The property damage claim of \$1,125.02 and loss of use amount of \$165.91 were paid in full by the third party's insurance carrier.
Vitaliy Tokarev Liberty Mutual	2009-1207-0342 CW 1514886	\$4,817.40	On 12/7/09, a third party driver lost control of vehicle and struck and damaged a District vehicle.	The property damage claim of \$4,467.41 and loss of use amount of \$350 were paid in full by the third party's insurance carrier.

ATTACHMENT D
 Invoices Written Off as Uncollectible During the Period
July 1, 2010-September 30, 2010

Third Party or Cause	Control No. CW No.	Project No.	Damage Amount	Incident Description	Basis for Write-Off	Date Written Off
Ricardo Robles	2010-0111-0390 CW 1516782	761687	\$3,647.62	On 1/7/10, a third party driver struck and damaged a District fence.	The property damage costs were written off, because the third party could not be located.	9/08/10