



• September 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 July 1, 2012 - September 30, 2012.
ATTACHMENT B:	Claims Against Metropolitan During the Period July 1, 2012 - September 30, 2012.
ATTACHMENT C:	Costs Collected During the Period July 1, 2012 - September 30, 2012.
ATTACHMENT D:	Property Damage Written Off as Uncollectible During the Period July 1, 2012 - September 30, 2012.
ATTACHMENT E:	Accounts Receivable Written Off as Uncollectible During the Period July 1, 2012 - September 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:

Bergman & Dacey, Inc.

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

Bloomston, Mordkofsky, Dickens, Duffy & Prendergast, LLP

This agreement was amended this quarter to reflect a contract extension and an increase in the maximum amount payable.

Ellison, Schneider & Harris LLP

Metropolitan retained Special Counsel to provide legal advice and assistance in connection with State Water Resources Control Board permits for the California state Water Project and Federal Central Valley Project and related regulatory and environmental requirements, and to assist in managing subconsultants with respect to same.

Hanson Bridgett, LLP

This agreement was amended this quarter to authorize Special Counsel to perform additional legal services for Metropolitan including advice on water rates and compliance with Proposition 26 and other applicable law and advice and representation in *San Diego County Water Authority v. MWD*, San Francisco Superior Court Case No. CPF-10-510830 and *San Diego County Water Authority v. MWD*, Los Angeles Superior Court Case No. BS 137830.

Board Report (September 30, 2011 Quarterly Report)

Kars' Advanced Materials, Inc.

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

Kinaga Law Firm

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

Lea Associates, Inc.

Metropolitan retained this consultant to provide research and consulting services regarding property owner concerns in the Diamond Valley Lake area.

Liebert Cassidy Whitmore

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

Pennie L. Feehan Consulting

Metropolitan retained this consultant to provide expert witness and consulting services to address copper piping installation practices in the community known as Verano at Talega located in Orange County, California.

Shaw Environmental and Infrastructure, Inc.

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

Board Report (September 30, 2012 Quarterly Report)

Claims

1. Between July 1, 2012 - September 30, 2012, Metropolitan initiated, compromised, settled, or otherwise disposed of the following claims:
 - a. Litigated Claims By and Against Third Parties
Metropolitan did not enter into any settlement agreements 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 one separation agreement with an employee, which included a voluntary resignation provision and a general release of claims.
2. Costs collected for claims within this past quarter are reported on Attachment C.
3. Property Damage Claims declared as uncollectible by the General Manager within this past quarter are reported in Attachment D.
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
July 1, 2012 - September 30, 2012

Classification	Control No.	Date of Injury	Amount of Settlement	Nature of Injury	Basis for Settlement
Administrative Assistant III	2011-0714-0017	7/14/11 CT	\$2,760.00	Left wrist	Stipulated settlement based on treating physician's report
Principal Public Affairs Representative	2011-0825-0105	8/25/11	\$2,070.00	Facial trauma, nose, right knee	Stipulated settlement based on treating physician's report
Maintenance Mechanic I	2007-0427-0619 2008-0206-0491 2008-0206-0493 2008-0208-0501	4/26/07 1/1/97 9/1/07 CT 7/9/07	\$115,000.00	Right knee, left knee, psyche, spine, sleep disorder, hernia, sexual dysfunction	Compromise and Release, negotiated settlement
O&M Supervisor	2010-0415-0601 2012-0328-0484	2/10/10 2/10/10 CT	\$9,487.50	Right shoulder	Stipulated settlement based on Agreed Medical Evaluator's report
O&M Technician III	2010-0415-0602	4/15/10	\$13,357.25	Right knee	Stipulated settlement based on treating physician's report

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

Claimant	Control No. CW No.	Amount of Settlement	Incident Description	Basis for Resolution
James Tomeo	2011-0224-0434 1549190	\$110,000.00	While changing lanes, MWD vehicle collided with motorcyclist	Third party bodily injury claim was settled based on evaluation of impact, injury, recovery time, lost wages and potential for future medical treatment
Nanette Pierson	2012-0618-0610 CW 1756061	\$719.80	On 6/14/12, an MWD 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

ATTACHMENT CCosts Collected During the Period
July 1, 2012 – September 30, 2012

Third Party or Cause	Control No. CW No.	Damage Amount	Incident Description	Basis for Costs Collected
Ryan Schoendaler, Golden Eagle Insurance	2012-0509-0552 CW 1735106	\$569.72	On 5/8/12, a third party vehicle merged into lane, hit and damaged District vehicle	The claim for property damage was paid in full by the third party's insurance carrier
Gabriela Vega	2011-1025-0212 CW 1601947	\$582.75	On 10/24/11, a third party vehicle rear-ended a District vehicle	The claim for property damage was paid in full by the third party
Calvin A. Sterling	2012-0807-0064 CW 1760479	\$569.49	On 8/7/12, a third party vehicle struck and damaged District vehicle	The claim for property damage was paid in full by the third party
Tracy R. Garcia, Wawanesa Insurance	2012-0307-0447 CW 1632464	\$2,826.12	On 3/6/12, a third party vehicle rear-ended a District vehicle	The claim for property damage was paid in full by the third party's insurance carrier

ATTACHMENT D

Property Damage Claims Written Off as Uncollectible During the Period
July 1, 2012 – September 30, 2012

Third Party or Cause	Control No. CW No.	Damage Amount	Incident Description	Basis for Write-Off
G. Martinez	2010-0211-0454 CW 1520502	\$1,851.19	On 02/10/10, a third party vehicle collided with and damaged a fire hydrant at DVL	The costs were written-off because the third party could not be located