



• June 30, 2011 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 April 1, 2011 - June 30, 2011.
ATTACHMENT B:	Claims Against Metropolitan During the Period April 1, 2011 - June 30, 2011.
ATTACHMENT C:	Costs Collected During the Period April 1, 2011 - June 30, 2011 - None.
ATTACHMENT D:	Property Damage Written Off as Uncollectible During the Period April 1, 2011 - June 30, 2011 - None.
ATTACHMENT E:	Accounts Receivable Written Off as Uncollectible During the Period April 1, 2011 - June 30, 2011.

Detailed Report

Contracts

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

Bergman & Dacey, Inc.

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

Bloomston, Mordkofsky, Dickens, Duffy & Prendergast, LLP

Metropolitan retained the services of Special Counsel to provide legal counsel regarding compliance with federal statutes, regulations and administrative processes of the Federal Communications Commission (FCC) applicable to Metropolitan's communications systems.

Executive Presentations, Inc.

Metropolitan retained this consultant to assist Metropolitan's General Counsel and Special Counsel with trial presentations related to the lawsuit entitled, *Jena Minor v. Metropolitan Water District of Southern California*, Los Angeles Superior Court Case No. BC 434669.

Kinaga Law Firm

Metropolitan retained this consultant to assist the Legal Department in conducting an administrative investigation concerning an anonymous letter which contains allegations of managerial misconduct.

O'Melveny & Myers LLP

Metropolitan retained the services of Special Counsel to provide legal advice and counseling related to the proposed water transfer agreement with Conaway Ranch.

Contracts (continued)

Prince & Phelps Consultants

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

Prince & Phelps Consultants

Metropolitan retained this consultant to assist the Legal Department in conducting an administrative investigation in response to allegations of employee misconduct in violation of Metropolitan's workplace violence policy.

Ryan & Associates

Metropolitan retained the services of Special Counsel to assist Metropolitan with the termination of the MWD-Calleguas Groundwater Conjunctive Use Project, including removal of liens on real and personal property.

Setec Security Technologies, Inc.

Metropolitan retained this consultant to provide expert services regarding computer forensics and potential expert testimony in the lawsuit entitled, *Jena Minor v. Metropolitan Water District of Southern California*, Los Angeles Superior Court Case No. BC 434669.

Theodora Oringher PC

Metropolitan retained the services of Special Counsel to provide advice and representation relative to the implementation of Metropolitan's Rate Structure Integrity language including representation in any litigation relating to this issue.

Howard Varinsky Associates

Metropolitan retained this consultant to provide consulting services on jury selection and voir dire, witness preparation, case evaluation and trial strategy for trial in the lawsuit entitled, *Jena Minor v. Metropolitan Water District of Southern California*, Los Angeles Superior Court Case No. BC 434669.

Yasinski & Jones, LLP

Metropolitan retained this consultant to investigate and provide recommendations on charges of discrimination alleged by a Metropolitan employee.

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Claims

1. Between April 1, 2011 - June 30, 2011, Metropolitan initiated, compromised, settled, or otherwise disposed of the following claims:
 - a. Litigated Claims By and Against Third Parties
Within this past quarter, Metropolitan initiated litigation in the lawsuit entitled, *MWD v. Won*, Los Angeles Superior Court Case No. GC 045330, to remove an unauthorized encroachment onto MWD property at Garvey Reservoir in the City of Monterey Park. Homeowner removed unauthorized retaining wall and returned the wall to its original location. Metropolitan will convey a 700 sq. ft. area to adjust the lot line at the homeowner's expense. Homeowner to pay Metropolitan \$7,600, the fair market value of the prior encroachment, plus costs.
 - 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
Within this past quarter, Metropolitan entered into a separation agreement with a Human Resources employee, which included a voluntary resignation provision and a general release of claims. This agreement resolved a hearing officer appeal of a disciplinary discharge pursuant to the applicable Memorandum of Understanding, and a claim lodged with Metropolitan pursuant to the California Tort Claims Act.
2. No Costs were collected for claims within this past quarter.
3. No Property Damage Claims were declared uncollectible by the General Manager within this past quarter.
4. Accounts receivables that were written off as uncollectible by the General Manager within this past quarter are reported in Attachment E.

ATTACHMENT A
 Workers' Compensation Matters Resolved During the Period of
April 1, 2011- June 30, 2011

Classification	Control No.	Date of Injury	Amount of Settlement	Nature of Injury	Basis for Settlement
Principal Administrative Analyst	2010-0518-0666	5/18/10 CT	\$11,615.00	Bilateral hands and wrists	Stipulated settlement based on treating physician's report.
Engineering Technician II	2010-0126-0419	1/26/10	\$10,637.50	Right shoulder/arm	Stipulated settlement based on treating physician's report.
Pre-apprentice/ O&M Technician I	2009-0227-0557	2/26/09	\$9,717.50	Left foot and knee	Stipulated settlement based on treating physician's report.
Maintenance Mechanic I/ O&M Technician IV	2008-0603-0809	6/3/08	\$4,830.00	Left shoulder	Stipulated settlement based on treating physician's report.
O&M Supervisor	2006-0614-0656 2006-1010-0190 2007-0313-0491 2007-0313-0496 2009-0319-0621 2009-1019-0261	6/14/06 10/01/06 CT 5/22/06 2/8/07 CT 2/19/09 10/8/09	\$25,000.00	Respiratory system and sequelae (physical and psychological)	Compromise and release, negotiated settlement
Maintenance Worker III/ O&M Technician III	2006-0228-0440	2/6/06 2/28/06	\$0	Right shoulder, neck, psyche, insomnia	Order for Dismissal Without Prejudice, claim withdrawn.

ATTACHMENT B
 Non-Litigated Third Party Claims Against Metropolitan Resolved During the Period
April 1, 2011- June 30, 2011

Claimant	Control No. CW No.	Amount of Settlement	Incident Description	Basis for Resolution
Angel View Crippled Children’s Foundation	Legal Department file	\$7,500 paid to Metropolitan	Attempt to acquire Metropolitan owned easement located on Angel View property in Desert Hot Springs, CA.	This third party claim was resolved through Metropolitan obtaining payment and a full release in exchange for a quitclaim deed relinquishing Metropolitan’s interest in the property.
Jeff Lentini	2010-1019-0201 CW 1538846	\$4,674.79	On 10/19/10, a District driver rear-ended a third party vehicle.	The third party property damage claim was settled based upon an evaluation of damages repair costs.
Ivan Lui	2011-0418-0545 CW 1551195	\$1,493.89	On 4/18/11, a District driver backed into a parked and unoccupied third party vehicle.	The third party property damage claim was settled based upon an evaluation of damages repair costs.
Kevin Mahan	2011-0603-0625 CW 1565398	\$524.62	On 6/1/11, a District driver struck and damaged a third party vehicle.	The third party property damage claim was settled based upon an evaluation of damages repair costs.

ATTACHMENT E
 Accounts Receivable Written Off as Uncollectible During the Period of
April 1, 2011 - June 30, 2011

Invoice Date	Invoice Number	Customer Name	Amount Written off	Brief Description	Basis for Write-Off	Date Written Off
6/24/10	37237	Martin J. Mattice	\$110.04	Final invoice for rental of District property (House 68G) for the period of May 1, 2010 to June 7, 2010.	Accounts Recievable has exhausted all collection efforts and Legal concurs with the write-off 5/11/11.	5/12/11
9/15/08	35589	Playa Phase 1 Commercial Land CO., LLC	\$31,410.13	Invoice for remaining costs incurred under MWD project 701614.	Statute of limitations expired in 2006	5/24/11
3/2/09	35981	Mitchell Stacey Marshall	\$1,448.00	Invoice to collect on ck 112 issued on 11-15-05 for purchase of 181 monitors at auction. The check was returned due to insufficient funds.	The invoice was returned by mail due to undeliverable/unable to forward.	5/24/11
Various	Various	Nathan Roach	\$363.70	Invoice for rental District property (House 073I) for rent & electricity for the period of Sept 02 through April 12, 2003	Former employee's forward address unknown. Statute of limitations expired in 2007.	5/24/11
Various	Various	Benton Bagwell	\$543.47	Invoice for rental District property (House DVRN232) for rent & electricity for the period of November 17, 2003 through Feb 25, 2004	Former employee's forward address unknown. Statute of limitations expired in 2008	5/24/11
		Total	\$33,875.34			