



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

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:

Atkinson, Andelson, Loya Ruud & Romo

Metropolitan retained Special Counsel to provide representation in the matter of *Oscar Renda Contracting, Inc. v. Metropolitan Water District of Southern California*, Riverside County Superior Court Case No. RIC1213525. The representation will involve working with the General Counsel's office to draft a pleading responsive to the complaint, handle discovery, assist with mediation and if there is no settlement defend Metropolitan at trial.

Bergman Dacey Goldsmith

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

Caufield & James, LLP

Metropolitan retained Special Counsel to assist in defending the action entitled, *Lennar Homes v. Metropolitan Water District*, Orange County Superior Court Case No. 30-2012-00543908.

ENTRIX

This agreement was amended this quarter to reflect a change in key personnel and update the fee schedule.

GEOPENTECH, INC.

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

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Hanson Bridgett, LLP

Metropolitan retained Special Counsel to provide advice on property tax matters including advice concerning Metropolitan Water District Act Section 124.5 and other applicable law.

Joyce C. Sparks

Metropolitan retained this consultant to provide consultation on public record research.

Kinaga Law Firm

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

Liebert Cassidy Whitmore

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

Raftelis Financial Consultants, Inc.

This agreement was amended this quarter to extend the time and term of the agreement.

Richar J. Proctor

This agreement was amended this quarter to extend the time and term of the agreement.

Setec Security Technologies, Inc.

Metropolitan retained this consultant to provide expert services regarding computer forensics and data collection, and to provide expert and/or “person most knowledgeable” testimony in the *San Diego County Water Authority v. MWD* lawsuits. This agreement was also amended this quarter to reflect an increase in the maximum amount payable.

Shirley Martin - Library Services

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

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Claims

1. Between October 1, 2012 - December 31, 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. 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
October 1, 2012 - December 31, 2012

Classification	Control No.	Date of Injury	Amount of Settlement	Nature of Injury	Basis for Settlement
Maintenance Mechanic II/ Team Manager IV	2001-0625-0801 2004-0805-0063 2012-0110-0325	6/21/01 CT 8/05/04 CT 10/01/11 CT	\$39,270.00	Bilateral wrists, neck	Stipulated settlement based on Agreed Medical Evaluator's report and negotiated settlement
Unit Manager V/ Program Manager II	2009-0811-0092	8/06/09	\$5,520.00	Right knee	Stipulated settlement based on treating physician's report
Pump Plant Specialist	2011-1031-0221	10/13/11 CT	\$4,902.28	Bilateral hearing loss	Stipulated settlement based on consulting physician's report
O&M Technician IV	2012-0501-0533	5/1/12 CT	\$1,340.56	Bilateral hearing loss	Stipulated settlement based on consulting physician's report
O&M Technician IV	2011-0601-0618	5/23/11	\$2,070.00	Low back	Stipulated settlement based on treating physician's report
Administrative Assistant III	2012-0305-0441	3/5/12 CT	\$0	Neck, upper back, right shoulder	Stipulated settlement (providing future medical treatment only) based on treating physician's report

ATTACHMENT B
 Non-Litigated Third Party Claims Against Metropolitan Resolved During the Period
October 1, 2012 – December 31, 2012

Claimant	Control No. CW No.	Amount of Settlement	Incident Description	Basis for Resolution
Susan Hinrichs	2012-0606-0589 CW 1756545	\$1,433.98	On 5/6/12, the metal cover to a District entrance gate fell open, and it struck and damaged a third party vehicle	The third party property damage claim was settled based upon an evaluation of damages and the repair estimate
Glen Nicodemus, State Farm Insurance	2012-0322-0474 CW 1633522	\$3,023.52	On 3/22/12, District vehicle hit and damaged third party vehicle	The third party property damage claim was settled based upon an evaluation of damages and the repair estimate
Jack Gosh Ford	PO 128432 PO 128438 PO 128429	Rescinded Cancelled \$15,000	Dispute concerning obligations and responsibilities of Metropolitan and Jack Gosh Ford with regards to purchase orders for pick-up trucks and a one ton chassis	The negotiated settlement was based upon an evaluation of the potential damages to Jack Gosh Ford and Metropolitan.

ATTACHMENT C
 Costs Collected During the Period
October 1, 2012 – December 31, 2012

Third Party or Cause	Control No. CW No.	Damage Amount	Incident Description	Basis for Costs Collected
Alfred Grice, State Farm Mutual Automobile Insurance Company	2012-0827-0106 CW 1761603	\$420.00	On 08/24/12, a third party vehicle struck and damaged District vehicle	The claim for property damage was paid in full by the third party's insurance carrier
Aaron Sheehan, State Farm Mutual Automobile Insurance Company	2012-0228-0428 CW 1632873	\$545.00	On 2/27/12, a third party vehicle struck and damaged District fence	The claim for property damage was paid in full by the third party's insurance carrier
Guillermo Estrada, State Farm Mutual Automobile Insurance Company	2012-0613-0600 CW 1764978	\$365.00	On 6/11/2012, a third party vehicle struck and damaged District fence	The claim for property damage was paid in full by the third party's insurance carrier