



## ● December 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 October 1, 2011 - December 31, 2011.
ATTACHMENT B:	Claims Against Metropolitan During the Period October 1, 2011 - December 31, 2011.
ATTACHMENT C:	Costs Collected During the Period October 1, 2011 - December 31, 2011.
ATTACHMENT D:	Property Damage Written Off as Uncollectible During the Period October 1, 2011 - December 31, 2011.
ATTACHMENT E:	Accounts Receivable Written Off as Uncollectible During the Period October 1, 2011 - December 31, 2011.

### Detailed Report

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#### Contracts

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

A.R. Biddle & Associates, Inc.

Metropolitan retained this consultant to assist the General Counsel's Office and project staff in preparing for a planned mediation and potential litigation in the Weymouth Inlet Conduit Relocation Project.

Kenneth P. Burnham

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

Burke Williams & Sorensen, LLP

Metropolitan retained this consultant to provide advice and assistance in employment and negotiation matters.

Hunt Ortmann Palffy Nieves Lubka Darling & Mah, Inc.

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

Innovative Computing Systems, Inc.

Metropolitan retained this consultant to provide IT recommendations and solutions relating to the Legal Department's technology requirements, including analysis and advice on specialized legal computer software packages, corresponding hardware specifications and any enhancements to current IT configurations made apparent through the investigative process.

Kinaga Law Firm

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

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### Morrison & Foerster, LLP

Metropolitan retained the services of special counsel to provide advice and assistance on issues relating to Metropolitan's rates and charges, including but not limited to representation of the District in litigation relating to the District's rates and charges.

### URS Corporation dba URS Corporation Americas

Metropolitan retained this consultant to assist Metropolitan's General Counsel in matters relating to the design and construction of Metropolitan's Union Station.

### Yasinski & Jones, LLP

Metropolitan retained this consultant to investigate and provide recommendations on charges of discrimination filed by a Metropolitan employee with the Department of Fair Employment & Housing.

### Yasinski & Jones, LLP

Metropolitan retained this consultant to investigate employee complaints alleging a violation of Metropolitan's EEO policy.

## Claims

1. Between October 1, 2011 - December 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 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  
Within this past quarter, Metropolitan entered into a separation agreement with an employee that included a voluntary resignation provision and a general release of claims in exchange for paid administrative leave. This agreement resolved an administrative *Skelly* hearing and potential hearing officer appeal of a disciplinary discharge pursuant to the applicable Memorandum of Understanding.
2. Costs collected for claims within this past quarter are reported in Attachment C.
3. No Property Damage Claims were declared as uncollectible by the General Manager within this past quarter.
4. Accounts receivable 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  
October 1, 2011- December 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>
Maintenance Worker II	2008-0730-0087 2009-0915-0194 2009-1023-0266	7/29/08 9/15/09 10/7/09 CT	\$23,312.50	Low back	Stipulated settlement based on Qualified Medical Evaluator's report.
O&M Technician IV	2010-0512-0655	4/28/10 CT	\$0	Ear, bilateral hearing loss	Stipulated settlement (providing future medical treatment only) based on treating physician's report.
O&M Technician IV	2010-01116-0253	10/13/10 CT	\$3,450.00	Ear, bilateral hearing loss	Stipulated settlement based on treating physician's report.
Chief Photographer	2009-1207-0338	12/7/09	\$2,760.00	Left knee	Stipulated settlement based on Qualified Medical Evaluator's report.

**ATTACHMENT B**Non-Litigated Third Party Claims Against Metropolitan Resolved During the Period  
October 1, 2011 – December 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>
Jeff Lentini	2010-1019-0201 CW 1538846	\$7,500.00	On, 10/19/10, a District driver rear-ended a third party vehicle causing vehicle damage and bodily injury to the third party.	The bodily injury claim was settled for \$7,500.00, based upon the evaluation of the accident and medical treatment. The property damage was settled for \$4,674.79, as noted in the Quarterly Report ending June 30, 2011.
Javier Hernandez III	2010-1103-0235 CW 1540735	\$2,773.65	On 10/28/10, a District driver changed lanes, struck and damaged a third party vehicle.	The property damage was settled in full with the third party's insurance carrier.
Segion Lerin	2010-1130-0279 CW15641494	\$482.13	On 11/29/10, while parking, a District driver and third party driver collided causing minor damage to both vehicles.	The property damage was negotiated and settled at 50% of the total amount with the third party's insurance carrier.
Briones Chavez	2011-0602-0622 CW 1566720	\$1,962.26	On 6/2/11, a District driver collided with and damaged a third party vehicle.	The third party property damage claim was settled based upon an evaluation of damages and repair costs.
Geico Casualty Company	2011-0622-0652 CW 1567096	\$3,174.29	On 6/22/11, a District driver collided with and damaged a third party vehicle.	The third party property damage claim was settled based upon an evaluation of damages and repair costs.

**ATTACHMENT C**  
 Costs Collected During the Period  
October 1, 2011 – December 30, 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>
Karmela Yahyakashani	2011-0720-0036 CW 1581831	\$1,021.43	On 7/20/11, a third party driver rear-ended a District vehicle.	Metropolitan's property damage costs were paid in full by the third party's insurance carrier.
Vickman Tam	2010-0223-0481 CW 1519559	\$1,632.00	On 2/19/10, a third party driver struck and damaged a District fence.	Metropolitan's property damage costs were paid in full by the third party's insurance carrier.

**ATTACHMENT E**  
Accounts Receivable Written Off as Uncollectible During the Period  
October 1, 2011 – December 31, 2011

<b>Invoice Date</b>	<b>Invoice Number</b>	<b>Customer Name</b>	<b>Amount Written off</b>	<b>Brief Description</b>	<b>Basis for Write-Off</b>	<b>Date Written Off</b>
5/25/11	38090	Brenda Fisher	\$1,892.76	Invoice to recover tuition reimbursement per Operating Policy J-01.	Deemed uncollectible due to Ms. Fisher's out of state and retirement status.	11/09/11