



## ● March 31, 2012 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, 2012 - March 31, 2012.
- ATTACHMENT B: Claims Against Metropolitan During the Period  
January 1, 2012 – March 31, 2012.
- ATTACHMENT C: Costs Collected During the Period January 1, 2012 – March 31, 2012.
- ATTACHMENT D: Property Damage Written Off as Uncollectible During the Period  
January 1, 2012 - March 31, 2012 - None.
- ATTACHMENT E: Accounts Receivable Written Off as Uncollectible During the Period  
January 1, 2012 – March 31, 2012 - 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:

#### Special Bond Counsel

Metropolitan retained the following Special Bond Counsel to provide legal advice, opinions and representation with respect to (a) financing or refinancing projects, (b) proposed federal or state regulations, actions or policies, (c) documents related to security instruments, derivative product programs, investment agreement, (d) legality and tax status of securities, (e) litigation or administrative proceedings on financing matters, (f) matters affected or governed by Internal Revenue Code and other tax laws and regulations, and (g) other financial and tax matters:

1. Law Offices of Alexis S. M. Chiu,
2. Curls Bartling, P.C.,
3. Fulbright & Jaworski LLP,
4. GCR, LLP
5. Hawkins Delafield & Wood LLP,
6. Nixon Peabody, LLP, and
7. Sidley Austin LLP

#### A R Biddle & Associates, Inc.

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

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### Bergman & Dacey, Inc.

This agreement was amended this quarter to reflect a name change from Bergman & Dacey, Inc. to **Bergman Dacey Goldsmith**. Metropolitan originally retained this consultant to investigate and provide recommendations on complaints lodged by an employee with Metropolitan's Equal Employment Opportunity Unit.

### Construction Management Services Company, LLC

Metropolitan retained this consultant to provide research, analysis, expert testimony and litigation support in connection with claims, litigation and ancillary matters relating to Metropolitan's Robert A. Skinner Water Treatment Plan Oxidation Retrofit Program and Watershed Reclamation Plant No. 3.

### Executive Presentations, Inc.

Metropolitan retained this consultant to assist in preparing for the arbitration hearing in *San Luis Rey River Indian Water Authority v. Metropolitan Water District*, JAMS No. 1400013202.

### Hanson Bridgett LLP

Metropolitan retained special counsel to provide advice on water rates, including compliance with Proposition 26 and other applicable law.

### HELIX Environmental Planning, Inc.

Metropolitan retained this consultant to provide technical assistance on an as-needed basis for review of the Bay Delta Conservation Plan, including preparation of supporting record materials.

### Hunt Ortmann Palffy Nieves Lubka Darling & Mah, Inc.

Metropolitan retained special counsel to provide advice, counsel and representation in the matter of *J.R. Filanc Construction Company, Inc. v. Metropolitan*, Los Angeles Superior Court Case No. KC063261.

### Remy, Thomas, Moose & Manley, LLP

This agreement was amended this quarter to reflect a name change from Remy, Thomas, Moose & Manley, LLP to Remy Moose Manley, LLP.

### Ryan & Associates

This agreement was amended this quarter to reflect additional subconsultant, insurance and EEOC language.

### Shaw Environmental and Infrastructure, Inc.

Metropolitan retained this consultant to provide a review of existing water quality data and conduct new water quality testing to determine whether there is, and causes of, any deterioration of water quality and/or depletion of groundwater resources at and around Diamond Valley Lake in Hemet, California.

### Theodora Oringher PC

Metropolitan retained special counsel to provide legal services to address potential threat of violence affecting the Metropolitan workplace.

### Thompson Coburn LLP

Metropolitan retained special counsel to provide advice and counsel concerning compliance with federal energy regulatory requirements, contractual issues related to Metropolitan's electric transmission and generation resources, state and regional transmission planning, generator interconnections and related matters.

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### Claims

1. Between January 1, 2012 - March 31, 2012, Metropolitan initiated, compromised, settled, or otherwise disposed of the following claims:
  - a. Litigated Claims By and Against Third Parties  
Within this past quarter, Metropolitan entered into a settlement of a charge of harassment and retaliation filed by a former employee with the California Department of Fair Employment and Housing. The settlement agreement with the former employee included a general release of claims in exchange for consideration.
  - 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 did not enter into any separation agreements.
2. Costs collected for claims within this past quarter are reported on Attachment C.
3. No Property Damage Claims were declared as 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 Resolved During the Period  
January 1, 2012- March 31, 2012

<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>
O&M Technician IV	2011-0112-0352	01/11/11 CT	\$6,957.50	Ear, bilateral hearing loss	Stipulated settlement based on consulting physician's report.
Team Manager VI	2010-0818-0092	08/18/10	\$3,450.00	Back, lumbar spine	Stipulated settlement based on treating physician's report.
Executive Assistant II (C)	2009-0910-0175	09/10/09	\$400.00	Head, neck, sleep disorder	Findings and award of attorney fees by Workers' Compensation Judge.
Conveyance & Distribution Specialist	2011-0511-0577	05/05/11 CT	\$0	Bilateral hearing loss	Stipulated settlement (providing future medical treatment only) based on treating physician's report.
Electronic Technician II	2010-1123-0275	11/19/10	\$2,503.70	Right shoulder	Stipulated settlement based on treating physician's report.
Maintenance Mechanic I/ O&M Technician IV	2007-0716-0026	07/10/07	\$46,307.19	Back	Stipulated settlement based on treating physician's report.
O&M Technician IV	2011-0110-0347	01/03/11	\$2,070.00	Left hip	Stipulated settlement based on treating physician's report.
Principal Administrative Analyst	2010-0505-0645	04/29/10 CT	\$5,994.44	Carpal Tunnel syndrome, left side	Stipulated settlement based on treating physician's report.

**ATTACHMENT B**  
 Non-Litigated Third Party Claims Against Metropolitan Resolved During the Period  
January 1, 2012- March 31, 2012

<b>Claimant</b>	<b>Control No. CW No.</b>	<b>Amount of Settlement</b>	<b>Incident Description</b>	<b>Basis for Resolution</b>
Mary Curtis-Bergstrom Mercury Insurance Company	2011-0907-0132 CW 1596555	\$733.95	On 09/07/11, a District driver rear-ended a third party vehicle.	The third party property damage claim was settled based upon an evaluation of damages and the repair estimate.
Arlene Pedersen AAA Insurance Company	2011-0705-0002 CW 1567367	\$1,693.28	On 06/28/11, a District driver hit and damaged a third party vehicle.	The third party property damage claim was settled based upon an evaluation of damages and the repair estimate.
Telecom Group Partners, dba ATS Communications	Not Applicable	\$3,300 in addition to payments to vendor authorized under Metropolitan Agreement	Upon termination of Metropolitan Agreement to provide telecommunication consulting services, vendor asserted claims regarding two telecommunication agreements that were in negotiation at the time of termination.	In response to vendor's claim and threat of litigation, management agreed to resolve claim on a time and materials basis. \$3,300 was determined to be a fair and reasonable amount based on vendor's documented efforts to negotiate two telecom leases on Metropolitan's behalf.

**ATTACHMENT C**  
 Costs Collected During the Period  
January 1, 2012- March 31, 2012

<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>
Sandra Garcia - Inter-insurance Exchange of the Automobile Club	2011-0906-0126 CW 159907	\$3,080.40	On 09/02/11, a third party driver struck and damaged a District vehicle.	The claim for property damage was paid in full by the third party's insurance carrier.
Milos Rybka The Hartford	2011-0119-0366 CW 1546609	\$1,961.87	On 01/16/11, a third party driver struck and damaged a District vehicle.	The claim for property damage was paid in full by the third party's insurance carrier.