



• June 30, 2012 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, 2012 - June 30, 2012.
ATTACHMENT B:	Claims Against Metropolitan During the Period April 1, 2012 - June 30, 2012.
ATTACHMENT C:	Costs Collected During the Period April 1, 2012 - June 30, 2012 - None.
ATTACHMENT D:	Property Damage Written Off as Uncollectible During the Period April 1, 2012 - June 30, 2012 - None.
ATTACHMENT E:	Accounts Receivable Written Off as Uncollectible During the Period April 1, 2012 - June 30, 2012

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:

A R Biddle & Associates, Inc.

This agreement was amended to reflect an increase in the maximum amount payable.

Construction Management Services Company, LLC

The agreement was amended to reflect the merger between Criterium Consulting Group, Inc. and Construction Management Services Company, LLC. **Criterium Consulting Group, Inc.** has assumed all obligations and has agreed to complete performance of existing agreement.

Duranceau Consulting Services, Inc.

Metropolitan retained this consultant to provide expert witness and consulting services regarding copper pitting corrosion in the matter of *Lennar Homes v. Metropolitan Water District*.

Executive Presentations, Inc.

Metropolitan retained this consultant to provide trial and other graphics services in the matter of *San Diego County Water Authority v. The Metropolitan Water District of Southern California, et al.*

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Fulbright & Jaworski, LLP

This agreement was amended this quarter to reflect a fee schedule change.

Geopentech, Inc.

Metropolitan retained consultant to work with consultant of Domenigoni Properties property owners to investigate groundwater conditions and to opine whether a permanent solution for groundwater issues affecting owners' property is achievable.

HDR Engineering, Inc.

Metropolitan retained this consultant to provide expert witness and consulting services regarding copper pitting corrosion in the matter of *Lennar Homes v. Metropolitan Water District*.

HELIX Environmental Planning, Inc.

This agreement was amended to reflect an increase in the maximum amount payable.

Horvitz & Levy, LLP

Metropolitan retained special counsel to provide appellate advice as requested by the General Counsel.

Liebert Cassidy Whitmore

Metropolitan retained this consultant to assist the Legal Department in conducting an investigation of potential employee misconduct.

M&M Engineering Associates, Inc.

Metropolitan retained this consultant to provide expert witness and consulting services regarding copper pitting corrosion in the matter of *Lennar Homes v. Metropolitan Water District*.

On The Flop, LLC dba Casey, O'Malley Associates, LLC

Metropolitan retained this consultant to provide expert witness and consulting services in the matter of *Lennar Homes v. Metropolitan Water District* to address copper installation practices, in the community known as Verano at Talega, located in Orange County, California.

Prince & Phelps Consultants

This agreement was amended to reflect an increase in the maximum amount payable.

Raftelis Financial Consultants, Inc.

This agreement was amended to reflect an increase in the maximum amount payable.

Squire Sanders, LLP

Metropolitan retained special counsel to assist with research of Arizona law regarding Colorado River water and land disputes in the Yuma, Arizona area regarding potential litigation.

Update, Inc.

Metropolitan retained this contractor to provide Metropolitan with agency temporary attorney, paralegal and other legal support services as needed.

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Claims

1. Between April 1, 2012 - June 30, 2012, Metropolitan initiated, compromised, settled, or otherwise disposed of the following claims:
 - a. Litigated Claims By and Against Third Parties
No claims by and against third parties were litigated 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
Within this past quarter, Metropolitan did not enter into any separation agreements.
2. No costs were collected for claims within this past quarter.
3. No property damage claims were declared as uncollectible by the General Manager within this past quarter.
4. Accounts receivables written off as uncollectible by the General Manager within this past quarter are reported on Attachment E.

ATTACHMENT A
 Workers' Compensation Matters Resolved During the Period
April 1, 2012- June 30, 2012

Classification	Control No.	Date of Injury	Amount of Settlement	Nature of Injury	Basis for Settlement
Storekeeper III/ O&M Technician III	2007-0524-0682	5/22/07	\$70,000.00	Neck, shoulder, head	Compromise and Release, negotiated settlement.
O&M Technician IV	2011-0810-0077	7/21/11 CT	\$0	Hearing loss	Stipulated settlement (providing future medical treatment only) based on treating physician's report.
Engineering Technician III/ Team Manager V	91-1217-0196 2002-1104-0298	12/13/91 10/31/02	\$20,000.00	Back, leg	Compromise and Release, negotiated settlement.
Maintenance Mechanic I	2010-1215-0313	12/15/10	\$3,450.00	Right shoulder	Stipulated settlement based on treating physician's report.
O&M Technician IV	2010-0525-0684	5/21/10	\$6,957.50	Both knees	Stipulated settlement based on treating physician's report.
Pre-Apprentice	2011-0124-0370	1/24/11	\$1,380.00	Right hand	Stipulated settlement based on treating physician's report.
Maintenance Mechanic	2005-0309-0423	12/30/04 CT	\$25,000.00	Hearing Loss	Compromise and Release, negotiated settlement of future medical award.

ATTACHMENT B
Non-Litigated Third Party Claims Against Metropolitan Resolved During the Period
April 1, 2012 – June 30, 2012

Claimant	Control No. CW No.	Amount of Settlement	Incident Description	Basis for Resolution
Cathy Cheung	2010-1207-0291 CW 1543761	\$400.00	On 12/5/10, high winds caused a tree branch from MWD property to break and damage a third party's gazebo awning.	The third party property damage claim was settled based upon an evaluation of damages and the repair estimate.
Stephanie Stephenson	2011-0525-0609 CW 1564549	\$1,500.00	On 5/25/11, an MWD driver rear-ended a third party vehicle causing a three car chain reaction accident.	The third party property damage claim was settled based upon the evaluation of damages and fair market of the vehicle.
Salvador Bonilla	2012-0103-0314 CW 1614268	\$3,512.38	On 12/28/11, an MWD driver side-swiped the third party vehicle.	The third party property damage claim was settled based upon an evaluation of the impact, damages, and repair costs and duration.
Glenn Nicodemus	2012-0322-0474 CW 1633522	\$1,043.65	On 3/22/12, an MWD driver exiting a driveway failed to yield to the third party vehicle and caused a collision.	The third party property damage claim for rental charges and collision coverage deductible was paid based on the repair duration and insurance policy information.

ATTACHMENT E
 Account Receivables Written Off as Uncollectible During the Period
April 1, 2012 – June 30, 2012

Invoice Date	Invoice Number	Customer Name	Amount Written off	Brief Description	Basis for Write-Off	Date Written Off
37988	04/05/11	Yvonne Cooks, LLC	\$2,230.00	RL3166 – Parking space used and monthly permit processing fee for the month of April 2011	MWD Legal researched Permittee’s host of the event: Phillip Dane -attempted to collect from him or his business “Truck it Fest” to no avail. This individual has declared personal bankruptcy.	6/25/12
38057	05/04/11	Yvonne Cooks, LLC	\$1,462.00	RL3166 – Parking space used and monthly permit processing fee for the month of May 2011.	MWD Legal researched Permittee’s host of the event: Phillip Dane -attempted to collect from him or his business “Truck it Fest” to no avail. This individual has declared personal bankruptcy	6/25/12
		Total	\$3,692.00			