



## • March 31, 2011 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, 2011 - March 31, 2011.
ATTACHMENT B:	Claims Against Metropolitan During the Period January 1, 2011 - March 31, 2011.
ATTACHMENT C:	Costs Collected During the Period January 1, 2011 - March 31, 2011.
ATTACHMENT D:	Property Damage Written Off as Uncollectible During the Period January 1, 2011 - March 31, 2011 – None.
ATTACHMENT E:	Accounts Receivable Written Off as Uncollectible During the Period January 1, 2011 - March 31, 2011 – 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:

#### Albert A. Webb Associates

Metropolitan retained this consultant to provide expert advice and testimony regarding traffic control related to the lawsuit entitled, *Village Retail Center, LLC, et al. v. Metropolitan Water District, etc., et al.*, Los Angeles Superior Court Case No. BC 439334.

#### Arthur Pearlman Corporation

Metropolitan retained this consultant to provide expert advice and testimony regarding retail/commercial development related to the lawsuit entitled, *Village Retail Center, LLC, et al. v. Metropolitan Water District, etc., et al.*, Los Angeles Superior Court Case No. BC 439334. This agreement was entered into and amended during this quarter.

#### Bergman & Dacey, Inc.

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

#### Bergman & Dacey, Inc.

Metropolitan retained this consultant to investigate and provide recommendations on a complaint lodged with Metropolitan Equal Employment Opportunity Unit. The consulting services agreement was amended during this quarter.

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### Butier Engineering, Inc.

Metropolitan retained this consultant to provide expert advice and testimony regarding public works construction related to the lawsuit entitled, *Village Retail Center, LLC, et al. v. Metropolitan Water District, etc., et al.*, Los Angeles Superior Court Case No. BC 439334.

### 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. The consulting services agreement was amended during this quarter.

### Executive Presentations, Inc.

Metropolitan retained this consultant to assist Metropolitan's General Counsel and Special Counsel with trial presentations related to the lawsuit entitled, *Village Retail Center, LLC, et al. v. Metropolitan Water District, etc., et al.*, Los Angeles Superior Court Case No. BC 439334.

### F W Kohl Industrial Group, Inc.

Metropolitan retained this consultant to provide expert witness services in connection with the pending litigation matter entitled, *J-Line Co. dba American-Marsh Pumps v. Metropolitan Water District of Southern California*, United States District Court for the Western District of Tennessee Case No. 2:10-cv-02605-tmp.

### George Smith Partners, Inc.

Metropolitan retained this consultant to provide expert advice and testimony regarding real estate financing related to the lawsuit entitled, *Village Retail Center, LLC et al. v Metropolitan Water District, etc., et al.*, Los Angeles Superior Court Case No. BC 439334.

### Glenn Lukos Associates, Inc.

Metropolitan retained this consultant to provide expert advice and testimony regarding biology related to historic groundwater flows related to the lawsuit entitled, *Village Retail Center, LLC, et al. v. Metropolitan Water District, etc., et al.*, Los Angeles Superior Court Case No. BC 439334.

### Gordon Consulting Group, LLC

Metropolitan retained this consultant to provide expert advice and testimony regarding construction cost/schedule related to the lawsuit entitled, *Village Retail Center, LLC, et al. v. Metropolitan Water District, etc., et al.*, Los Angeles Superior Court Case No. BC 439334.

### Kinaga Law Firm

Metropolitan retained this consultant to assist the Legal Department in conducting an administrative investigation concerning an anonymous complaint.

### Kinaga Law Firm fka Kinaga Olivarez, LLP

Metropolitan retained this consultant to investigate and provide recommendations on complaints lodged with Metropolitan Equal Employment Opportunity Officer. The consulting services agreements Nos. 102995 and 110221 were amended during this quarter to reflect a name change to Kinaga Law Firm.

### Mason & Mason

Metropolitan retained this consultant to appraise property damage claims, including loss of access and interference with groundwater, and to provide related litigation support and expert witness testimony in the lawsuit entitled, *Village Retail Center, LLC, et al. v. Metropolitan Water District, etc., et al.*, Los

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Angeles Superior Court Case No. BC 439334, stemming from the construction of Metropolitan's Perris Valley Pipeline North reach Project. The consulting services agreement was amended during this quarter.

### Paladin Professional Consultants, Inc.

Metropolitan retained this consultant to provide expert advice and testimony regarding public works construction related to the lawsuit entitled, *Village Retail Center, LLC, et al. v. Metropolitan Water District, etc., et al.*, Los Angeles Superior Court Case No. BC 439334.

### Professional Land Surveying, Inc.

Metropolitan retained this consultant to provide expert advice and testimony regarding surveying of the property related to the lawsuit entitled, *Village Retail Center, LLC, et al. v. Metropolitan Water District, etc., et al.*, Los Angeles Superior Court Case No. BC 439334.

### State and Federal Contractors Water Agency (SFCWA)

Metropolitan entered into a reimbursement agreement and has agreed to act as the Contract Administrator on behalf of the State and Federal Contractors Water Agency (SFCWA) and other water agencies. Metropolitan will contract with the required consultants and seek reimbursement for the contract payments from SFCWA related to the Sacramento Regional County Sanitation District's NPDES permit proceedings. Pursuant to this agreement, Metropolitan has entered into the following consultant contracts:

- Archibald Consulting  
Metropolitan retained this consultant to provide drinking water quality expertise on an as needed basis with respect to the Sacramento Regional County Sanitation District's National Pollutant Discharge Elimination System (NPDES) permit proceedings.
- Berkeley Economic Consulting  
Metropolitan retained this consultant to provide economic analyses and expertise on an as needed basis with respect to the Sacramento Regional County Sanitation District's NPDES permit proceedings.
- Cardno ENTRIX  
Metropolitan retained this consultant to provide economic analyses and expertise on an as needed basis with respect to the Sacramento Regional County Sanitation District's NPDES permit proceedings.
- Dr. Richard Dugdale  
Metropolitan retained this consultant to provide nutrient systems and phytoplankton ecology and biology expertise on an as needed basis with respect to the Sacramento Regional County Sanitation District's NPDES permit proceedings.
- Dr. Patricia Glibert  
Metropolitan retained this consultant to provide nutrient systems and phytoplankton ecology and biology expertise on an as needed basis with respect to the Sacramento Regional County Sanitation District's NPDES permit proceedings.
- Swee Teh, PhD.  
Metropolitan retained this consultant to provide aquatic toxicology expertise on an as needed basis with respect to the Sacramento Regional County Sanitation District's NPDES permit proceedings.

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- S.P. Cramer and Associates, Inc. dba Cramer Fish Sciences  
Metropolitan retained this consultant to provide fisheries ecology and biology expertise on an as needed basis with respect to the Sacramento Regional County Sanitation District's NPDES permit proceedings.
- Trussell Technologies, Inc.  
Metropolitan retained this consultant to provide wastewater treatment engineering analyses and expertise on an as needed basis with respect to the Sacramento Regional County Sanitation District's NPDES permit proceedings.

### TrialGraphix, Inc.

Metropolitan retained this consultant to provide presentation technology services relative to the litigation entitled, *Andrew James Ellsworth v Metropolitan Water District of Southern California, et al.*, Los Angeles Superior Court Case No. 421320.

## Claims

1. Between January 1, 2011 - March 31, 2011, 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  
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  
No SB 90 claims for reimbursement for state-mandated costs were reported 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. No Property Damage Claims were declared uncollectible by the General Manager within this past quarter.
4. No accounts receivables were written off as uncollectible by the General Manager within this past quarter.

ATTACHMENT A  
 Workers' Compensation Matters During the Period  
January 1 - March 31, 2011

<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>
Plant Operator	2010-0715-0034	05/12/10 CT	\$ 0.00	Internal, high blood pressure, diabetes, psyche, repeated trauma	Order for Dismissal Without Prejudice, claim withdrawn.
Maintenance Mechanic II/O&M Technician IV	2002-0808-0080 2010-0423-0613	07/12/02 CT 12/29/09 CT	\$ 35,000.00	Back, neck upper extremities, psych	Compromise and release, negotiated settlement.
Aqueduct Pump Specialist	2008-1010-0260	10/10/08	\$ 6,348.00	Neck, chest	Stipulated settlement based on treating physician's report.
Aqueduct Pump Specialist	2009-0522-0776	05/22/09	\$ 3,450.00	Right ankle and heel	Stipulated settlement based on treating physician's report.

**ATTACHMENT B**  
 Non-Litigated Third Party Claims Against Metropolitan During the Period  
January 1 - March 31, 2011

<b>Claimant</b>	<b>Control No. CW No.</b>	<b>Amount of Settlement</b>	<b>Incident Description</b>	<b>Basis for Resolution</b>
John White	2010-0218-0468 CW 1519558	\$ 1,259.08	On 02/18/10, a third party vehicle was damaged as it ran over an improperly placed MWD manhole cover	The third party property damage claim was settled based upon an evaluation of damages repair costs.
Bin Jian Zheng	2009-0519-0768 CW 1496917	\$ 3,500.00	On 05/19/09, a District driver rear-ended a third party vehicle.	The third party bodily injury claim was negotiated and settled based on the severity of impact, injuries, and treatment costs.
Richard Polder	2009-0803-0071 CW 1500980	\$ 4,725.00	On 08/03/09, a District driver and third party driver collided in an intersection.	The court awarded property damage costs in favor of the plaintiff.
Vannara Khiev	2011-0118-0360 CW 1544631	\$ 1,600.74	On 01/18/11, 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 repair costs.
John Foster	2011-0128-0375 CW 1545429	\$ 444.47	On 01/27/11, wind pushed an MWD dumpster into a third party's parked and unoccupied vehicle causing damage.	The third party property damage claim was settled based upon an evaluation of damages and repair costs.
D&S Classic Coach	2010-0930-0177 CW 1539790	\$1,265.80	On 09/30/10, a District driver struck and damaged a parked and unoccupied third party vehicle.	The third party property damage claim was settled based upon an evaluation of damages and repair costs.
Phil Dominguez	2010-1117-0257 CW 1543764	\$ 534.90	On 11/19/10, a District gate arm malfunctioned damaging a third party vehicle.	The third party property damage claim was settled based upon an evaluation of damages and repair costs.

ATTACHMENT C  
Non-Litigated Third Party Claims Against Metropolitan During the Period  
January 1 - March 31, 2011

<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>
Christopher Philippi	2009-0617-0829 CW 1516772	\$ 800.00	On 06/01/09, a third party driver struck and damaged a portion of District fence and a gate.	The property damage claim was paid in full by the third party as restitution ordered by the Riverside Superior Court.